



## **AGENDA FOR PLANNING COMMISSION MEETING NOTICE**

A Planning Commission meeting will be held on **Thursday, March 30, 2023 at 5:30 PM** in the **Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.**

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### **Join Zoom Meeting**

<https://us06web.zoom.us/j/2708608080?pwd=ZTZ0cmllVEFEb1dzVDNwdi91UHFYQT09>

Meeting ID: 270 860 8080

Passcode: 206751

One tap mobile +13126266799,,2708608080#,,,,\*206751# US (Chicago)

### **ROLL CALL**

### **APPROVAL OF MEETING MINUTES**

- A. [February Minutes](#)

### **PUBLIC HEARING**

1. [Public Hearing, Section 52-116\(10\), to consider the Conditional Use Permit of Area Community Theater Inc. to obtain a permit to demolish an existing building at 920 Kilbourn Ave to provide additional parking area for the Area Community Theater at 907 Kilbourn Ave.](#)
2. Discussion and recommendation related to the request from Area Community Theater Inc to obtain a Condition Use Permit to demolish an existing building at 920 Kilbourn Ave to provide additional parking area for the Area Community Theater at 907 Kilbourn Ave

### **CERTIFIED SURVEY MAP**

1. [Review/Approval of, Certified Survey Map \(CSM\) for Salem Development LLC, Description: Located in part of the NE-NW of Section 33, T18N, R1W, City of Tomah, Monroe County, Wisconsin](#)

### **DISCUSSION ITEMS**

1. [Site Plan Review: 400 Larkin](#)
2. [Discussion on ordinance 52-10: open decks](#)
3. [Discuss City owned property on CA](#)
4. [Discussion of Noise Levels Pertaining to Outdoor Cabaret License](#)

### **ADJOURNMENT**

**NOTICE:** It is possible that 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. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Becki Weyer, City Clerk, at 819 Superior Avenue, Tomah, WI 54660.

# MINUTES FOR PLANNING COMMISSION

A Planning Commission was held on **Thursday, February 23, 2023 at 5:30 PM** in the Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.

Mayor Mike Murray called the meeting to order at 5:31 PM

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## **ROLL CALL**

Present: Mike Murray, John Glynn, Brian Rice, Eric Prise and Tina Thompson.

Absent: Bryan Meyer, and Adam Gigous.

Also present: Shane Rolff (via zoom) and Nellie Pater

## **APPROVAL OF MEETING MINUTES**

Motion by Prise, second by Thompson to approve Amended January 2023 meeting minutes. All ayes. Motion carried.

## **PUBLIC HEARING**

Public Hearing, Section 52-152(1), to consider the Conditional Use Permit of Sue Hackett (tenant) & Judy Jonson-Faulkner (owner), to obtain a permit to install a hanging wall sign projecting over the public sidewalk on the side of the building at 800 Superior Ave.

Motion made by Prise, second by Glynn to open public hearing at 5:32 PM. Shane Rolff states the sign meets requirements for size and mounting brackets. Motion made by Prise, second by Thompson to close the public hearing at 5:41 PM.

Discussion and recommendation related to the request from Sue Hackett & Judy Jonson-Faulkner to obtain a Conditional Use Permit to install a hanging wall sign projecting over the public sidewalk on the side of the building at 800 Superior Ave.

Brief discussion on the need for a conditional use permit and a certificate of appropriateness. Motion made by Prise, second by Glynn to approved the conditional use permit, contingent on certificate of appropriateness. All ayes. Motion carried.

## **CERTIFIED SURVEY MAP**

Review/Approval of, Certified Survey Map (CSM) for B & G Rental Properties LLC, Description: A parcel of land located in part of the NE 1/4-SE 1/4 of Section 32, T18N-R1W, City of Tomah, Monroe County, Wisconsin, described as follows: Commencing at the E1/4 corner of Section 32; thence S64°58'22"W, 1249.20 feet to the NW corner of Lot 49 of Hillside Subdivision and point of beginning; thence S0°12'45"W, 144.00 feet to the SW corner of said Lot 49; thence S28°27'24"W, 164.88 feet to othe east line of Noth Avenue; thence N0°37'08"E along the east line of Noth Avenue 144.00 feet to the intersection of the east line of Noth Avenue and the south line of Hansen Street; thence N89°27'03"E along the south line of Hansen Street 163.86 feet to the point of beginning.

Motion made by Thompson, second by Glynn to approve the CSM for B & G Rental Properties LLC. Rice abstained from vote. All ayes. Motion carried.

Review/Approval of, Certified Survey Map (CSM) for Gordon Wold, Description: Lots 17 and 18, Green Acres Replat, being part of the SE1/4-SE1/4, Section 33, T18N-R1W, City of Tomah, Monroe County, Wisconsin.

Motion made by Price, second by Glynn to approve the CSM for Gordon Wold. All ayes. Motion carried.

## **DISCUSSION ITEMS**

1. Review/Approval of Certificate of Appropriateness for 800 Superior Ave: Brick Sip Haus

Brief discussion about height of sign. Motion by Prise, second by Glynn to approve the Certificate of Appropriateness for 800 Superior Ave. All ayes. Motion carried.

Motion by Prise, second by Thompson to push discussion items 2-4 to March 2023 meeting. All ayes. Motion carried.

2. Discussion on Appropriate Fee and Prohibiting Shipping Containers in Business District
3. Discussion of Noise Levels Pertaining to Outdoor Cabaret License
4. Discussion on Sec. 52-10. Use restrictions and performance standards

**ADJOURNMENT**

Motion made by Prise, second by Thompson to adjourn at 5:52 PM. All ayes. Motion carried.

CITY OF TOMAH PLAN COMMISSION  
STAFF PREPARATION REPORT  
March 30<sup>th</sup>, 2023

**Agenda Item:** Request from Area Community Theatre Inc. to obtain a Conditional Use Permit to demolish an existing commercial structure at 920 Kilbourn Ave. to provide additional parking for the Area Community Theatre Inc. located at 907 Kilbourn Ave.

**Summary and background information:** Applicant wishes to demolish an existing commercial structure at 920 Kilbourn Ave. to provide additional parking for the Area Community Theatre Inc. located at 907 Kilbourn Ave. requires a conditional use permit pursuant to the City of Tomah Municipal Code Section Sec. 52-116 (10) listed below:

52-116 Parking requirements

(10) Parking lots not on the same parcel or lot as principal use or parking lots which require the moving or demolition of structures. In addition to meeting the other requirements set forth in this section, parking lots in all zoning districts except the light industrial and heavy industrial districts for the parking of motor vehicles which are not on the same original parcel or original lot, whether on record or not, as that of the principal use, or which necessitate the moving or demolition of any structure or building, shall require the granting of a conditional use permit by the plan commission. The application for such conditional use permit shall state the location, current use of the property, whether any structures or buildings will be demolished and the type of such structures or buildings, the size of the parking lot, the purpose of the parking lot, and such other information as may be required by the planning commission. In determining whether to grant such conditional use permit, the planning commission shall consider any decrease in neighborhood values by permitting such use, any landscaping, drainage, or site plans of such proposed parking lot and the characteristics of the surrounding neighborhood. An opaque privacy fence of a minimum of five feet and no more than eight feet in height may be required in residential zoned districts if requested by an abutting residential property owner. Such fence shall comply with [section 52-209](#) for fence installation and shall run from the front set back line to the rear property line. All abutting residential property owners shall be notified of this privacy fence provision in the notice from the city clerk's office.

**Recommendation:** Based on review of the application the I recommend approval of the Conditional Use Permit with the attached requirements and any conditions deemed necessary by the Plan Commission.

*Shane Rolff*

\_\_\_\_\_  
Zoning Administrator

3/22/23

\_\_\_\_\_  
Date

**City of Tomah**  
**CONDITIONAL USE APPLICATION**

APPLICANT

Applicant Name: Area Community Theater Inc  
Address of Conditional Use Request: 920 Kilbourn Ave  
Owner of Site: Area Community Theater

DESCRIPTION OF THE SUBJECT SITE

- (1) Legal Description: LNDS DSCR IN 8CSM230-#418340, Located in The W 1/2 of LOTS 4 & 5 Bk 37 & W 1.3" of E 1/2 of Lot 5 & the W 1.3" of S 13' of E 1/2 of Lot 4 Bk 37
- (2) Present Zoning Classification: G2 Commercial
- (3) Description of Existing Use Including Structures if any: Vacant
- (4) Describe Reason for Requesting a Conditional Use Permit: To tear down and make a parking lot

ATTACHMENTS

- Plat Plan Drawn to Scale
- (2) Names and Addresses of All Owners of Properties within 200 Feet of subject property. (City shall provide)
- Fee Receipt in the Amount of \$125.00 from the City Treasurer  
Attached 3/20/2023

CERTIFICATION

I hereby certify that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.

Sharon A. Sarkin      511 Butts Av. Tomah, WI      3-17-23  
Applicant Signature                      Address of Applicant                      Date



# Proposal

**Gerke Excavating**  
 15341 State Hwy 131, S  
 Tomah, WI 54660  
 www.gerkeexcavating.com  
 Phone (608) 372-4203  
 Fax (608) 372-4139

To:  
 Sharon Larkin

Project:  
 Demo Old Schreiner Studio Bldg to Gravel Parking Lot  
 Kilbourne Ave, Tomah, WI

Proposal #:  
 Q22505

Date:  
 October 5, 2022

Line Number	Item Number	Bid Item	Notes per Item
1	619.1000	Mobilization	
2	204.0235	Removing Building (Parcel)	
3	208.0100	Borrow - To Fill Basement Hole	
4	311.0110	6" of Breaker Run at New Parking Lot	
5	305.0120	4" of Base Aggregate Dense 1-1/4" as Topping	
<b>Total Bid Price</b>			<b>\$ 35,000.00</b>

**Exclusions/Clarifications/Notes**

- All items are tied unless discussed.
- Bonds and permits are excluded.
- Traffic Control is excluded.
- Barriers and Safety fences excluded.
- Utility disconnects if any (gas, electrical, cable, fiber, etc.) excluded.
- A locate request thru Diggers Hotline will be submitted. However, private lines (gas, electrical, cable, fiber, etc.) are to be located by others. If not located Gerke Excavating is not responsible if damaged.
- No over-excavation/EBS/soil corrections or imported materials included if subgrade does not meet requirements. - *If needed, see unit costs.*
- Nothing included for winter conditions such as, blanketing, snow removal, ground thaw, frost removal/replacement, etc. due to the difficulty of quantifying such items. - *If needed, an allowance can be discussed.*
- Any testing needed is excluded.
- Asphalt work, concrete work and patch work is excluded.
- Fine grading below paved surfaces is by others.
- Any landscaping items i.e. seeding, fertilizer, mulch, sod, landscape rock, plantings, trees, edging, etc. are excluded.
- Repair of any cracking too existing foundations or adjacent structures due to heavy equipment being used is excluded.
- Wood debris to be hauled to Landfill and concrete rubble to be hauled to Gerke Excavating's dump site to be crushed. - *Note: No miscellaneous items such as TV's, water heaters, stoves, refrigerators, heating units, mattresses, etc. will be taken to the landfill. We will separate but disposal of these items is by others/owner. If by us and landfill has additional fees, these fees plus 5% will be added to the invoice.*
- Due to processing fees, a 3% surcharge will be added to payments made by credit card.

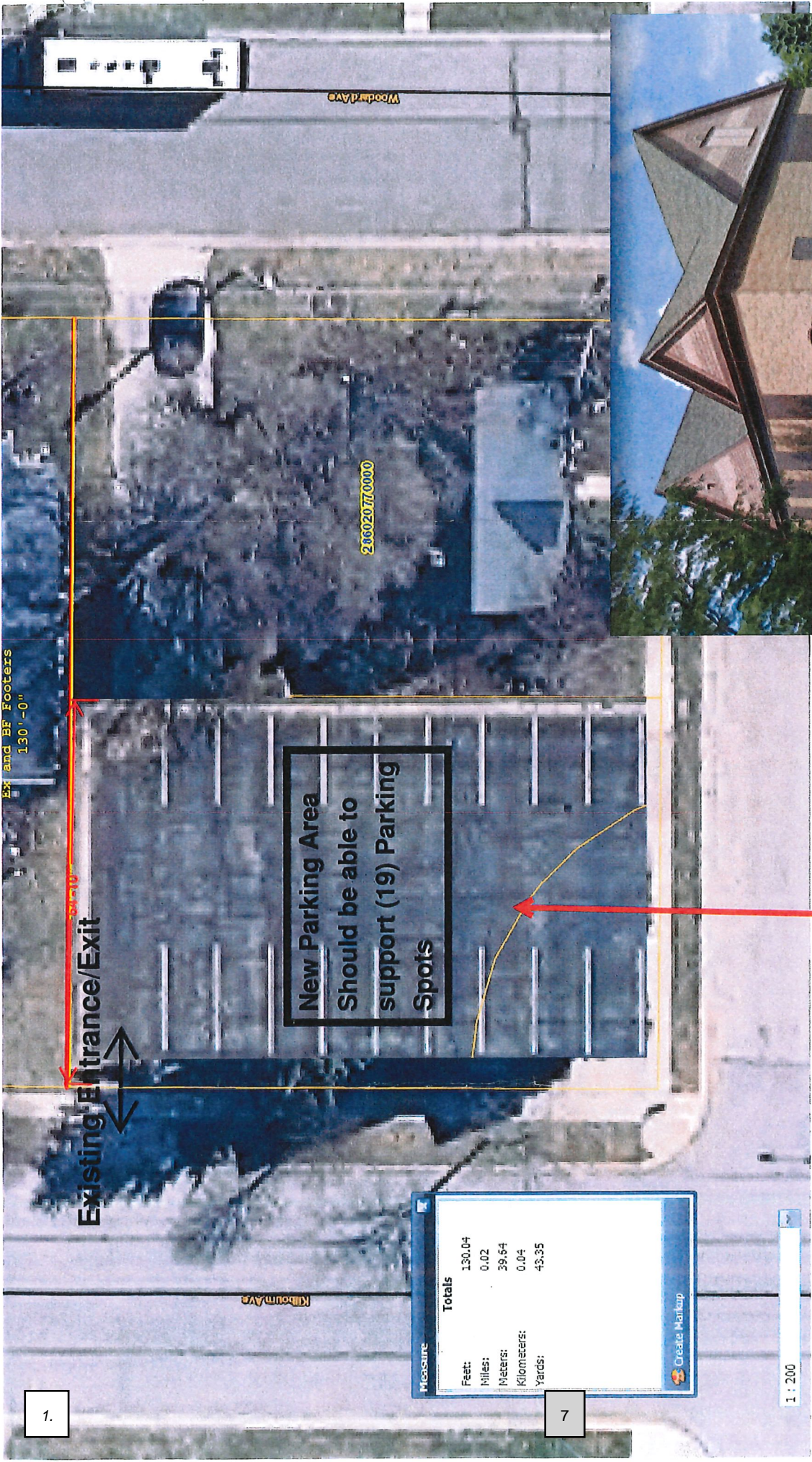
Sincerely,

Kurt Thornton  
 Gerke Excavating

*The terms listed hereon are satisfactory and I/(We) hereby authorize the performance of said work.*

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_



Demo this Building and create a gravel parking lot in its Place

New Parking Area  
Should be able to  
support (19) Parking  
Spots

Measure	
Totals	
Feet:	130.04
Miles:	0.02
Meters:	39.64
Kilometers:	0.04
Yards:	43.35

Create Markup

1.

7

1 : 200

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### Sec. 52-114. Traffic visibility.

No obstruction, such as structures, parking or vegetation, shall be permitted in any district between the heights of 2½ feet and ten feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

(Code 1993, § 17.40)

### Sec. 52-116. Parking requirements.

Required parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts and in connection with every use there shall be provided, at the time any use of building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the following:

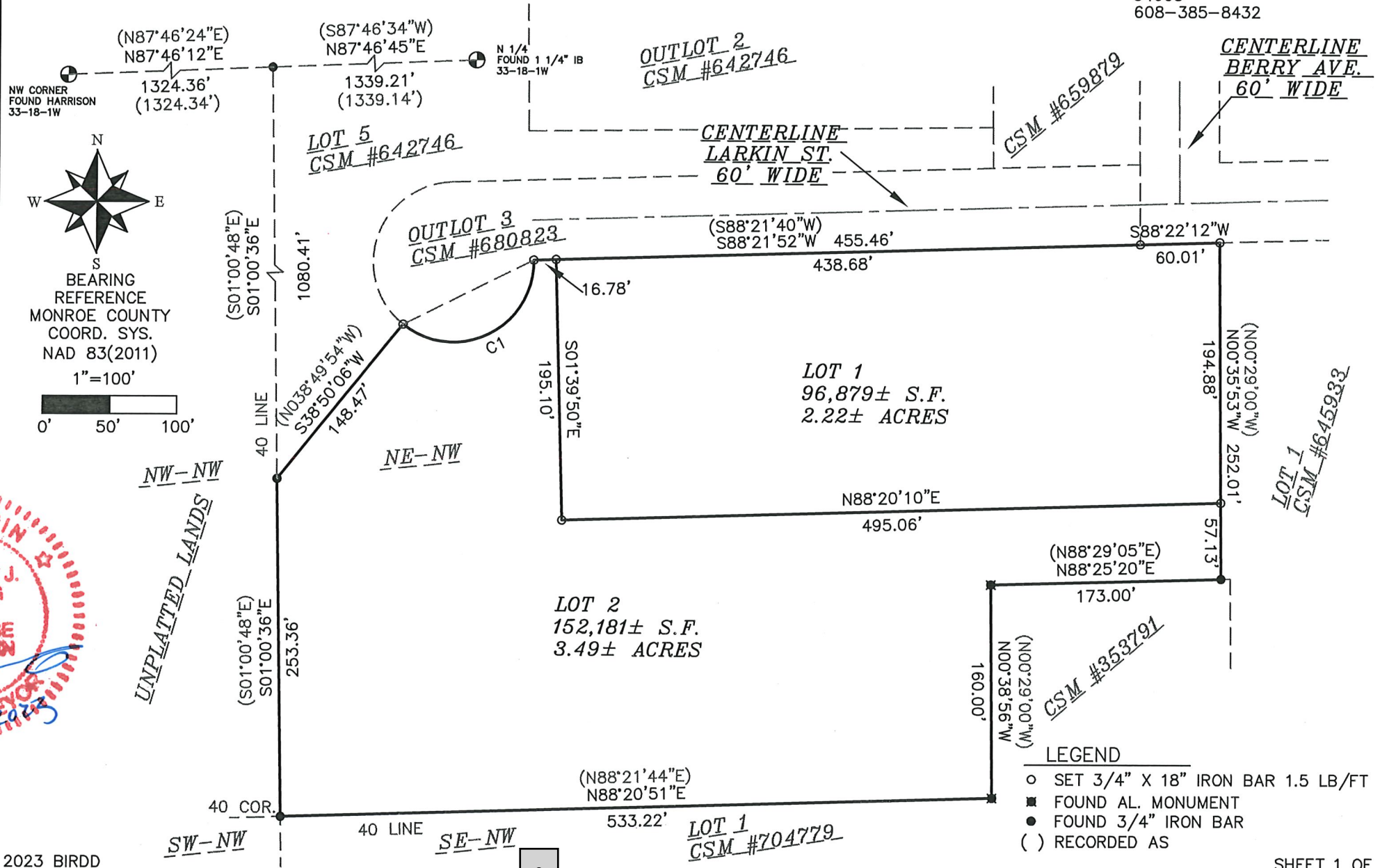
- (1) Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten feet wide for one- and two-family dwellings and a minimum of 20 feet for all other uses.
- (2) Size of each parking space shall not be less than 180 square feet, exclusive of the space required for ingress and egress.
- (4) All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked, and shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three footcandles measured at the lot line.
- (5) Curbs or barriers shall be installed so as to prevent parked vehicles from extending over any lot lines.
  
- (10) Parking lots not on the same parcel or lot as principal use or parking lots which require the moving or demolition of structures. In addition to meeting the other requirements set forth in this section, parking lots in all zoning districts except the light industrial and heavy industrial districts for the parking of motor vehicles which are not on the same original parcel or original lot, whether on record or not, as that of the principal use, or which necessitate the moving or demolition of any structure or building, shall require the granting of a conditional use permit by the common council. The application for such conditional use permit shall state the location, current use of the property, whether any structures or buildings will be demolished and the type of such structures or buildings, the size of the parking lot, the purpose of the parking lot, and such other information as may be required by the planning commission. In determining whether to grant such conditional use permit, the planning commission shall consider any decrease in neighborhood values by permitting such use, any landscaping, drainage, or site plans of such proposed parking lot and the characteristics of the surrounding neighborhood. An opaque privacy fence of a minimum of five feet and no more than eight feet in height may be required in residential zoned districts if requested by an abutting residential property owner. Such fence shall comply with section 52-209 for fence installation and shall run from the front set back line to the rear property line. All abutting residential property owners shall be notified of this privacy fence provision in the notice from the city clerk's office.



**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**  
 LOCATED IN PART OF THE NE-NW OF SECTION 33, T18N, R1W, CITY  
 OF TOMAH, MONROE COUNTY, WISCONSIN.

FOR:  
 SALEM DEVELOPMENT LLC  
 2302 SOUTH ST  
 LA CROSSE WI 54601

BY:  
 RUNNING LAND SURVEYING  
 700 DAUPHIN ST.  
 LA CROSSE, WI  
 54603  
 608-385-8432



**CERTIFIED SURVEY MAP NO.** \_\_\_\_\_  
**LOCATED IN PART OF THE NE-NW OF SECTION 33, T18N, R1W, CITY OF TOMAH, MONROE COUNTY, WISCONSIN.**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT BEARING-IN	TANGENT BEARING-OUT
C1	60.00'	136.62'	108.96'	S63°35'59"W	130°27'39"	S51°10'12"E	N01°37'50"W

**LEGAL DESCRIPTION:**

LOCATED IN PART OF THE NE-NW OF SECTION 33, T18N, R1W, CITY OF TOMAH, MONROE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33; THENCE N87°46'12"E ALONG THE NORTH LINE OF THE NW-NW 1324.36 FEET TO THE NORTHWEST CORNER OF SAID NE-NW; THENCE S01°00'36"E ALONG THE WEST LINE THEREOF 1080.41 FEET TO THE SOUTHWESTERLY CORNER OF CSM #642746, AND THE POINT OF BEGINNING; THENCE CONTINUING S01°00'36"E ALONG SAID WEST LINE 253.36 FEET TO THE SOUTHWEST CORNER OF SAID NE-NW; THENCE N88°20'51"E ALONG THE SOUTH LINE THEREOF 533.22 TO THE SOUTHWEST CORNER OF CSM #353791; THENCE N00°38'56"W ALONG THE WEST LINE THEREOF 160.00 FEET TO THE NORTHWEST CORNER OF SAID CSM #353791; THENCE N88°25'20"E ALONG THE NORTH LINE THEREOF 173.00 FEET TO THE WEST LINE OF CSM #645933; THENCE N00°35'53"W ALONG SAID WEST LINE 252.01 FEET TO THE SOUTH LINE OF LARKIN STREET; THENCE S88°22'12"W ALONG SAID SOUTH LINE 60.01 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE S88°21'52"W 455.46 FEET TO THE PC OF A 60.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE ALONG THE ARC OF SAID CURVE, THE CHORD OF WHICH BEARS S63°35'59"W AND MEASURES 108.96 FEET; THENCE S38°50'06"W ALONG THE SOUTHWESTERLY LINE OF CSM #642746 148.47 FEET TO THE POINT OF BEGINNING.  
 CONTAINS 249,060± S.F. OR 5.7176± ACRES.  
 SUBJECT TO AND TOGETHER WITH ANY EASEMENTS, COVENANTS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD.

I, CHRISTIAN J. RUNNING, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY: THAT IN FULL COMPLIANCE WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES, AND WITH CHAPTER 35 OF THE SUBDIVISION ORDINANCES OF MONROE COUNTY, AND THE CITY OF TOMAH, AND UNDER THE DIRECTION OF SALEM DEVELOPMENT LLC, OWNER OF SAID LAND, THAT I HAVE SURVEYED, DIVIDED AND MAPPED THE ABOVE CERTIFIED SURVEY MAP; THAT SUCH MAP CORRECTLY REPRESENTS ALL EXTERIOR BOUNDARIES AND THE SUBDIVISION OF THE LAND SURVEYED.

CHRISTIAN J. RUNNING  
 PLS 2558  
 DATE: 2/20/2023

CITY OF TOMAH PLANNING COMMISSION APPROVAL

BE IT RESOLVED BY THE CITY OF TOMAH THAT THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED.

NAME TITLE DATE



400 Larkin



City of Tomah Building & Zoning  
819 Superior Ave  
Tomah, WI 54660

### SITE PLAN REVIEW APPLICATION

(This review does not include utilities and storm water)

**The following checklist will ensure the timely processing of your site plan review request:**

**Site Plan Review Checklist:**

➤ Include all items applicable and requested on the checklist

If incomplete, no further processing of the application will occur until the deficiencies are corrected. All development must meet the requirements of the City of Tomah and any other applicable local, state, or federal ordinances.

**Description of Proposed Development:**

multi FAMILY

If you have any questions, please contact the Zoning Department at 608-374-7429.

<b>Property Address:</b> LARKIN ST.	<b>Parcel Number:</b>
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<b>Applicant:</b> SALEM Development	<b>Mailing Address:</b> W 3751 Western Hills Dr	<b>City, State, Zip:</b> 54669 West Salem WI
<b>Phone Number:</b> 608-792-0161	<b>Email:</b> XL.LTD @comail.com	<input checked="" type="checkbox"/> Primary Contact

<b>Business: Owner/Contact:</b> BINNOR CORP.	<b>Mailing Address:</b> 608 790 9898	<b>City, State, Zip:</b> 54669 West Salem WI
<b>Phone Number:</b> W 3751 Western Hills	<b>Email:</b> BINNOR PROPERTIES @ AOL.COM	<input checked="" type="checkbox"/> Primary Contact

<b>Property Owner:</b> SALEM Development	<b>Mailing Address:</b> W 3751 Western Hills Dr.	<b>City, State, Zip:</b> 54669 West Salem WI
<b>Phone Number:</b> 608-792-0161	<b>Email:</b> XL.LTD @comail.com	<input checked="" type="checkbox"/> Primary Contact

The undersigned hereby makes application at the location stated herein. The undersigned agrees that all work shall be done in accordance with the requirements of the City of Tomah Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.

<b>Signature of Applicant:</b> 	<b>Date:</b> 3-20-23
<b>Signature of Property Owner:</b> 	<b>Date:</b> 3-20-23

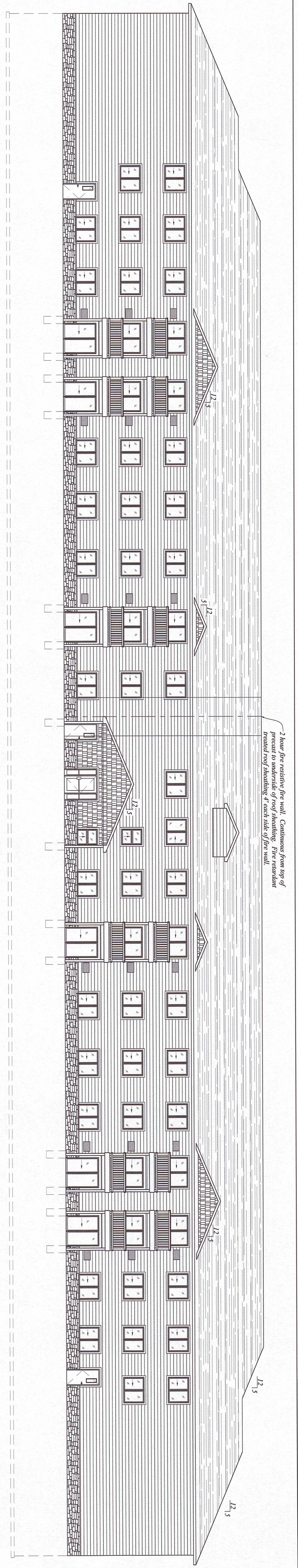
<b>OFFICE USE ONLY:</b>	<b>Date Received:</b>	<b>Application Received by:</b>
Zoning District: R3	3/22/23	Shane R.



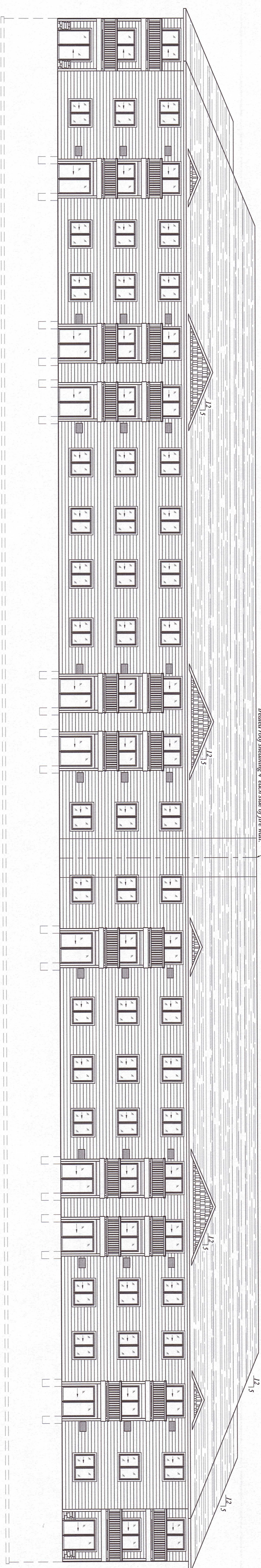
Site Plan review is required for all development including new construction, movement, reconstruction, conversion or structural alterations to structures pertaining to triplexes, multi-family housing, commercial, industrial, and public projects. The submittal of the proposed project must include the following information to be considered a complete application for Site Plan Review. Check appropriate boxes to indicate completion of the corresponding requirement.

**Please provide the following with the site plan application submittal: 24" x 36" electronic version of entire plan set.**

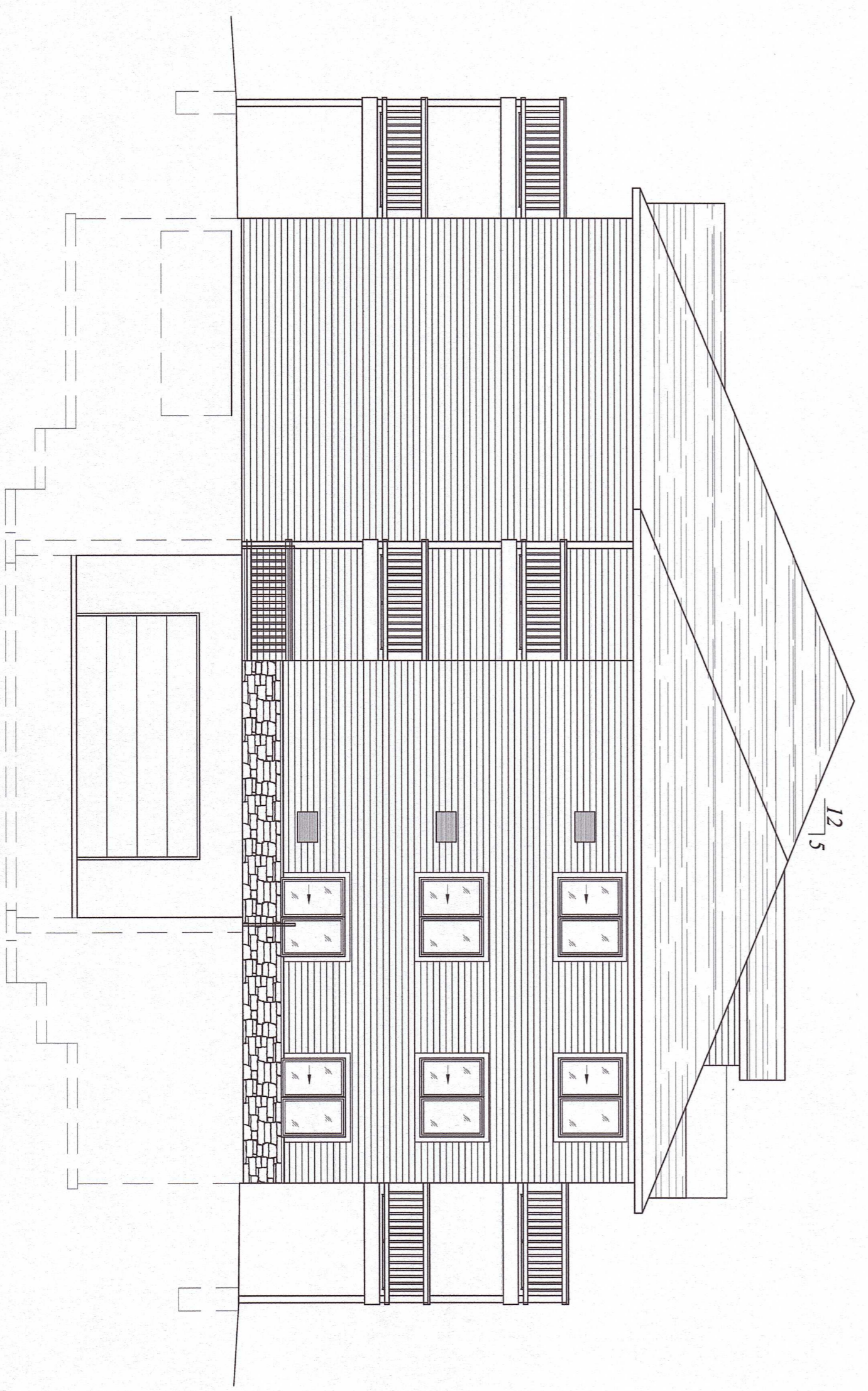
1.  Completed Site Plan Review Application form with completed and signed checklist.  
 Attached
  
2. A cover letter is required describing the request for the Site Plan Review. The letter shall include a general (description of the proposed project). Describe the proposed phasing of all buildings and site improvements. Also, describe any land divisions that need to occur.  
 Attached
  
3. Site Plan. New development will require a professionally drawn site plan to be submitted, drawn to an engineered scale, and include the following items:
  - A. Name, address, and phone number for the owner, developer, and general contractor/designer.
  - B. Legal description of the site or copy of plat/certified survey map.
  - C. The location and dimensions of all site property lines and existing/proposed structures. (Existing structures legal conforming status?)
  - D. Show North Arrow, scale of drawing, Bench Mark location and elevation to NGS (if required).
  - E. Label all building front, rear, and side yard setbacks of the new development to adjacent property lines.
  - F. Lot dimensions, frontage, area in conformance.
  - G. Building height.
  - H. Show the location and label widths of all existing and proposed public rights-of-way and public/private easements adjacent to and within the site.
  - I. Identify existing and proposed street improvements including streets, alleys, curbs, sidewalks, and trails. Identify connections to existing/proposed sidewalks and trails.
  - J. Show existing and proposed driveways (ingress/egress), parking spaces (ADA), loading spaces, interior parking islands, sidewalks, and handicap ramp widths. Indicate the direction of travel for one-way drives and inside radii for all curves. Note dimensions of driveways and parking spaces and list total number of parking spaces required and provided. Provide cross-section drawings of proposed curbs and sidewalks.
  - K. Location and type of outside lighting.
  - L. Screening of dumpsters
  - M. Outside storage of materials or equipment



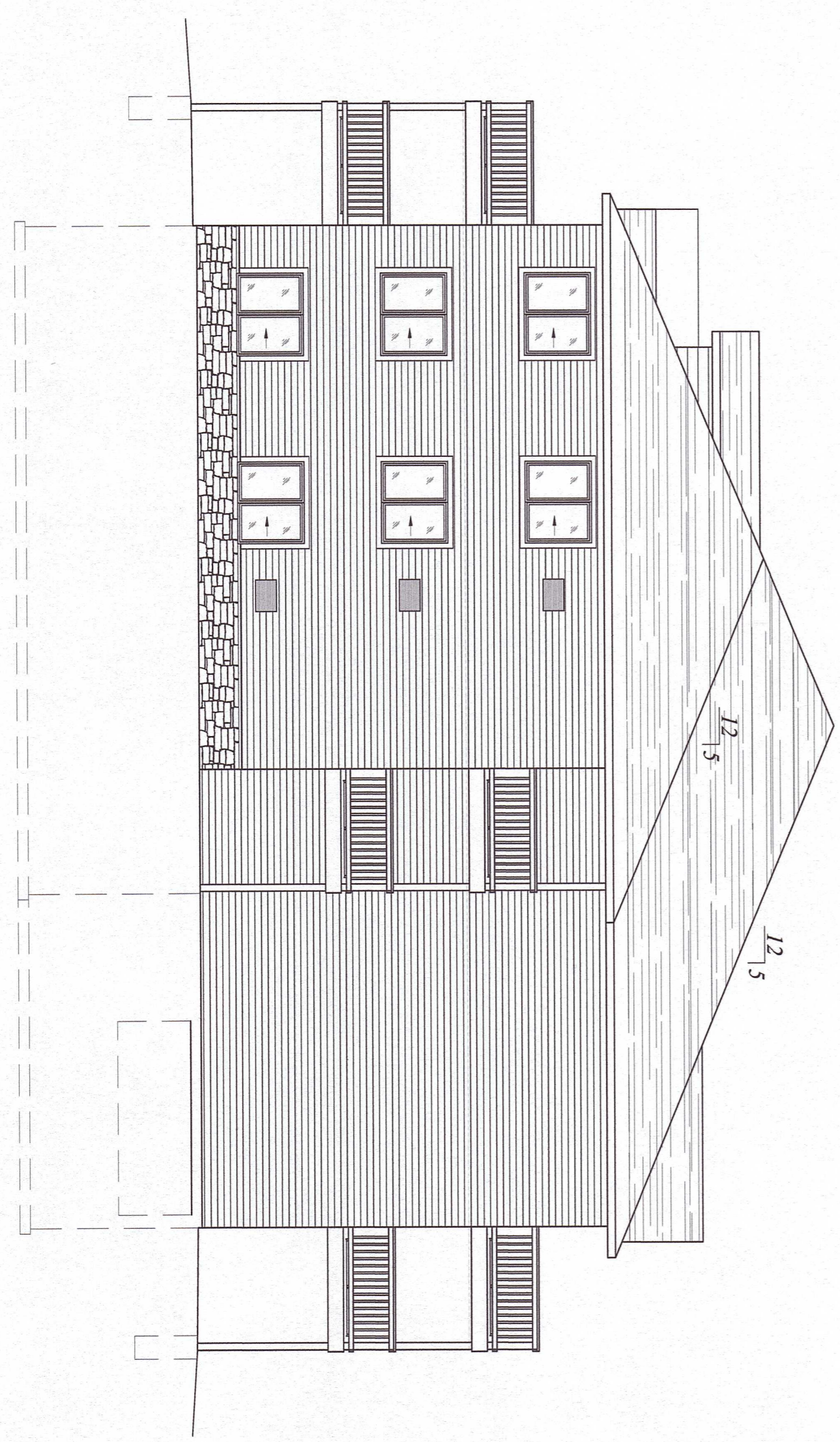
Front (East) Elevation  
Scale: 3/32" = 1'-0"



Back (West) Elevation  
Scale: 3/32" = 1'-0"



South Elevation  
Scale: 1/8" = 1'-0"



North Elevation  
Scale: 1/8" = 1'-0"

<b>A6</b> Sheet No.	Sheet Description <i>Elevations</i>		Project: <b>Salem Development, LLC</b> <b>West Veterans Apartments, Buildings 4 &amp; 5</b> Larkin Street, Tomah, WI 54660	<b>Cornerstone Architects, LLC</b> <i>"Designing the Future"</i> 6154 Sweden Blvd, Punta Gorda, FL 33982 Phone: 608-343-0211 Email: bradkortbein@gmail.com	
	By: <i>hsk</i>	Scale: <i>As Noted</i>			
	Date: <i>3/1/23</i>	File:			
	Last Revision:	Revision Date:			



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## Sec. 52-10. Use restrictions and performance standards.

The following restrictions and regulations shall apply:

- (1) *Principal uses.* Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.
  - a. Accessory uses and structures may be allowed where they comply with the following conditions and requirements:
    1. Size of accessory structures in residential districts. Accessory structures in residential districts on lots less than or equal to one acre in size may not occupy more than 1,200 square feet or ten percent of the lot area, whichever is smaller. Accessory structures in residential districts on lots greater than one acre in size may not occupy more than 2,400 square feet or ten percent of the lot area, whichever is smaller. The measurement of accessory structure size shall include the total of all detached accessory buildings on the lot.
    2. No detached accessory structure shall exceed 20 feet in height.
    3. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
    4. All accessory structures which are attached to the principal building shall comply with the yard requirements of the principal building **except for open decks. Open decks (without a roof or enclosure) may not exceed one-half the distance of the required front, side and rear yard setbacks for the zoning classification of the property.**
  - b. *Unclassified or unspecified uses.* Unclassified or unspecified uses may be permitted by the plan commission after the commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
  - c. *Temporary uses.* Temporary uses, such as real estate sales field offices or shelters for equipment and materials being used in the construction of a permanent structure, may be permitted by the zoning inspector.
- (2) *Performance standards.* Performance standards as listed in section 52-208 shall be complied with by all uses in all districts.

(Code 1993, § 17.14; Ord. No. 2008-02-03-C, § 1, 2-12-2008; Ord. No. 2019-08-07-D, § 1, 8-13-2019)

Procedure for recommendations on actionable items to the City Council/Committee of the Whole

Recommendations should come to the SET from all boards, commissions and committees, with the exception of the Committee of the Whole.

Staff report approved or draft minutes from the meeting in which the recommendation was made, should be provided with the recommendation. Those recommendations need to be forwarded to the SET by the 1st Tuesday of the month. The SET will review, and either request more information or forward onto the Committee of the Whole or the City Council with the reviewed documents.

Department Head to communicate to their boards, commissions, committees and Council.

	Parks and Recreation Commission
<b>Recommendation from:</b>	
<b>Minutes/staff report attached</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Budget account:</b>	To be determined
<b>Staff responsible for implementation:</b>	Parks and Recreation Director
<b>Economic impact:</b>	See enclosed proposal
<b>Zoning/rezoning issues:</b>	Yes-land will need to be rezoned
<b>Supports organizational goals</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Questions from SET:</b>	<ol style="list-style-type: none"> <li>1. Planning Commission has the authority make a recommendation for rezoning the land</li> <li>2. Public Works and Utilitites needs to to make a recommedation on extension of current utilities to the site.</li> <li>3. Struture of the operational agreement with the City is not yet clear.</li> </ol>
<b>Grants pursued/opportunity pursued:</b>	Yes
<b>Reviewed by SET</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Initialed by: \_\_\_\_\_

Date: \_\_\_\_\_



## STAFF COMMITTEE PREPARATION REPORT

**Agenda Item:** Request by North American Squirrel Association (nasa) for potential T.E.A.C.H. Center in the City of Tomah.


### Summary and Background Information:

N.a.s.a. is interested in raising funds to support planning, building of a facility on city owned property to host programs such as BREATHE and support equine-assisted therapy for many people in the surrounding communities, as well as be a facility to host other events. To begin fundraising/planning, the groups present were requesting that some land appropriate for this use be designated as a site.

See enclosed proposal.

(Appropriate Documentation Attached)

**Recommendation: Discuss and make recommendation on the proposal.**

  
\_\_\_\_\_  
Department Head/Director

2-1-2023  
Date

Committee: Committee of the Whole and/or Common Council

Meeting Date(s): Common Council February 14<sup>th</sup>.

**MEETING MINUTES - CITY OF TOMAH**

The City of Tomah **Parks & Recreation Commission (PRC)** met on Monday Jan 23, 2023 at 5:58p.m. in City Council Chambers. The meeting notice was posted at City Hall in compliance with the provisions of Section 19.84 Wisconsin Statutes.

Call to order and roll call; present: Dir. Joe Protz, Oak Moser, Lamont Kiefer, Josephine Piper (remotely), Dean Peterson, Dustin Powell, Donna Evans, DeDe Nelson

The following members were absent: Shirley Galstad-Roh

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Others in attendance: Tony Worden, Don Vandermullen, Rebecca Deist, Scott Hurd, Chris Singer, Ed Singer, Martha Airth-Kindree

1. Act on Minutes of 11/28/22 regular meeting. A motion by Moser, and second by Kiefer, to accept the minutes of the Nov 28, 2022, regular meeting. Motion carried.
2. North American Squirrel Association (nasa) for potential T.E.A.C.H. Center and possible land allocation: nasa (and members of BREATHE and AmVets) were present and presented info on an equine-assisted therapy program and potential facility to rent to BREATHE (a current provider of equine-assisted programs). There was much discussion, questions, etc...and may details yet to be determined. nasa is interested in raising funds to support planning, building of a facility on city owned property to be operated by BREATHE and support equine-assisted therapy for many people in the surrounding communities, as well as be a facility to host other events. To begin fundraising/planning, the groups present were requesting that some land appropriate for this use be designated as a site. Motion by Moser, second by Piper, to recommend consideration by City Council of designating appropriate land (suggested by the groups was a 31-acre parcel on Cty A owned by the City) for this use to permit them to pursue planning, business plans, and a more complete proposal for consideration. Motion carried.
3. Winnebago Park Entrance Sign: Dir Protz reviewed a proposed, updated sign for Winnebago Park Entrance. With some minor modifications regarding naming of features from private donations, motion by Kiefer, second by Peterson, to approve purchase/installation of proposed sign. Motion carried.
4. Park and Rec Program Report: Dir Protz reviewed the most recent Parks Program Report.
5. Discussed any affairs and business of the Tomah Parks and Recreation Department. None presented.

The Meeting was adjourned at 7:00PM. Next regular meeting to be held Feb 27, 2022, @ 5:45PM, City Council Chambers.

Respectfully Submitted: Oak Moser, Jan 25, 2023.

MINUTES FOR COMMON COUNCIL MEETING 02/14/2023

**Call to Order, Pledge of Allegiance, Roll Call**

The meeting was called to order by Council President Adam Gigous. After the Pledge of Allegiance, roll call was taken. Present: Adam Gigous, Richard Yarrington, Shawn Zabinski, John Glynn, Mitchell Koel, Lamont Kiefer, and Dean Peterson. Absent: Michael Murray and Nellie Pater. Also present: Kirk Arity, Becki Weyer, Shane Rolff (remote), Tim Adler, Joe Protz, Irma Keller, Pam Buchda, and Tina Thompson. All motions are unanimous unless otherwise noted.

**Resolution in Recognition of Honor to William H. Kobleska, Jr. For Service to the City of Tomah**

Gigous read through the resolution to thank Bill Kobleska for his years of service with the City. Motion by Koel, second by Koel, to approve the Resolution in Recognition of to William H. Kobleska, Jr. For Service to the City of Tomah. Motion carried.



RESOLUTION NO.

RESOLUTION IN RECOGNITION OF HONOR TO WILLIAM H. KOBLESKA, JR. FOR SERVICE TO THE CITY OF TOMAH 1981-2022

WHEREAS, on March 2, 1981, William H. Kobleska, Jr. began his 41 years of service to the City of Tomah; he started as a sanitation operator for Public Works, became a truck driver in 1986, a water maintenance worker in 1989, an equipment operator in August of 1994; and

WHEREAS, in August of 2008, Bill was promoted from equipment operator to the position of Foreman for the Public Works Department. In June of 2013, the foreman position was abolished for the creation of the Public Works Supervisor, which Mr. Kobleska has held until his retirement; and

WHEREAS, one highlight from Bill's City of Tomah career includes a Certificate of Appreciation from the Public Works and Utility Commission for 15 years of dedicated service to the City in February of 1996; and

WHEREAS, he has distinguished himself with his knowledge of various operations and a willingness to learn new skills and apply them to his job. Mr. Kobleska was often complimented on his ability to listen to instructions, and complete top-quality work; and

WHEREAS, Bill was always willing to work with the public in a courteous manner, handled difficult situations appropriately, and he never let personal matters affect his work; and

WHEREAS, his colleagues knew him as a dependable, responsible, clean, and safe co-worker who never complained about new assignments, had a positive attitude, which helped curb others negativism, and always worked well with others.

NOW THEREFORE, BE IT RESOLVED, that I Michael Murray, Mayor, City of Tomah, do hereby express my sincere appreciation and gratitude for Mr. Kobleska's dedication and commitment to the City, and congratulate him on the occasion of his retirement from the City of Tomah, and wish him the best, and continued success in his retirement and future endeavors.

Dated this 14<sup>th</sup> day of February, 2023

Michael Murray, Mayor

ATTEST: Rebecca Weyer, City Clerk

**ANYONE DESIRING TO APPEAR TO COUNCIL**

**Discussion and Presentation by n.a.s.a of potential TEACH center in the City of Tomah**

Dave Stutzman, from n.a.s.a. appeared to the Council to present a potential partnership opportunity between the City of Tomah, Breathe, and n.a.s.a., to create a center within the city that would provide equine-assisted therapies to children and adults. B.R.E.ATHE is a non-profit, tax-exempt organization. The center would service people with a wide spectrum of disabilities, ranging from spinal injuries to autism. Using Equine-Assisted Therapeutic Riding, individuals may improve both physically & psychologically (e.g., demonstrating increased attention, motivation, and communication skills). Executive Director Chris Singer and President Ed Singer from B.R.E.ATHE also appeared to answer questions from the Council. The proposal is for the city to designate a 30-acre parcel as a new park, which would open opportunities for grants and fundraising. The city would retain the property. n.a.s.a would take the full responsibility of fundraising, and the intention is to use those funds to build the facility which would be dedicated back to the city upon completion. One property off County CA has been considered an appropriate parcel for this venture. The plan would be to complete this facility as soon as funds can be raised, which would likely take two years.

A poll of the council revealed unanimous desire for the Senior Executive Team to continue looking into the possibility of this joint venture.

**Mayor**

The Mayor was not present. The primary election is on February 21<sup>st</sup>; Gigous encouraged voters to go out and vote.

**Senior Executive Team**

The Senior Executive Team provided a monthly report.

## **Common Council – February 14, 2023**

### **Public Safety**

Chief Adler provided a written monthly report.

They passed the DSPS Audit. The building is moving along on schedule. Adler offered tours to council members if they are interested, they should contact Adler. The UTV has been used twice so far for emergencies.

They are currently advertising for one full time EMS worker. Adler covered the transfer numbers from his monthly report.

### **Library**

There were 6,517 total checkouts in January. Hot Reads for Cold Nights is still running. Dir. Keller passed out a handout with all the new books at the Library.

### **Parks and Recreation**

Dir. Protz provided a monthly written report for review. Freezefest went well, and all of the Freezefest buttons sold out this year. There was a good turnout this year. Finalization of bid documents are underway for the Flare Ave and Ice Center additions. Contractors have predicted construction will be completed at Winnebago park on May 1, 2023.

### **Senior & Disabled Services**

Dir. Buchda provided a written report for review. Buchda covered the attendance numbers for last month, which is increased from last year. Buchda covered upcoming events this month, including events for education on current elections and on Medicare.

### **Planning & Building Inspection**

January Building Permit Report & Annual Building Permit Report

### **Chamber/Convention & Visitors Bureau**

At the CVB meeting, they formally supported the n.a.s.a project. Thompson provided the Council with an update on the compilation project. Their annual banquet is the last Monday of February. They are looking at more ways to sponsor tourism events. They are still waiting on final repairs to the leak in the office at the Chamber.

### **CONSENT AGENDA**

Motion by Zabinski, second by Peterson, to approve the following consent agenda;

- A. Secondhand Article Dealer License Application for Sunshine Resale of Tomah
- B. Special Event Outdoor Cabaret License for the Greater Tomah Area Chamber of Commerce for the 800 and 900 blocks of Superior Avenue for six “Downtown Thursday Nights” concert events in July and August of 2023.
- C. Special Beer Application by Families First of Monroe County Trivia Night on March 11, 2023
- D. Special Beer and Wine Permit Application by Tomah Baseball Club Inc Opening Night on March 4, 2023
- E. Special Beer Permit Application for the Tomah Lions Club for Downtown Thursday Nights in July and August of 2023
- F. January 31, 2023 Cash and Investments Report
- G. Approval of Minutes from January 17, 2023

Motion carried with one abstain (Gigous). Motion carried.

### **Ordinance revising Ordinance Sec. 38 Streets, Sidewalks & Other Public Places (Second Reading and Adoption)**

Motion by Yarrington, second by Kiefer, to waive the second verbatim reading of the the Ordinance revising Ordinance Sec. 38 Streets, Sidewalks & Other Public Places with the removal of the redundant wording “shall keep.”  
Motion carried.

**Common Council – February 14, 2023**

ORDINANCE NO. 2023-01-01-D

**Ordinance Amending Sections 38-2 and 38-80 of the City of Tomah Municipal Code**

The Common Council of the City of Tomah, Monroe County, Wisconsin, do ordain as follows:

**SECTION ONE:** Section 38-2 is hereby amended to read as follows:

**38-2. Building permits; plot plans.**

For the purpose of preserving the integrity of the official map, no permit shall be issued for any construction or disturbance in the bed of any street, highway or parkway shown or laid out on the map, except as provided in Wis. Stats. § 62.23(6)(d) or (e). The proper official authorized by the city council to issue building permits shall require each applicant to submit a plot plan certified by a qualified surveyor for approval. The plot plan shall accurately show the location of any proposed building with reference to any street as shown on the official map.

**SECTION TWO:** Section 38-80 is hereby amended to read as follows:

**Sec. 38-80. Permit required.**

No person shall dig or cause to be dug any ditch or other excavation in the platted way of any public street or public alley in the City without having obtained a permit. Application for the permit shall be in writing on forms provided by the City and signed by the person contemplating the work or by the authorized agent of such person and filed with the City not less than 48 hours prior to the commencement of the excavation. Upon receipt of such application, the City shall investigate and determine whether a permit shall be issued and may prescribe terms and conditions for the issuance of the permit, which terms may include, at the discretion of the Director of Public Works or Zoning Administrator, submission of a certificate of liability insurance covering the applicant and the City during all phases of the opening and closing of the ditch or excavation. Such conditions as prescribed by the City shall be set forth in writing on the permit. The City shall keep a record of all permits issued hereunder, which record shall indicate the date the permit was granted, the location of the ditch and any special terms or conditions prescribed. Failure to obtain a permit prior to commencement of the excavation, except as provided for in Subsection B, will result in a forfeiture as provided in § 240-9 of this chapter.

**SECTION THREE:** All ordinances in conflict with the foregoing are hereby repealed.

**SECTION FOUR:** This ordinance shall take effect upon passage and publication.

\_\_\_\_\_  
Michael Murray, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca Weyer, Clerk

READ: 12/20/2022

PASSED: 02/14/2023

PUBLISHED: 02/27/2023

Motion by Kiefer, second by Zabinski, to adopt the Ordinance revising Ordinance Sec. 38 Streets, Sidewalks & Other Public Places with the removal of the redundant wording “shall keep.” Motion carried.

**Resolution for Payment of Monthly Bills**

Motion by Zabinski, second by Kiefer, to approve Resolution Authorizing Payment of Monthly Bills in the amount of \$5,309,701.90.

RESOLUTION NO : \_\_\_\_\_

RESOLUTION AUTHORIZING  
PAYMENT OF MONTHLY BILLS

Be it resolved by the Common Council of the City of Tomah that the Committee of the Whole has reviewed the monthly bills and recommends the City Council approve said bills as follows:

1. Pre-Paid Checks:	2023	\$4,001,231.76	Check #'s:	141789	141830
				141849	141972
2. Payroll:		\$304,067.50	Dir Dep #'s:	9298046	9298308
3. Wire/ACH Transfers:		\$460,450.82			
4. Invoices:		\$543,951.82			
Total:		<u>\$5,309,701.90</u>			

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Requested by: Finance Department

Submitted by: Committee of the Whole

February 7, 2023

**Common Council – February 14, 2023**

**Adjourn**

Motion by Koel, second by Peterson, to adjourn. Meeting adjourned at 8:40 p.m.

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Michael Murray, Mayor

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Attest: Rebecca Weyer, City Clerk

To be approved 03/21/2023

# *T.E.A.C.H. Center of Tomah*

Therapy Empowers Adults and Children thru Horses

A premier facility that uses Equine-Assisted Therapy  
to improve Physical and Mental Health



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## RATIONALE

Improving the lives of others, especially those with physical disabilities or struggling with mental illness, enriches the lives of everyone in the community. The social, emotional, and psychological impacts are life changing and evident yet allusive to qualify. Therefore, economic measures are often used to determine the effectiveness of therapeutic programs and treatments. Equine-assisted therapy can be both a financially sound endeavor and provide direct positive benefits for the community and individuals served.

## HISTORY of EQUINE THERAPY

Equine-assisted therapy can be traced back to Ancient Greece. The benefits of therapeutic riding have been dated back to the 17<sup>th</sup> century where it was documented to treat gout, neurological disorder and depression. In 1946 Equine-Therapy was introduced in Scandinavia after an outbreak of poliomyelitis. The modern form of Hippotherapy recognized today began in the 1960's when it was used in Germany, Austria, and Switzerland as an adjunct to traditional physical therapy. A physiotherapist, a specially trained horse and a horse handler worked together to direct the gait, tempo, cadence, and direction of the horse. The movement of the horse carefully modulated to influence neuromuscular changes to the patient.

The first standardized hippotherapy curriculum was formulated in the late 1980's by a group of Canadian and American therapists who learned the therapy in Germany and brought it over to North America. The discipline was formalized in the United States in 1992 with the formation of the American Hippotherapy Association (AHA). Since it's inception the AHA has established official standards of practice and formalized therapist educational curriculum processes for occupational, physical and speech therapists in the United States.

Therapeutic riding as a therapy started in Denmark in 1952. Lis Hartel had her legs paralyzed by polio but with therapy was able to win the silver medal for dressage in the Olympics. Around the same time in Germany, therapeutic riding was used to address orthopaedic dysfunctions such as scoliosis. The first riding centers opened in North America in the 1960's and the North American Riding for the Handicapped Association (NARHA) was formed in 1969. In the United States riding for disabled people developed as a form of recreation and a means of motivation for education, as well as it's therapeutic benefits.

The North American Riding for Handicapped Association (NARHA) was founded in 1969 to serve as an advisory body to the various riding for disabled groups across the United States and its neighboring countries. In 2011, NARHA changed its name to the Professional Association of Therapeutic Horsemanship (PATH) International.

## PROPOSAL

The North American Squirrel Association of Tomah is requesting that the City Council designate at least 30 acres of city owned property as a new park for the purpose of constructing a state-of-the-art Equine-Assisted Therapy Center. Fundraising for the center will be conducted by n.a.s.a. and other non-profits. The only obligation due by the City of Tomah is to designate a site for future construction and an agreement to provide city water and sewer to the property if it is not currently available.

### Proposal Limitations and Requirements

1. If and when the City Council designates a piece of property, interested stakeholders will be invited to provide input into the design and usage of the Equine Assisted Therapy Center. The intention of the proposal is to create a multiuse facility that serves numerous community, civic, and school groups. The Equine-Assisted Therapy Center will be available for rent by both public and private entities.
2. A Facility Use Agreement will be created and submitted to the Tomah Parks Board for approval and will include provisions for rental and usage.
3. A final draft of construction prints will be approved by the Tomah City Council and submitted to the State of Wisconsin.
4. If and when funds for the Equine-Therapy Center are raised, n.a.s.a. will donate the entire facility to the City of Tomah. The facility and property will remain under control of the City of Tomah. The City of Tomah and/or its renters will be responsible for utilities, insurance, taxes, etc.
5. Management of the Equine-Assisted Therapy Center and day-to-day operations will be determined by the Tomah City Council. They may choose one of the management options outlined in this proposal or develop their own.
6. B.R.E.A.T.H.E. (Baraboo River Equine Assisted Therapy) could be the full-time conduit for providing therapeutic riding, P.A.T.H. certified instructors, volunteers, and horses. B.R.E.A.T.H.E. will move their existing operation and programs to the new Tomah facility operating programs for clients Monday through Friday (or as time permits) provided an acceptable rental agreement is reached between the City of Tomah and B.R.E.A.T.H.E.
7. Weekends and other times B.R.E.A.T.H.E. is not using the facility or areas of the facility would be available for rent for outside groups and organizations. A calendar for rentals would be established with the Tomah Parks and Recreation Department and/or Facility Manager.
8. The existing reciprocal use agreement between the City of Tomah and the Tomah Area School District would apply to the new Equine-Assisted Therapy Center.
9. If n.a.s.a. fails to raise the necessary funds for the Equine-Assisted Therapy Center, the property designation for the Center is dissolved, unless the city wants to develop the park for other uses such as hiking trails, mountain bike trails, etc.

## JUSTIFICATION

The City of Tomah along numerous organizations, businesses and individuals have embraced and invested hundreds of thousands of dollars into infrastructure that supports the disabled community. An accessible five-mile walking path throughout the city, an All-Abilities Playground, an accessible park shelter, and two accessible fishing piers both located on Lake Tomah. Whether intentional or not, the City of Tomah is branding itself as a community that not only cares about all its citizens, but one that invests in them. And by investing into projects that serve disabled individuals, we are also serving able-bodied citizens and improving the lives of everyone who lives in Tomah or visits here.

A state-of-the-art Equine-Assisted Therapy Center could cement this unique brand and allow Tomah to proclaim itself as the “First Inclusive City in the United States”. In addition to the economic benefits that will explode from constructing a premier destination that improves the lives of all those involved, there are social and moral implications that will define Tomah, as a place that fosters compassion, at a time when compassion is rare in our society. The fact that organizations and individuals, who already live here, are willing to fundraise the money for the facility, is proof that an environment of compassion already exists.

People who could be served by the T.E.A.C.H. Center of Tomah and Equine-Assisted Therapy.

Accident Victims

Angelman Syndrome

Autism

Cerebral Palsy

Developmental Delay

Emotional Impairment

Learning Disabilities

Paralysis

PTSD

Seizure Disorders

Spinal Cord Injuries

Attention Deficit/Hyperactivity Disorder

Asperger’s Syndrome

Brain Injuries

Chromosome Disorders

Down Syndrome

Hearing Impaired

Multiple Sclerosis

Parkinsons

Schizophrenia

Spina Bifida

Stroke victims



## STAKEHOLDERS PROFILES

North American Squirrel Association (n.a.s.a.) was founded in 2003 in Holmen, Wisconsin as a 501 c 3 federal non-profit organization. The mission of n.a.s.a. is to “provide free outdoor activities to the disabled, elderly, and veterans.” Since its creation, n.a.s.a. has grown to an organization with 29 different committees in all areas of outdoor recreation. A few examples are; hunting, fishing, downhill skiing, golf, ice fishing, sled hockey and more. All activities are offered free to participants organized by a dedicated core of volunteers. The majority of revenue is generated at an Annual Fundraising Banquet which supports the activities and events offered by n.a.s.a.

The Tomah branch of n.a.s.a. began in December of 2016. One of 29 committees, the Tomah Committee is the only satellite group operating outside of the Holmen-LaCrosse area. Tomah falls under the large umbrella of bylaws, governance, and insurance of n.a.s.a. Tomah n.a.s.a. has a short but impressive history of fundraising and projects. In 2017 the Tomah branch raised enough funds and donations to construct a handicap accessible shelter in Butts Park. In 2018 they accomplished their goal of raising funds for an accessible dock and pontoon boat. The pontoon boat provides rides or fishing excursions free of charge on Lake Tomah. Fundraising began for a quarter-of-a-million-dollar All-Abilities Playground in 2019. The global pandemic slowed fundraising efforts and forced the cancellation of Annual Fundraising Banquets in both Tomah and LaCrosse. Shortly after the All-Abilities Playground was constructed in 2021 and Monroe County’s first Inclusive Park was dedicated to the city of Tomah in June of 2021.

In January of 2022, n.a.s.a. of Tomah purchased a 12-passenger accessible bus with wheelchair lift from donated funds. The bus provides free transportation for the disabled, elderly and veterans all over Monroe County.

n.a.s.a. of Tomah has a proven track record of raising funds and securing donations for projects, vehicles, and equipment. The residents of Tomah and Monroe County have witnessed the donated money being utilized to improve the lives of the disabled and elderly, cementing the reputation of n.a.s.a. as an organization that accomplishes goals and invests time, money, and resources back into the Tomah area.

As accomplished fundraisers, with skilled grant writers, n.a.s.a. of Tomah is seeking its next new challenge and large-scale community project. An equine-assisted therapy center, the T.E.A.C.H. center of Tomah is a project worthy of our efforts and our dedicated volunteers are excited and enthused to make it a reality for the people we serve.

## STAKEHOLDERS PROFILES Continued

Baraboo River Equine-Assisted Therapies, INC. (B.R.E.A.T.H.E.) was founded in 2016 in Lake Delton, Wisconsin as a 501 c 3 non-profit tax-exempt organization. The mission of B.R.E.A.T.H.E. is to provide equine-assisted services and therapeutic horsemanship programs to children and adults with disabilities and special needs, while supporting the physical, mental, and emotional health of each individual. B.R.E.A.T.H.E. provides riders with an affordable, positive experience with physical, emotional, cognitive, and behavioral benefits. B.R.E.A.T.H.E. programs provide alternative forms of recreation for individuals who are unable to participate in traditional recreation and team sports.

Unlike a traditional equestrian center, B.R.E.A.T.H.E. is a member of the Professional Association of Therapeutic Horsemanship (P.A.T.H.) International. All B.R.E.A.T.H.E. instructors are P.A.T.H. certified using proven and time-tested techniques and methods to assist riders in obtaining results that best suit their individual condition. In 2022 B.R.E.A.T.H.E. provided over 2,000 hours of instructional time. Students as young as 4 years old can benefit from equine-assisted services at B.R.E.A.T.H.E.

In addition to three certified instructors, and 5 part-time employees, B.R.E.A.T.H.E. also enlists volunteers as sidewalkers, horse handlers, barn volunteers or special event volunteers. All volunteers must be at least 14 years old, and no horse experience is required. 56 volunteers worked at B.R.E.A.T.H.E. in 2022 using 12 program horses, averaging 45 riders per week.

The B.R.E.A.T.H.E. Equestrian Center is located on 5 acres of land and includes an indoor riding arena, barn and stables, outdoor ring, paddocks, and a small classroom. Students from six counties drive to Lake Delton for programs, therapy, and recreation at B.R.E.A.T.H.E. There is a waiting list of clients, yet no room to grow.

As a non-profit, the majority of money raised to run B.R.E.A.T.H.E. programs come from B.R.E.A.T.H.E. events, donations, rider's fees and fundraising. A few fundraising events include a golf outing, chili cook-off, and a Ride-a-thon, as well as working a concession stand at home Packer games. B.R.E.A.T.H.E. also has a tack shop in Lake Delton where they sell new and used tack, apparel, equipment, and décor for the equestrian lifestyle.

“Every rider has that one special horse. That one horse that changes everything for them.”

## FACILITY MANAGEMENT OPTIONS

The Tomah City Council will determine the method for how the facility is managed. Below are some possible suggestions.

1. The City of Tomah hires a full-time Facility Manager who is responsible for managing, scheduling, maintenance, and supervising renters and groups using the facility. The position would be paid out of the rental income from the facility.
2. B.R.E.A.T.H.E. hires a full-time Facility Manager who is responsible for managing, scheduling, maintenance, and supervising renters and groups using the facility. The position would be paid by B.R.E.A.T.H.E. A percentage of weekend rentals payments and rentals not associated with B.R.E.A.T.H.E. would be paid to B.R.E.A.T.H.E. as compensation for a Facility Manager.
3. The City of Tomah and B.R.E.A.T.H.E. share the cost of a Facility Manager.
4. A Board of Directors hires a Facility Manager and that person reports to them. The position is paid for out of rental income from the facility. The Board could be comprised of two City Council Members, and a member from each of the following shareholders: B.R.E.A.T.H.E., n.a.s.a., Tomah Area School District, and two community members. The Parks and Recreation Director would also sit on the board.



### Why Horses?

Equestrian-Assisted Therapy takes many forms. It is not always about riding a horse. Many autism and PTSD patients find comfort in grooming and petting the horses. Another type of therapy boosts confidence and leadership skills by learning to lead and walk a horse. And for patients with spinal injuries or those trying to learn how to walk, the horse is the only animal whose stride mimics the human gait. So, for a spinal patient, riding a horse can actually stimulate muscle memory which will aid the person in learning how to walk again.

## CERTIFICATION AND ACCREDITATION

An Equestrian Facility that is certified and accredited by P.A.T.H. (Professional Association of Therapeutic Horsemanship) is beneficial because it can lead to lower insurance rates, discounts for training instructors and conferences and revenue generating opportunities to host on-site workshops and conferences. B.R.E.A.T.H.E. will accept the responsibility of obtaining and retaining P.A.T.H. certification and accreditation.

## FACILITY DESCRIPTION

The T.E.A.C.H. center will consist of a large classroom, restrooms, kitchen, office space, mechanical room, an apartment, a barn with stables, tack room, heated wash bay, hay storage, indoor riding arena, indoor walking area, outdoor arena, outdoor ring, and individual paddocks. The entire facility will be ADA accessible. A large gravel parking area will accommodate horse trailers.

Main Meeting Area: will consist of a 30' x 40' classroom area with instructional resources and I.T. A 10' x 20' commercial kitchen will be adjacent to the classroom. A 10' x 19' mechanical room will house HVAC, electrical, plumbing, and custodial supplies. Two 12' x 12' ADA bathrooms will be located conveniently in the center of the facility. For large events outdoor porta-potties can be rented. The Facility Director's office will be located near the main entrance. Two Offices for the B.R.E.A.T.H.E. program director and volunteer coordinator will also be located near the front of the facility.

Barn Manager's Apartment: will be located above the main facility's bathrooms or on one end of the barn above the stables. The Barn Manager will be a facility resident who cares for the horse and the barn. They will receive free room and board, one stall for a place to board their own horse and a small monthly stipend.

Indoor Heated Riding Arena: with dirt floor will be 80' wide by 200' long with 16' sidewalls. The Indoor Arena will be the main training area for Equine-Assisted Therapy programs and used during inclement weather. An observation window located in the classroom will provide a view for parents and spectators. Two large overhead doors provide access to a storage area and to the outdoor arena.

Barn and Stables: The two-story barn will have a 56' x 96' footprint and contain 13 stables with main aisle, a heated wash bay, tack storage, and an indoor walking area 20' x 84'. A portion of this space could be sectioned off for privacy if a mare is to foal. Above the barn will be hay and facility storage. Except for the wash bay, the barn will not be heated.

Outdoor Areas: will include an 80' x 200' outdoor riding arena with Grandstand and bleachers. Several paddocks (horse runs) will be located off one side of the barn and an outdoor run will be off the other side. A riding ring and large gravel parking lot complete the outdoor amenities. The entire area will need to be fenced in to gain P.A.T.H. certification and accreditation. Riding Trails may be added in the future.

## FACILITY USAGE

The possible uses for the T.E.A.C.H. Center are endless. Facility usage will be defined and parameters established after a meeting with all interested parties. But here are some knowns.

B.R.E.A.T.H.E. is out of room at its current facility and has a waiting list for clients. Many clients drive from an hour away or more for services. B.R.E.A.T.H.E. will move its operation to the Tomah facility and bring the 8 horses and two ponies along with horse related equipment. With certified instructors and a proven curriculum for equine-assisted therapy B.R.E.A.T.H.E. could be the main renter of the facility while providing the program for therapy and recreational riding. Currently their programs run five days a week from April until October serving clients from six counties. A heated indoor arena would allow them to provide programs year-round.

North American Squirrel Association would want to hold 2 to 4 free events a year. N.a.s.a. would pay the daily rental fees for their events like any other organization.

The Tomah Area School District could use the facility for the following groups; Tomah High School Rodeo, the FFA, 4H, Tomah High School Rodeo competitions (state rodeo championship?), LD, ED, and disabled students, at-risk students, school to work programs, farm to table, class field trips, and enhancing curriculum in agri-business, animal management and more. The Equestrian Center in Fond du lac draws school groups from Green Bay to Milwaukee so we should assume schools from Western Wisconsin will want to use/rent this facility.

The Tomah Veterans Administration Hospital is leading the nation in non-prescription therapy opportunities. They have an Equine-Therapy employee and numerous residents in need of physical and mental health alternative medicine.

Some unknown but viable possibilities include:

Mayo Clinic Health System and Gunderson Health System could prescribe Equine-Assisted Therapy for patients if an option existed.

Equestrian summer camps for able-bodied and disabled children are very popular.

The Boy Scouts have a Horsemanship Badge, but many don't complete it due to availability.

P.A.T.H. conducts many trainings and conferences annually, but only at certified facilities.

Colleges and Universities, as well as businesses and corporations hold team building events.

The indoor arena has huge potential for traveling shows, events, rodeos, dog shows, as well as providing a space for area horse enthusiasts to ride during winter months.



FACILITY ESTIMATES

<u>Description</u>	<u>Cost Estimate</u>
Permits	\$3,000.00
Design Fees	\$25,000.00
Project Management (see note next page)	0.00
Excavation	\$50,000.00
Gravel Base	\$25,000.00
399 2" x 4' x 8' Foam Insulation (outside frost walls & under slabs)	\$20,748.00
Concrete (includes footings, frost wall & slabs)	\$80,216.00
Building Lumber & Steel for Indoor Arena walls/roof	\$617,760.00
Building Lumber & Steel for Barn walls/roof	\$207,567.00
Building Lumber & Steel for Main Facility walls/roof	\$154,440.00
Lumber for Interior Walls – Main Facility and Barn	\$4819.92
Insulation (walls R-19 and ceiling R-38)	\$59,800.98
Drywall (main facility)	\$19,675.00
Plumbing & fixtures main building	\$34,000.00
Electrical	\$93,016.00
HVAC infloor heat for main building	\$18,000.00
HVAC for Indoor Arena and main building	\$86,000.00
Windows & Doors	\$19,600.00
Overhead Garage Doors 16' x 11'	\$5,000.00
Three Sliding Barn Doors	\$3,300.00
Barn Stall Doors need 14 interior	\$14,000.00
Barn Stall Walls (602 - 1 x 8 x 12')	\$11,588.50
Barn Doors Exterior need 9	\$3,150.00
Kitchen main building	\$38,000.00
Kitchen barn manager apartment	\$20,000.00
Bathroom barn manager apartment	\$8,000.00
Laundry barn manager apartment	\$3,000.00
Paint	\$6,000.00
Flooring main building and offices	\$8,960.00
Classroom/office furniture	\$10,200.00
 <u>Exterior</u>	
Cement parking and sidewalks	\$26,500.00
Asphalt driveway and parking lot	\$200,000.00
Fencing	\$16,080.00
Landscaping	\$20,000.00
Signage	\$6,000.00
 Total Estimate	 \$1,918,421.40

Project Management could easily surpass \$400,000 for a project of this magnitude. Project Management will be donated by Dave Stutzman, State of Wisconsin certified Facility Manager, with millions of dollars in experience with remodeling and building projects for the Tomah Area School District. A few of the projects include, remodeling three commercial kitchens, Tomah High School main office and guidance office remodel, transportation office remodel, Lemonweir Main Office, T.A.M.S. building, secure vestibules, Miller Main Office, THS Concession Stand, Steinhoff Soccer Complex, and dozens of classrooms. Dave also has years of construction experience with Meadow Valley Log Homes and with residential housing.

ANNUAL OPERATING ESTIMATES

Electricity (based on .11 kWh)	\$19,134.72
Heat (liquid propane)	\$5,826.75
Water & Sewer	\$7,700.00
Insurance	
 Total Annual Utility Cost Estimate.	 \$32,661.47



HOTEL AND RESTAURANT ECONOMIC POTENTIAL

20 hotel rooms at \$150/night for one night a weekend = \$3000.  
 Lunch at local restaurants for two = \$20. Dinner at local restaurants for two = \$60  
 \$80 per couple for food times 20 couples = \$1600.

20 couples for one weekend a month brings in \$55,200 annually. Using this figure, the chart on the next page displays possible income for hotel stays longer than one night a month.

Local economic impact potential based on 20 couples staying in Tomah

<b>Length of Stay</b>	<b>Hotel Revenue</b>	<b>Dining Revenue</b>	<b>Total Annual Amount</b>
2 nights/1 weekend/month	\$6,000	\$3,200	\$110,400
2 nights/2 weekends/month	\$12,000	\$6,400	\$220,800
1 night/3 weekends/month	\$9,000	\$4,800	\$165,600
2 nights/3 weekends/month	\$18,000	\$9,600	\$331,200
1 night/4 weekends/month	\$12,000	\$6,400	\$220,800
2 nights/4 weekends/month	\$24,000	\$12,800	\$441,600

The figures above do not include breakfast, gasoline, entertainment, or shopping.

FUNDRAISING STRATEGY

The North American Squirrel Association (n.a.s.a.) is offering to head up fundraising efforts for the T.E.A.C.H. Center. N.a.s.a. will encourage other non-profits and interested parties to join the effort. In addition to standard methods such as raffles and promotions, n.a.s.a. will donate a percentage of funds raised at their annual fundraising banquet held in March each year. To be certain, a large amount of the funds required to the T.E.A.C.H. Center will be private donations and grants.

Three of our experienced grant writers are;

Martha Airth-Kidree, B.R.E.A.T.H.E. volunteer and former director of the Mile Bluff Medical Center has vast experience in writing and obtaining large grants.

Anita Leis, n.a.s.a. volunteer, successfully wrote and obtained a \$200,000 grant for the All-Abilities playground in Black River Falls.

Dave Stutzman, n.a.s.a. President wrote all the grants for the All-Abilities Playground in Butts Park Tomah totaling over \$130,000, including the single largest grant Mayo Clinic Health Systems has ever awarded.

The amount of grants for Equine-Assisted Therapy Centers and Equine Therapy Programs is too large to list. Google “grants available for Equine Therapy Facilities” to get an idea of the opportunities that exist. Add “non-profits” and the list grows.

As a P.A.T.H. certified facility, fundraising and grant opportunities increase as P.A.T.H. is an international organization. According to Forbes, P.A.T.H. has net assets of \$58 Million dollars, with a 98% fundraising efficiency. They rank 89<sup>th</sup> in the 100 largest U.S. charities with private donations of \$217 Million and total revenue of \$344 Million.

A donation platform will be established with an escalating scale. (Bronze, Silver, Gold, Platinum for example) All donors will be recognized with signage in the indoor riding arena or classroom area. Businesses or Individuals will be able to donate a horse stall. In this case a sign will be placed on the stall door. On-going fundraising will utilize a variety of existing activities and events as well as new ideas such as sponsoring a horse for a month.

An important note regarding our fundraising goal. This proposal lists the total funds needed for the facility which we will not need to raise. Our history with fundraising in and around Tomah has shown that many businesses and individuals will donate materials (such as concrete for our accessible shelter, the log shelter itself, steel roofing, etc.) as well as labor. The labor to build our accessible shelter was donated by REACT, labor for pouring concrete, staining the shelter, landscaping around the playground was all donated. While labor costs used to be equal to materials costs, labor costs now exceed material costs.

Designating the land as a city park also opens up grant possibilities for park development.

#### PUBLICLY OWNED EQUESTRIAN CENTERS IN THE U.S.

Jester Park Equestrian Center – Granger, Iowa. Operated by the Polk County Parks Department Jester Park Equestrian Center is located on 35 acres of land. It consists of a 32-stall horse barn with 23 horses. It has a main facility with conference room, kitchen, and outdoor patio. The indoor riding arena is 120' x 240' with bleachers that hold up to 200 spectators. The outdoor arena is 150' x 300' and there is a 60' round ring. Programs include Horses Helping Heroes, Pony Tales (children's story time with a pony), Summer Camps, Field Trips, Trail Rides, Wagon and Sleigh Rides, Horse Clinics, Lessons, and Dog Shows.

Rental Information: Entire Facility \$900/day. Indoor Complex \$650/day.  
Indoor Arena \$550/day. Outdoor Arena \$300/day.  
Conference Room only \$40/day.

Danada Equestrian Center – Wheaton, Illinois. Operated by the Dupage County Parks Department. The Danada Equestrian Center features a 19-room building and barn. Programs offered are centered around riding and include Riding Lessons, Horsemanship I, II, III, and IV as well as Individual Lessons, Classes, Summer Camps, Guided Group Tours, Wagon Rides and School Programs. Also offered is the Horsemanship Badge for Scouts. The facility may be rented (rental information not listed on website) for Weddings, Receptions, Meetings and Parties up to 250 people.

Prince George Equestrian Center – Mariboro, Maryland. Operated by the Upper Mariboro Parks and Recreation Department. The Prince George Equestrian Center features 7 horse barns that can accommodate up to 250 horses. Washstands and racks are in each barn. The Indoor Arena is 120' x 240'. A covered show ring is 150' x 300'. Two Outdoor Rings are 150' x 300'. Overnight camping available on site.

Glen Grove Equestrian Center – Morton Grove, Illinois. Operated by the Cook County Parks and Recreation Department. Horse boarding, indoor and outdoor riding areas, lessons, and pony rides. 200 miles of horse trails.

Winton Wood Riding Center – Cincinnati, Ohio. Operated by Cincinnati Parks and Recreation Department. The Winton Wood Riding Center has 3 barns that hold up to 40 horses, an Indoor Riding Hall, 2 lit areas for night riding, paid employees and over 100 volunteers. Programs include Horse Camps, Horse Shows, Open School Days, Lessons, Special Riders, and Special Olympics.

Carousel Park Equestrian Center – New Castle, Delaware. Operated by New Castle County Parks and Recreation Department. The Carousel Park Equestrian Center is located on 217 acres, has an Indoor Arena, Stables, a Cross Country Course and is P.A.T.H. Certified. Programs include Riding Lessons for age 4 and above, Therapeutic Riding, Horse Shows, Horses for Heroes, Horse Shows, Scout Badge Programs, Pony Rides and Pony Parties, Barn Tours (\$5)

Parkview Riding Center – Islip, New York. The Parkview Riding Center is located in Connequot State Park with an 80' x 200' Indoor Arena and 3 Outdoor Rings. Boarding and leasing stables is available. Programs include Therapeutic Riding, Lessons, Clinics, Horse Shows, Pony Parties, Horse Camps and Special Events.

Skyline Ranch Equestrian Center – Oakland, California. Operated by East Bay Regional Parks Department. The Skyline Ranch Equestrian Center has stables, offers Camping and has a second facility called Piedmont Stables. Programs include Equine-Assisted Therapy, Pony Club, Summer Camps, and Boarding.

Sand and Spurs Equestrian Park – Pompano Beach, Florida. Operated by Pompano Parks and Recreation Department. The Sand and Spurs Equestrian Park is located on 12 acres, has 8 Paddocks, and 35 stalls both privately and publicly owned. There is a lighted main ring, two medium rings, two small rings and a Dressage Ring.

West Covina Ridge Riders Equestrian Center – West Covina, California. Operated by West Covina Parks and Recreation Department. Rental Information; Show Arena \$300/day, Arena 2 \$11.50/hour, Arena 3 \$31.25/hour

AN EXAMPLE OF WEEKLY SCHEDULE FOR B.R.E.A.T.H.E

<u>Day</u>	<u>Time</u>	<u>Participant</u>	<u>Program</u>	<u>Instructor</u>	<u>Volunteers</u>	
<u>Monday 1</u>	<u>9:00</u>	Grant	<u>M</u>	<u>Becky</u>	Linda S, Ed, Alice, Kat, Brayden, Heather Maggie; <del>Audrey</del> Laurie 8/1	
		Halle	<u>M</u>			
	<u>9:45</u>	Connor	<u>M</u>			
	<u>10:30</u>	Coraline, Jaeden	<u>M</u>			
	<u>11:30</u>	Jack W	<u>G</u>			
	<u>12:30</u>	Lucke	<u>M</u>			
		Kaiser	<u>M</u>			
	-	-	-	-		----- Deb greeter 4:15
	<u>4:30</u>	Aaron	<u>M</u>	<u>Chris</u>	Gail Liz Ed Kat Laurie John	
		Hunter	<u>M</u>			
	Sophie	<u>M</u>				
<u>5:30</u>	Breanna					
<u>6:15</u>						
<u>Tuesday 2</u>	<u>9-12</u>	<u>Kids Ranch</u>	<u>G/M</u>	<u>Becky</u>	Linda S, Kat, Ed, Chris, <del>10:45</del> Emilee Sue M, Maggie? Heather?	
	<u>12:30</u>	<u>Marshall W</u>	<u>M</u>			
	-	<u>Isabella (G)</u>	<u>G</u>	<u>Chris</u>	Stormy 4:30, Ed Marian MaryAnn Angie 4:30-6:30 <del>Violet 4:30-6:30</del>	
	<u>4:15</u>	<u>Isabella (M)</u>	<u>M</u>			
		<u>Andre</u>	<u>M</u>			
	<u>5:15</u>	<u>Brody</u>	<u>G/M</u>			
<u>6:00</u>	<u>Braydon_</u>	<u>G/M</u>				
<u>Wed 3</u>	<u>8:30</u>	<u>Lexi,</u>	<u>G/M</u>	<u>Claire</u>	Kat	
	<u>a</u>	<u>Evie S5</u>	<u>M</u>			
	<u>9:30</u>	<u>Gabby S5</u>	<u>M</u>	<u>Claire</u>	Marian Hillary	
	<u>a</u>	----- <u>Isabella, Daniel, Mila</u>	<u>M</u>			
		<u>Alexa</u>	<u>G/M</u>			
	-					
	<u>5:00</u>					
<u>6:00</u>						

Daniel & Mila S5 5:00 pm
--------------------------------

<b>Thursday 4</b>	<u>9-12</u> <u>12:20</u>	<u>Kids Ranch</u> <u>Marshall W</u>	<u>G/M</u> <u>M</u>	<u>Martha</u>     <u>Chris</u>	Linda S, MaryAnn, Michelle, Makala Maggie, Liz (gone 8/8), Vic (Kat gone 8/8)
	-	<u>Lincoln S5</u>	<u>M</u>		
	<u>4:15</u>	<u>Aden</u> Lucas (not 8/4)S5	<u>M</u> <u>G</u>		
	<u>5:15</u>	<u>Joey</u> <u>Lucas S5</u>	<u>G</u> <u>M</u>		
	<u>5:45</u>	<u>Joey</u> <u>Sawyer F</u>	<u>M</u> <u>G</u>		
	<u>6:30</u>				
<b>Friday 5</b>	<u>8:30</u>	<u>Jonathan S5</u>	<u>G/M</u>	<u>Martha</u>	Kat, Morgan 8-10, Brian, Ed Wendy 9:00 Autumn 9:00 Ed Amelia 8:00 Chris
	<u>9:30</u>	<u>Jack S.</u>	<u>M</u>		
	<u>10:30</u>	<u>Ezra</u> <u>Taylee S5</u>	<u>M</u> <u>M</u>		
	<u>11:30</u>	<u>Cherise S5</u> <u>Emry</u> <u>Tristan S5</u>	<u>M</u> <u>M</u>		

## 2022 B.R.E.A.T.H.E. ANNUAL REPORT

 **BREATHE**  
P.O. Box 101  
Baraboo WI 53913

 **NONPROFIT ORGANIZATION**  
STATE OF WISCONSIN  
REGISTERED IN  
PO BOX 10733

### PRESIDENT'S MESSAGE:

*Dear Friends,*  
"Amazing changes!" describes the last two years for BREATHE. In April 2021, we relocated to our present location in Lake Delton, initially as a tenant. In August 2021 BREATHE purchased the 5-acre parcel, becoming a property owner and landlord.  
A major feature of the property is its indoor arena, along with a viewing room for parents. Accommodating lessons in almost any weather, the indoor arena has enabled BREATHE to continue expanding its programs. 2022 brought some new events to the calendar including a Ride-a-thon, a chili cookoff and the Horsin'-A-Round Golf Outing. We plan to hold these events on an annual basis. We also opened the BREATHE Again Tack Shop, right up the road at the Wisconsin Dells Antique & Craft Mall complex. The little shop features gently used donated tack along with new western-themed clothing, hats, and home décor. BREATHE's Board of Directors is pleased with the progress and flexibility shown by staff, instructors and volunteers. We look forward to meeting the exciting challenges ahead in 2023 and beyond.  
*Ed Singer, President*

### 2022 HIGHLIGHTS

- ◆ 1<sup>st</sup> Annual Easter Egg Hunt
- ◆ 3 new horses
- ◆ Grant funding from Community Foundation of South-Central WI
- ◆ Installation of Drinking Post Waterers
- ◆ Fall Chili Cookoff event
- ◆ Summer Ride-A-Thon
- ◆ New BREATHE promotional video
- ◆ 1<sup>st</sup> Annual Horsin'-A-Round Golf Outing



## ANNUAL REPORT 2022



### Baraboo River Equine-Assisted Therapies Inc. (BREATHE)

Email: [info@barabooiverequineassistedtherapies.org](mailto:info@barabooiverequineassistedtherapies.org) Tel: 608-504-2299  
Website: [barabooiverequineassistedtherapies.org](http://barabooiverequineassistedtherapies.org) PO Box 101, Baraboo, WI 53913

### A Rider's Story

*Hi, my name is Jonathan. I have been riding horses with BREATHE since 2016. My doctors in Madison were talking to me about needing heel cord surgery because my muscles were too tight. But after riding horses for two years, they said that I didn't need it anymore. I know that it's because of the stretching that happens when you ride a horse. Riding horses also stretches many more of my muscles that I used to have to do by doing exercises. Those exercises really hurt. But, riding the horses is relaxing, it works the same muscles, it doesn't hurt and best of all it's fun. I really like riding the horses at BREATHE.*

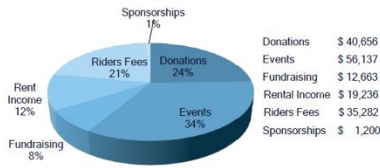


*"Connor started with fear... Never a bad experience with any animal, just afraid. As the weeks went on, he became less fearful and more talkative while riding, as he is non-verbal. Just this past season Connor got to advance onto a bigger horse... He didn't seem to mind at all... When Alma came along, he became more relaxed... smiling, engaging with staff, and of course giving 'pats' before leaving... He would be sad if he doesn't go. He loves watching horses now on his tablet, it's slowly showing him it's okay to be nervous, but also okay to relax and let go."*



... Marisa, Connor's Mom

**Where the Dollars Came From in 2022**



Donations	\$ 40,656
Events	\$ 56,137
Fundraising	\$ 12,663
Rental Income	\$ 19,236
Riders Fees	\$ 35,282
Sponsorships	\$ 1,200



"Participation in BREATHE has been an amazing experience for our son. Riding improves his ability to self-regulate and he is much calmer after his sessions. He hasn't been very comfortable around animals...but he has been able to work past that with the horses and really loves and looks forward to his time with them. He is also learning compassion and empathy by working with the exceptionally patient BREATHE horses and staff!"  
 ...Kendra, parent of a BREATHE participant

**Where the Dollars Went in 2022**

"Brody loves his sessions at BREATHE. It has helped him to gain more confidence to try new things."  
 ...K. S.

Operations	\$60,570
Home Improvements	\$23,240
Contracted Services	\$19,701
Payroll	\$15,134
Barn Improvements	\$14,756
Event Expenses	\$12,552
Equipment	\$ 7,385
Other	\$ 3,405



"BREATHE means so much to our son. It's difficult for him to participate in most traditional youth sports or extracurriculars, but the activities at BREATHE are a great match for him. When he began attending several years ago, he was very timid and would hardly speak loud enough to be heard... and now he walks right in, asking questions about the horses and showing a lot of interest and pride."  
 ...Lydia M

THE BREATHE AGAIN TACK STORE IS OPEN FROM 10:00-4:30, 7 DAYS A WEEK. NEW AND USED TACK, RIDING APPAREL, HORSE-THEMED HOME DÉCOR AND GIFTS. INSIDE THE CAFÉ AT THE ANTIQUE AND CRAFT MALLS. S2279 TIMOTHY LANE, LAKE DELTON ALL PROCEEDS BENEFIT BREATHE!



**Our 2022 Board of Directors**  
 Ed Singer, President  
 Marian Krockner, Vice President  
 Alice Hellman, Secretary  
 Autumn Elliott, Treasurer  
 Bill Hays  
 Sandy Kessenich  
 Lindsey Kuhnau  
 Holly Lindsay

Our mission is to provide equine-assisted horsemanship instruction and learning opportunities to children and adults with disabilities and unique life challenges, while supporting the physical, mental, and emotional health of each individual in their interactions with horses and staff.

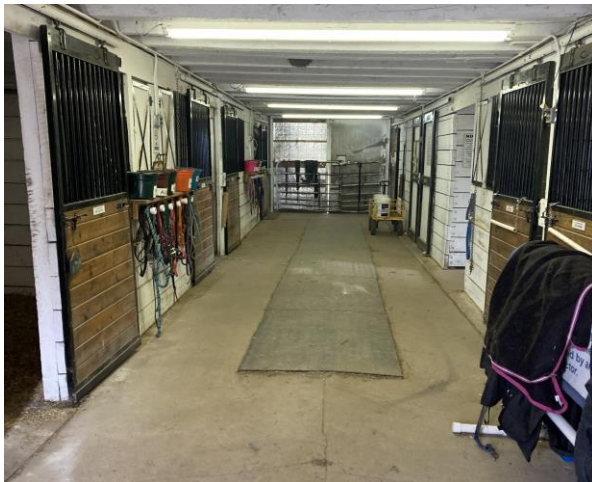
**THANKS TO OUR MANY SPONSORS, GRANTORS, VOLUNTEERS, DONORS & SUPPORTERS! YOU MAKE BREATHE HAPPEN!**



"(Riding) is therapeutic not only for my son Marshall but is also therapeutic for me as his mother. Seeing him loving riding, carefree, away from his disabilities - every week is a profound blessing to our life."  
 ...Shannon, Marshall's Mom

- 2022 STATS:**
- Averaged 45 riders/week
  - Six 4-week sessions
  - Six Counties served
  - 56 Volunteers
  - 5 P/T Staff
  - 3 Certified Instructors
  - Over 2000 hours of instructional time
  - 12 Program Horses
  - 4 Brat Stands
  - 4 Packers Games Concession Sales
  - 1 Ride-A-Thon
  - 1 Golf Outing
  - 1000's of hours of FUN!

BREATHE is a Member Center of the Professional Association of Therapeutic Horsemanship, Int'l (PATH).



**STABLES AT B.R.E.A.T.H.E.  
 Lake Delton, Wisconsin**



dies are close to 100 years old or older, it is important to check the tree and riggings are solid before you put one on your horse."

Glenn rides her paint horse Rumshot Sky, aka Cow, sidesaddle on hunts. The 19-year-old mare has been hunting in the field and ridden as a staff horse (working directly with the hounds) for nine seasons.

"After the pandemic, I stick to group clinics going to the clients' barn and getting them started on their horses with my army of sidesaddles," said Glenn.

Glenn will be holding a mini-series of clinics at the McCrae Farm beginning in February. Information about the clinics can be found on the farm's Facebook page. The series runs through June.

## Equine-assisted therapy program helps clients succeed

According to Baraboo River Equine-Assisted Therapies (BREATHE) Executive Director Christine Singer, there's been a big shift in equine therapy terminology over the past few years.

"Equine therapy isn't a recommended phrase any longer," said Singer. "There are several forms of services that fall under equine-assisted services or equine-assisted activities."

The various therapeutic horsemanship activities include both mounted and unmounted. Such approaches aim to teach horsemanship skills to special needs individuals. Such needs can include physical, emotional, behavioral and cognitive challenges.

The various styles of equine-involved therapy include hippotherapy. Those programs aim to facilitate physical, occupational and speech therapy. Hippotherapy's specialized methods must be administered by a licensed therapist.

Equine-assisted therapy programs are conducted by a licensed mental or health therapist to help individuals with those challenges. Horses used in equine-assisted learning aid in the education process for individuals and corporate groups taking part in leadership training to advance communication, leadership and teamwork techniques.

Singer's equine career started at 10 years old when her parents bought her a horse. The horse helped her adjust to a move from Wisconsin to Arizona in the late 1970s.

"I was extremely shy and had a hard time making new friends and fitting in," said Singer. "He (her horse) gave me something to look forward to every day, got me outside and physically active, and connected me to a whole new world of friends and learning and growth. My confidence in my abilities, self-esteem and sense of belonging grew tremendously during that time. He helped prepare me for high school and all the stuff every teen goes through."

The connection with her horse taught Singer handling a 1,200-pound animal is very empowering. Singer says this is es-



A volunteer at Baraboo River Equine-Assisted Therapies assists a client during a riding session. The BREATHE therapeutic riding program has served upwards of 60 clients each week during the summer. (Contributed photo)

See BREATHE, continued on page 3

BREATHE, continued from page 2

pecially true for children with disabilities with little control over areas of their life such as doctor appointments, school challenges, limited activity, isolation and other struggles.

While education, military career and family matters dominated much of Singer's early adult life, she continued to be involved with horses as much as possible. She became aware of therapeutic riding and volunteered at a few centers in Southern California in the early 2000s.

When she and her husband moved to the Baraboo area in 2014, they began looking for a therapeutic riding center. Not finding a Professional Association of Therapeutic Horsemanship International (PATH) center within 50 miles of Baraboo, Singer looked into starting one.

With guidance from UW-Madison Law & Entrepreneur Clinic, the Singer and her husband, Ed, started their nonprofit in 2016 at very little cost. Singer then became a certified therapeutic riding instructor through PATH. They began training volunteers in 2017 and gave the first lessons to 12 riders that spring.

Singer says equine-assisted therapies benefit clients mentally and physically.

"Horses are amazing in their ability to read human body language and emotion," said Singer, "and they will often mirror those feelings and emotions back to you. Horses keep you honest. If you're in a grouchy mood and go out to visit a horse, even if you paste a smile on your face, they'll still find out your true feelings instantly. They can sense your heartbeat from 12 feet away. And horses seek peace; it is in their nature, so they tend to help moderate extreme emotions."

In physical therapy, horses' movement mimics the movement of the human hips when in motion.

"So a person sitting on a horse will experience the same motion in their hips as someone walking on the ground," said Singer. "The horse is the only known animal that does this. It can help train those body parts and build the muscles needed for better mobility. The rhythm of a horse in motion helps regulate and stimulate sensory processing to the brain. Many parents of children on the autism spectrum report speech and behavior patterns remain more consistent for up to 48 hours after their children's riding session."

One of the success stories of a BREATHE client is 15-year-old Jonathan, a cerebral palsy patient. Jonathan reported his doctor told him he wouldn't need a major sur-

gery on his heel cords if he keeps riding horses. Thanks to the time he spent riding a horse, Jonathan would avoid spending a year in a wheelchair because the heel cords were stretching on their own. And he is still riding today, five years later."

A parent whose ADHD daughter, a BREATHE client, expresses her gratitude for how the program has benefited her daughter. The client's parent says she feels the program helped her daughter find a passion that not only is fun but also teaches her "how to be confident, stay focused, control her attention and emotions, and last but not least, the responsibility of how to care for animals."

"It's not easy to live with ADHD, but she continues to strive every day to do better," said the parent. "While in horse therapy, she would be more relaxed and can have the calming feelings and these usually would last through the evenings. This therapy has been a way for her to open up more amongst her peers. She would beam with happiness to let us know what she did in therapy for that day. And for her to feel so confident in herself to ride bareback was an amazing feeling and getting to see this first-hand was by far the best feeling we have had in a long time."

In the summer, BREATHE serves up to 60 participants each week drawing clients from six counties.

"In the spring and fall, the schedule is lighter because kids are in school and there isn't always enough available time during the day," said Singer. "Over the past six years we have probably served around 220 people."

Lesson fees cover about a third of the actual cost of a lesson. To help fund the operation and the care of 12 horses throughout the year, BREATHE holds fundraising events such as its annual golf outing. The program has also raised some funds by offering donated tack and equipment for sale. The items were duplicates and not needed in the program and are offered for purchase at its annual tack sale and a permanent location.

"It (tack sale) became so successful that we thought if it was something that could be open all year long it would be beneficial," said Singer. "We rented a fairly large booth space up the road at the Wisconsin Dells Craft and Antique Mall, and set up shop in August 2021. We carry both new and used tack, as well as riding apparel, home decor, western and horse-themed toys."

More information about BREATHE can be found on the program's website at [www.barabooiverequineassistedtherapies.org](http://www.barabooiverequineassistedtherapies.org) or on its Facebook page.

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### *DIVISION 3. OUTDOOR FACILITIES LICENSE*

#### **Sec. 4-97. Approval required.**

Any retail class B license issued shall limit and restrict the consumption of fermented malt beverages and intoxicating liquors as defined in Wis. Stats. ch. 125 to the building premises so defined on the liquor license application unless, prior to the application of a liquor license or renewal thereof, approval has been obtained from the plan commission for an outdoor facility.

(Code 1993, § 12.03(6)(a))

#### **Sec. 4-98. Application; site plan.**

The application to the plan commission shall be accompanied by the application fee established by the city council, together with a site and landscape plan of the entire parcel showing the outdoor facility, designating its location with respect to the main premises and other buildings on the site, designating entrances and exits of both the main structure and outdoor facility, and the location of the outdoor facility with respect to buildings on adjoining sites. The application shall also include such other information as the plan commission may require to ensure compliance with this Code.

(Code 1993, § 12.03(6)(b))

#### **Sec. 4-99. Requirements and guidelines for outdoor facilities.**

(a) *Requirements:*

- (1) *Entrance and exits.* The normal entry and exit should be from inside the building. However, an entrance and exit must be available from the outdoor facility. The fire department and building inspector shall review the entrance and exit systems to ensure that the same are code compliant. In addition, the entrance and exit from the site shall have an alarm system meeting the requirements of the building inspector and chief of police to ensure that the staff inside the parent building will be immediately notified if the entrance or exit has been utilized.
- (2) *Use of right-of-way; setback.* No outdoor area shall be located on a dedicated public right-of-way or within 20 feet thereof. Exceptions may be requested for those lots not able to accommodate the 20-foot minimum setback requirement.
- (3) *Video monitoring.* An operating video camera monitoring system shall be installed in the outdoor area.
- (4) *Fencing and lighting.* The outdoor area shall be enclosed with a fence. The requirements for location, height and style shall meet the minimum requirements as directed by the building inspector and chief of police after due consideration is made to the site location and any other pertinent factors specific to the site.

(b) *Guidelines:* The plan commission shall consider the following guidelines when reviewing an application for an outdoor facility:

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- (1) *Location.* In the event the location of the outdoor area is within 300 feet of property zoned residential, conditions shall be instituted to ensure that such area does not significantly compromise the uses, values and enjoyment of such residential property within the neighborhood of the proposed site.
  - (2) *Overall appearance and size.* The overall appearance must meet the downtown standards requirements if applicable or otherwise required by the plan commission. The outdoor area must be patrolled for trash and cleaned on a daily basis.
  - (3) *Tables, chairs and trash receptacles.* A seating plan shall be submitted and reviewed by the plan commission. The building inspector and/or fire chief shall provide a calculated occupant load for the area. The occupant load shall be clearly posted. Trash receptacles will be required.
  - (4) *Liquor availability.* The availability of liquor shall be consistent with liquor license of applicant. The liquor license must be amended to include the outdoor area as part of the premises.
  - (5) *Surface and materials.* The outdoor area should be on a hard surface; however, exceptions may be granted upon approval by the Plan Commission and after due consideration is made to the site location and any other pertinent factors specific to the site. Any and all building materials for structures thereon shall meet the requirements of the plan commission.
  - (6) *Hours of operation.* An outdoor facility shall only be operated during the hours as designated per Wisconsin State Statute for Class B alcohol beverage licenses.
  - (7) *Noise restraint.* Efficient means shall be employed to prevent the ordinary sound of music, dancing, singing or entertainment within the outdoor facility from being heard on adjoining premises or on the public street, and no unusually loud music, singing or entertainment or any boisterousness or noisy conduct on the part of the patrons shall be permitted.

(Code 1993, § 12.03(6)(c); Ord. No. 2014-02-03-D, 2-11-2014; Ord. No. 2018-08-07-D, § 1, 8-13-2018)

#### **Sec. 4-100. Public hearing; notice.**

The plan commission shall conduct a public hearing and make a recommendation to the city council. Notice shall be given by ordinary mail of the proposed establishment of an outdoor facility to the owners of property immediately adjacent to the area to be considered for the new use extending 300 feet therefrom and to the owners of properties extending 300 feet from the street frontage of the opposite property and also by a class I publication in the official newspaper.

(Code 1993, § 12.03(6)(d))

#### **Sec. 4-101. Recommendation to council.**

After hearing, the plan commission shall make a recommendation to the city council. The recommendation shall recommend either approval without special conditions, approval with special conditions (taking into consideration the above guidelines), or denial.

(Code 1993, § 12.03(6)(d)1—3)

#### **Sec. 4-102. Determination by council.**

Upon recommendation from the plan commission, the city council shall consider the application and any special conditions recommended by the plan commission. If final approval is granted by the city council, a special

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use permit shall be issued with any restrictions stated thereon. Any violation of the stated restrictions shall subject the special use permit to automatic revocation without further notice or public hearing.

(Code 1993, § 12.03(6)(e))

**Secs. 4-103—4-132. Reserved.**

# Lacrosse Noise Ordinance

## DIVISION 2. - NOISE CONTROL<sup>[2]</sup>

Footnotes:

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**State Law reference**— Municipal regulation of noise-producing devices, Wis. Stats. § 66.0411.

Sec. 32-134. - General prohibitions.

- (a) *Noise prohibited.* It shall be unlawful to make, continue or cause to be made or continued any noise in excess of the noise levels set forth in subsection (b) of this section unless such noise is reasonably necessary to the preservation of life, health, safety or property.
- (b) *Measurement of noise.*
  - (1) Any activity not expressly exempted by this section which creates or produces sound, regardless of frequency, exceeding the ambient noise levels at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment) by more than six decibels above the ambient noise levels as measured on the A-weighted scale of a sound meter and as designated in the following table, at the time and place and for the duration then mentioned, shall be deemed to be a violation of this division, but any enumeration herein shall not be deemed to be exclusive.
    - a. All districts, 7:00 a.m. to 6:00 p.m. duration of sound:
      - 1. Less than ten minutes, 75 dB;
      - 2. Between ten minutes and two hours, 60 dB;
      - 3. In excess of two hours, 50 db.
    - b. Residential districts, 6:00 p.m. to 10:00 p.m. and all other districts 6:00 p.m. to 7:00 a.m., duration of sound:
      - 1. Less than ten minutes, 70 dB;
      - 2. Between ten minutes and two hours, 60 dB;
      - 3. In excess of two hours, 50 db.
    - c. Residential districts, 10:00 p.m. to 7:00 a.m., duration of sound:
      - 1. Less than ten minutes, 60 dB;
      - 2. Between ten minutes and two hours, 50 dB;
      - 3. In excess of two hours, 40 db.
  - (2) The districts referred to subsection (b)(1) of this section are the zoning districts of the City of La Crosse as defined in chapter 115.
  - (3) In determining whether a particular sound exceeds the maximum permissible sound level in subsection (b)(1) of this section:
    - a. Sounds in excess of the residential district are violative of this section whether the sound originates in a residential district or any other district;
    - b. During all hours of Sundays and State and Federal holidays, the maximum allowable decibel levels for residential districts are as set forth in this Code.
    - c. Sounds emanating from the operation of:

1. Motor vehicles on a public highway;
2. Aircraft and/or airport; and
3. Outdoor implements such as power lawn mowers, snow blowers, power hedge clippers, nail guns, and power saws;

are exempt from the provisions of this section.

- (4) Sounds emanating from lawful and proper activities on school grounds, play grounds, parks or places wherein athletic contests take place are exempt from the provisions of this section. Sounds emanating from activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods or products, electric or gas sub-stations, fire stations, police stations, post offices, railroad rights-of-way, but not including railroad yards and shops other than for passenger purposes, railroad commuter passenger stations, telephone exchanges, telephone transmission equipment buildings, and microwave-relay towers, water works, reservoirs, pumping stations and filtration plants, accessory radio and television antennas, maintenance and equipment storage buildings owned and operated by the City of La Crosse, are exempt from the provisions of this section and shall be regulated in all respects by the noise provisions of chapter 115, the La Crosse Zoning Code, including, but not limited to, the permissible levels of noise and the boundary or location designation for the measurement of noise.
- (5) Sounds emanating from events held at the south side Oktoberfest grounds, in Copleland Park or in Riverside Park are exempt from the provisions of this section but shall be subject to any conditions provided for within the permission to hold such event.
- (6) Limited exemption for construction noise. No person shall operate or permit the operation of any equipment used in construction work between the hours of 7:00 p.m. and 7:00 a.m. of the following day in such a manner as to unreasonably interfere with the peace, comfort, and quality of life of neighboring persons of ordinary sensibilities. The provisions of this limitation shall not apply to construction machinery when engaged in bona fide, temporary construction work between the hours of 7:00 a.m. and 7:00 p.m. of any day or between 7:00 p.m. and 7:00 a.m. of any day if the Board of Public Works following a public hearing before the Board of Public Works, approves temporary construction work between 7:00 p.m. and 7:00 a.m. Application for this temporary construction exemption may be made upon submitting a nonrefundable application fee in the amount established by resolution on forms provided by the City Clerk. Notification of such exemption shall be provided to the Council Member of the district that such work will take place. A notice of such public hearing shall be at least ten days prior to the date of the hearing to all owners of record, as listed in the Office of the City Assessor, and to all post office addresses of property in whole or in part, situated within 300 feet of the boundaries of the properties on which the construction is to take place. Such hour limitations shall not apply to emergencies where immediate action is required. Such construction noise on Saturday and Sunday shall be between 7:00 a.m. and 6:00 p.m. on Saturday and 9:00 a.m. to 5:00 p.m. on Sunday.
- (c) *Specific prohibition.* The operation between 11:00 p.m. and 7:00 a.m. of any device for killing, trapping or repelling insects or other pests is prohibited if such device clearly produces audible sound beyond the property line of the property on which the device is located and such sound is emitted onto property zoned or used for residential or dwelling purposes, including trailer courts.

(Code 1980, § 7.02(G); Ord. No. [4999](#), § I, 6-8-2017; [Ord. No. 5113, § XVI, 10-10-2019](#) )

**Cross reference**— Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 32-135. - Loud noises prohibited.

- (a) It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing or unnecessary noise in the City such as produces

annoyance, inconvenience, discomfort, or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the safety, health, or morals of the public.

- (b) It shall be unlawful for any person to operate any mechanical device operated by gasoline, or steam, or otherwise, without having the same equipped and using thereon a muffler, in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device.
- (c) The operation or use of any automobile, motorcycle, or other vehicle, engine, or motor of whatever size, stationary or moving, when used on tracks or courses, not being public highway, between the hours of 10:30 p.m. and 8:00 a.m. on weekdays and 12:00 midnight on Sundays shall be unlawful.
- (d) As used in this section, the word "person" shall extend and be applied to the lessor or landlord of any land, building or premises, his agent, the lessee, the occupant or person in charge of such building or premises, as well as to individuals.
- (e) The landlord or lessor shall be given notice on at least two occasions of violations of this section by the tenant(s) or occupant(s) and, upon the second and subsequent violation by the tenant, occupant or group of tenants at the same dwelling unit within a one-year period, the landlord or lessor may be cited for permitting or allowing a nuisance. The landlord or lessor shall be notified of all citations issued to their tenants or occupants for noise violations and shall only be subject to a penalty if such tenant(s) or occupant(s) has been convicted of violations of this section occurring within a one-year period nor shall the landlord or lessor be subject to a penalty if the landlord or lessor shows that all reasonable means have been taken and a sincere effort made to prevent continuous noise violations by their tenants or occupants.
- (f) For the purpose of this section, a nuisance is described as allowing continuous loud noises, music or parties, which tend to disrupt the common welfare of a neighborhood or community.

(Code 1980, § 7.02(H))

Sec. 32-136. - Hospital zones of quiet.

There is hereby created and established a zone of quiet in all territory embraced within a distance of 250 feet in each direction from every hospital. It shall be unlawful for any person to make, cause or permit to be made any unnecessary noise upon the public streets, avenues or alleys within any such zone of quiet, which disturbs or tends to disturb the peace and quiet of any of the inmates of any hospital located therein.

(Code 1980, § 7.02(F))

Sec. 32-137. - Neighborhood quiet zones.

- (a) It shall be unlawful for any person to create, assist in creating, permit, continue to permit the continuance of any unreasonably loud, disturbing or unnecessary noise emanating from within residential neighborhood quiet zones, as established by the Common Council, between the hours of 10:30 p.m. and 6:00 a.m., such as produces annoyance, inconvenience, discomfort or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the safety, health or morals of the public.
- (b) As used in this section, the term "neighborhood quiet zones" means a residential area wherein not less than 51 percent of the residents 18 years of age and over or property owners in a nonbusiness zoned area unless the owners of such businesses included within such quiet zone agree to the same and have successfully petitioned the Common Council to request such status. If a portion of the area requested for a neighborhood quiet zone is zoned other than residential, such portion would qualify if such area is being used for residential purposes and the owner of such property consents to such quiet zone. In arriving at the requisite percentage, each parcel of property or tax parcel shall be counted



as one. The majority of residents 18 years of age and over occupying a parcel must sign the petition in order to constitute one parcel towards the requisite number of residents. Posting of such zones shall be in accordance with the procedures as established by the Common Council. The area shall not be less than one block in length on both sides of the street, unless otherwise approved by the Council in areas of irregular configuration. Smaller residential areas less than one block in length on both sides may be included within an existing contiguous quiet zone. A separate petition shall be filed for each block, or portion thereof. When the petition is filed with the City Clerk, it shall contain the requisite percentage of owners and/or residents and no signatures can be added or subtracted after it is filed with the City Clerk. All signatures on the petition shall be obtained within three months from the date of the first signature or such petition shall be void. The Common Council shall not grant such status to any area less than that as prescribed in this section. Such status shall remain in effect for a period of at least one year after which time utilizing the same guidelines as for the establishment of such status; it may be repealed by petition of the residents or owners subject to approval of the Common Council. Notice of public hearings to establish or repeal any residential neighborhood quiet zone shall be given to all record owners within the zone and any residents that signed any petition. A fee in the amount established by resolution shall accompany each petition. Petition forms shall be provided by the City Clerk's Office. The full fee may be waived upon approval by the Council in areas of irregular configuration, provided, however there shall be a fee of at least the amount established by resolution.

(Code 1980, § 7.02(R))

Sec. 32-138. - Unnecessary blowing of railroad whistles and horns.

- (a) *Burlington Northern mainline track.* No railroad company or any of its agents or employees shall blow or cause to be blown any whistle or horn within the limits of the City of La Crosse on the mainline track of the Burlington Northern Railroad except when necessary to prevent damage to property or injury to persons, or when visibility is impaired by weather conditions, or when required by Federal or State regulation.
- (b) *Soo Line mainline track.* No railroad company or any of its agents or employees shall blow or cause to be blown any whistle or horn within the limits of the City of La Crosse on the mainline track of the Soo Line/Canadian Pacific Railroad except when necessary to prevent damage to property or injury to persons, or when visibility is impaired by weather conditions, or when required by Federal or State regulation.
- (c) *Penalty.* Violations of this section are a Class C offense as provided in section 1-7.

(Code 1980, §§ 12.05, 12.07)

Secs. 32-139—32-159. - Reserved.

# Sparta Noise Ordinance

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## Sec. 17-521. Noise.

- (a) Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that such noises shall be capable of being so measured with such equipment. Noises capable of being so measured, for the purpose of this article, shall be those noises which cause rapid fluctuations of the needle of the sound level meter, with a variation of no more than plus or minus two (+/-2) decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
- (b) At no point on the boundary of a residence or business district shall the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown in the following table:

OCTAVE BAND MAXIMUM PERMITTED SOUND LEVEL (decibels)

<i>(Frequency, cycles per second)</i>	<i>Along Residence District Boundaries</i>	<i>Along Business District Boundaries</i>
0 to 75	72	75
75 to 150	67	70
150 to 300	59	63
300 to 600	52	57
600 to 1,200	46	52
1,200 to 2,400	40	45
2,400 to 4,800	34	40
Above 4,800	32	38

(Prior Code, § 17.18(2)(a))

# Onalaska noise ordinance

## 11.02.21. Loud and unnecessary noise prohibited.

- A. **Declaration of findings and policy.** Whereas excessive sound and vibration are a serious hazard to the public health and welfare, safety, and the quality of life; and whereas the people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the City to prevent excessive sound and vibration which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.
- B. **General prohibition of noise disturbances.** No person or persons owning, leasing or controlling the operation of any source or sources of noise shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the establishment or continuation of a condition of noise disturbance.
- C. **Measured noise disturbance.** This section shall apply to the use or occupancy of any lot or structure thereon and to the noise produced thereby, but shall not apply to the following:
1. To the intermittent or occasional use, during the daytime, of light homeowner's residential outdoor equipment or commercial service equipment provided said equipment and its use complies with other provisions of this chapter;
  2. To construction activities and the associated use of construction devices nor to the noise produced thereby, provided such activities, and such equipment and its use, comply with provisions of this chapter;
  3. To bell towers or clock towers with bells or chimes;
  4. Any vehicle of the City while engaged in necessary public business;
  5. Excavations or repairs of streets or any other public construction work by or on behalf of the City, county, or state at any hour when the public entity determines that public welfare and convenience renders it impossible to perform such work during the day;
  6. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature; and
  7. Operation of emergency equipment shall be exempt. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the City.
- D. **Noise in residential areas or affecting residential property.** No person shall create or cause to be emitted from or by any source subject to the provisions of this chapter, any noise which causes or results in a noise level, measured at any lot line of any lot located in any residential area or in residential use elsewhere in conformance with the Unified Development Code, in excess of any level of Subsection H of this section, residential zone noise standard.

- E. **Noise in commercial areas.** No person shall create or cause to be emitted from or by any source subject to the provisions of this division, any noise which causes or results in a noise level, measured at any lot line of any lot in any commercial area other than a lot in residential use in conformance with the Unified Development Code, in excess of any level of Subsection H of this section, commercial zone standard.
- F. **Noise in other zones.** No person shall create or cause to be emitted from or by any source subject to the provisions of this chapter, any noise which causes or results in a noise level, measured at any lot line of any lot in any area not zoned residential or commercial in excess of any level of Subsection H of this section, other zone standard.
- G. **Construction or repair of buildings.** The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays; provided, however, the Inspection Department shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to permit by written authorization for a period necessary within which time such work and operation may take place within the hours of 8:00 p.m. to 7:00 a.m.
- H. **Stationary noise limits.**

- 1. **Maximum permissible sound levels.**

- a. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line:

Zone:	Noise Rating (Daytime) (db)	Noise Rating (Nighttime) 10:00 p.m. to 8:00 a.m. (db)
Residential	75	65
Commercial	85	75
All Other Zones	75	65

- 2. **Methods of measuring noise.**

- a. **Equipment.** Noise measurement shall be made with a sound level meter.
- b. **Location of noise meter.** Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three feet above the ground and at least three feet away from walls, barriers, obstructions, and all other sound-reflective surfaces.

- 3. **Appeals.** The Common Council may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable

technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this chapter for existing industries.

**I. Permits for amplified sound. [Amended 4-13-2021 by Ord. No. 1704-2021; 7-12-2022 by Ord. No. 1735-2022]**

1. **Permit required.** No person, entity or organization within the City shall operate or permit operation of an amplifying device to create amplified sound in excess of the limitations or times sets forth in the stationary noise limits in Section 11.02.21H above except upon receipt of a permit for amplified sound. Applications to amplify sound between the hours of 8:00 a.m. and 10:00 p.m. shall be submitted to the City Clerk's office a minimum of 10 days prior to the date of the event and will be reviewed by the City Clerk and Chief of Police for approval. Applications to amplify sound between the hours of 10:00 p.m. and 8:00 a.m. shall be submitted to the City Clerk's office a minimum of 45 days prior to the event and shall go to the Administrative and Judiciary Committee with final approval by Common Council. Notice of a request to exceed the time limits set forth in Section 11.02.21H shall be sent by the City of Onalaska to all property owners within 250 feet upon receipt of application.
2. **Amplified sound defined.** Sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition.

manufacture, salt, derivative, mixture of preparation of the plant, its seeds or resin.

- (2) POSSESSION, DELIVERY AND USE PROHIBITED. It shall be unlawful for any person to possess, deliver, sell or use marijuana or a marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.
- (3) EXCEPTION. This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.
- (4) PENALTY. Any person who shall violate any provision of this section shall, upon conviction, be subject to a penalty as provided in §25.04 of this Code. (1740 05/31/94)

**9.05 SALE AND USE OF FIREWORKS REGULATED. (2233 08/08/2006)**

- (1) DEFINITION. The definition of “fireworks” stated in §167.10(1), Wis. Stats., is hereby adopted by reference.
- (2) SALE REGULATED. Except as provided in §167.10(2) and (4), Wis. Stats., no person shall sell, or possess with the intent to sell, fireworks.
- (3) USE REGULATED. Except as provided in §167.10(3), Wis. Stats., no person shall possess or use fireworks without a user’s permit issued pursuant to sub. (4), below.
- (4) USER’S PERMIT. As provided in §167.10(3), Wis. Stats., the Mayor may issue fireworks user’s permits or other City official designated by the Mayor. The official issuing the permit shall require a certificate of liability insurance, or other similar proof of coverage, in an amount he deems necessary. The permit shall specify the date and location for which it is valid. A copy of the permit and proof of insurance shall be filed with the City Clerk, and copies of the permit shall be given to the Fire Chief and the Chief of Police at least 2 days before the authorized use. Every permitted use shall be handled by competent operator. Every permitted use shall be of such composition and character and shall be located, discharged, or fired so as, in the opinion of the Baraboo Fire Chief, after proper site inspection, not to be hazardous to any person or property. After a permit has been granted, possession and use of fireworks for permitted

uses shall be lawful for the permitted date and location only. No permit granted hereunder shall be transferable.

- (5) USE OF CERTAIN DEVICES REGULATED. No person may use fireworks or devices listed in §167.10(1)(e) to (g) and (i) to (n), Wis. Stats., including, but not limited to, caps, toy snakes, model rocket engines, sparklers or cone fountains at a fireworks display for which a permit has been issued if the display is open to the general public.
- (6) USE OF CERTAIN DEVICES PROHIBITED ON SCHOOL GROUNDS.
  - (a) Except as provided in (4) above, no person may use or possess those fireworks or devices described in §167.10(1)(e) to (g) and (i) to (n), Wis. Stats. on any of the University of Wisconsin Center Baraboo- Sauk County Campus property owned by the City of Baraboo and Sauk County or on any property owned by the School District of Baraboo or the sidewalks, tree banks, streets or public rights-of-way immediately abutting said properties. This prohibition includes, but is not limited to, caps, toy snakes, sparklers and cone fountains.
  - (b) No parent, guardian or other person having custody or charge of a minor under the age of 14 shall permit or allow such minor to violate par. (a), above.
  - (c) Any peace officer observing any person who appears to be violating par. (a), above may confiscate such devices or fireworks.
- (7) All fireworks displays shall conform with the National Fire Protection Association Code Chapters 1123: Code for Fireworks Display, and 1126: Use of Pyrotechnics before a Proximate Audience.

**9.06 LOUD AND UNNECESSARY NOISE PROHIBITED.**

- (1) GENERALLY. No person shall make or cause to be made any unreasonably loud, disturbing, or un-necessary sounds or noises such as may tend to annoy or unreasonably disturb a person of ordinary sensibilities in or about any public street, alley, or park, or any private residential property. (2130 12/09/03)
- (2) PUBLIC ADDRESS SYSTEMS AND AMPLIFIERS. No person shall use or operate any public address system, amplifier, or device which increases the volume of voice, music, or other sounds tending to un-reasonably disturb the public peace or the quiet and peacefulness of persons in the surrounding neighbor-hoods. (2130 12/09/03)

(3) CONSTRUCTION AND MACHINERY NOISE. (2450 09/27/2016) Between the hours of 10:00 P.M. and 6:30 A.M. no person shall do construction work or operate any chain saw, lawn mower or any other loud machinery of a similar nature. This subsection shall not apply to equipment or machinery being used for snow removal purposes, for Public Works or Utilities maintenance and service projects, or for emergency removal of debris caused by accident, weather conditions or other Act of God.

(4) EXCETPTIONS.

- (a) The Baraboo Country Club is granted an exception to subsection (3) and allowed to operate lawn mowing equipment for the purpose of golf course maintenance beginning at 5:30 a.m. from May 1<sup>st</sup> until September 30<sup>th</sup> of each year. (2442 05/24/16)
- (b) A Noise Permit for an exception to this ordinance may be granted by the Police Department upon written request provided to the Police Chief or designee at least fourteen days prior to the event that will cause noise. One Noise Permit may be granted for multiple days. The Police Chief or designee shall consider granting the Noise Permit based on the following:
  - i. The location of the noise
  - ii. The purpose for the noise
  - iii. Length of time the noise will be occurring
  - iv. How many people the noise will impact
  - v. Whether the public health, safety, or welfare is harmed
  - vi. Whether the noise impact outweighs the benefit to the public.
- (c) The City of Baraboo is exempt from requiring a Noise Permit as required by subsection (b), above. (2504 10/23/18)

**9.07 LOITERING AND PANHANDLING PROHIBITED.**

(1) LOITERING OR PROWLING. No person shall loiter or prowl in a place at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section

afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) OBSTRUCTION OF HIGHWAY BY LOITERING. No person shall obstruct any street, bridge, sidewalk, or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.

(3) OBSTRUCTION OF TRAFFIC BY LOITERING. No person shall loaf or loiter in groups or crowds upon the public streets, alleys, treebanks, sidewalks, boulevards, street crossings or bridges or in any other public place within the City in such manner as to prevent, interfere with or obstruct the ordinary free use of such public sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.

(4) LOITERING IN PUBLIC PLACES. No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by the owner or person in charge or any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

(5) LOITERING IN OR ON SCHOOL PROPERTY. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander or stand in or on any school property within the City between 7:00 A.M. and 5:00 P.M. on official school days.

(6) LOITERING PROHIBITED NEAR SCHOOL PROPERTY. (1712 12/21/93)  
[Historical Note: See original Ordinance No. 1712 for preface setting forth the underlying problem that caused §9.07(6) to be created.

(a) Purpose. The purpose of this Ordinance is to insure unimpeded student and pedestrian traffic flow to and from the Baraboo Senior High, Baraboo Junior High and Gordon Wilson Grade School, and to maintain and protect the physical safety and well-being of students attending the Baraboo Senior High, Baraboo Junior High and Gordon Wilson Grade School, and pedestrians and to foster a safe and

## *DIVISION 4. CABARET LICENSES*

### **Sec. 4-133. Required.**

No person shall keep, maintain, conduct or operate any cabaret as defined in Chapter 6 without first obtaining a cabaret license. No dancing or live music of any nature shall be played or rendered at any time in any premise licensed under this article unless a dance hall license or cabaret license is held for such premises. Efficient means shall be employed to prevent the sounds of music being heard on adjoining premises or on the public streets.

(Code 1993, § 12.03(7)(a); Ord. No. 2019-05-03-D, § 2, 5-14-19)

### **Sec. 4-134. Application.**

Any person desiring a cabaret license shall present to the city clerk his application in writing giving the location of the premises to be licensed by legal description, name of the owner of the premises, name of the lessee, if any, name of the person proposing to operate the cabaret, name of the manager to be in charge of the cabaret, and description of other businesses to be conducted upon the licensed premises.

(Code 1993, § 12.03(7)(c); Ord. No. 2019-05-03-D, § 2, 5-14-19)

### **Sec. 4-135. Procedure; discretion of council.**

The application for a cabaret license shall be processed in accordance with the procedure set forth in Chapter 6. In reviewing the application for licensure, the council shall have discretion to refuse the granting of any license if such license shall be against the public interests, because of the unsuitability of the location, undesirability or unreliability of the applicant or his manager or because of the failure of such applicant or his manager to observe the provisions of this division in the prior conduct of a cabaret, dance hall, tavern or other similar place.

(Code 1993, § 12.03(7)(g); Ord. No. 2019-05-03-D, § 2, 5-14-19)

### **Sec. 4-136. Issuance of license; transferability.**

A license shall be granted to each applicant who shall be approved by a majority vote of the council and shall be issued by the city clerk and contain with particularity a description of the premises licensed and the name and address of the licensee. The licenses shall be numbered consecutively beginning with the number one in each year and such license shall be posted conspicuously in the premises licensed at all times when they shall be in use. No cabaret license shall be transferable as to location or ownership.

(Code 1993, § 12.03(7)(e); Ord. No. 2019-05-03-D, § 2, 5-14-19)



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**Sec. 4-137. Cabaret regulations.**

All licensed cabarets referenced in this chapter shall comply with the regulations as set forth in Chapter 6, failure of which may result in revocation of the cabaret license.

(Code 1993, § 12.03(7)(h); Ord. No. 2019-05-03-D, § 2, 5-14-19)

**Sec. 4-138. Violations and enforcement.**

Refusal by any person in a cabaret to comply with the reasonable efforts of the proprietor to comply with the provisions of this division shall be deemed a violation and subject to penalty hereunder, as shall refusal of any person to comply with directions of the police department, sheriff or deputy sheriff, constable or any dance inspector in efforts to enforce the provisions of this division in any cabaret.

(Code 1993, § 12.03(7)(h))

**Secs. 4-139—4-159. Reserved.**