



**INFORMATIONAL ITEM:**

Analysis of Zoning Enforcement Activities:

Complaint Volume, Reinspection Fee Analysis, Appeal Processes Associated with Zoning and Sign Code Enforcement.

**CITIZENS COMMENTS/ALDERMEN COMMENTS  
OTHER BUSINESS AS AUTHORIZED BY LAW**

**IF YOU ARE DISABLED AND IN NEED OF ASSISTANCE, PLEASE CALL 653-4050 BEFORE THIS MEETING**

**NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND  
ALTHOUGH THIS MAY CONSTITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS  
MEETING.**

PUBLIC SAFETY & WELFARE COMMITTEE  
- MINUTES -  
Monday, January 11, 2010

The regular meeting of the Public Safety & Welfare Committee was held on Monday, January 11, 2010 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 5:46 pm. The following members were present: Acting Chairman Michael J. Orth, Alderman Donald Ruef, and Kathy Carpenter. Chairman Jesse L. Downing and Stephen P. Casey were previously excused. Staff members in attendance were Kevin Risch and Nick Torciva.

*It was moved by Alderman Carpenter, seconded by Alderman Ruef, to approve the minutes of the meeting held on Monday, December 14, 2009 and the special meeting held December 21, 2009. Motion passed 3-0.*

- B-1. Proposed Ordinance to Repeal and Recreate Section 7.14 (of the Code of General Ordinances) Entitled "Bicycle, Tricycle, Unicycle, Skateboard, Scooter and Roller Skate Regulations".

*(Deferred from the meeting held December 14, 2009)*

Staff/Alderman: Alderman Orth asked to have this deferred, the makers of the ordinance change will be meeting with Police Chief Morrissey on January 12, 2010.

*It was moved by Alderman Carpenter, seconded by Alderman Ruef, to defer for two weeks. Motion passed 3-0.*

*It was moved by Alderman Carpenter, seconded by Alderman Ruef, to approve items C-1 through C-9 after being read. Motion passed 3-0.*

- C-1. Application request for On Street Handicapped Parking in front of 4131 24<sup>th</sup> Avenue (1 space).
- C-2. Aldermanic Request for a Trial to Place No Parking Symbols on the South Side of 35<sup>th</sup> Street from 7<sup>th</sup> Avenue west to Sheridan Road.
- C-3. Previous Trial for Yield Control for 78<sup>th</sup> Street (EB) at 3<sup>rd</sup> Avenue.
- C-4. Previous Trial for the Placement of No Parking North side of 65<sup>th</sup> Street from 12<sup>th</sup> Avenue to 13<sup>th</sup> Avenue.
- C-5. Previous Trial for the removal of Yield Control and replace with Stop Control for 18<sup>th</sup> Avenue (NB/SB) at 48<sup>th</sup> Street.
- C-6. Previous Trial for Yield Control for 62<sup>nd</sup> Street and 114<sup>th</sup> Avenue; and 60<sup>th</sup> Place and 115<sup>th</sup> Avenue.
- C-7. Previous Trial for the removal of Yield Control and replace with Stop Control for 25<sup>th</sup> Court at 25<sup>th</sup> Avenue.
- C-8. Previous Trial for the placement of No Parking on the North Side of 24<sup>th</sup> Street beginning 50 feet west of 34<sup>th</sup> Court and extending 100 feet.

- C-9. Previous Trial for Yield and Stop Control Signs for various locations.
- C-10. Proposed Ordinance to Repeal and Recreate Section 9.18 E.1.a regarding Swimming Pool Requirements; to Repeal and Recreate Section 9.20 A. regarding Certification for Persons Performing Electrical Work; to Repeal Section 9.20 B.; to Renumber Section 9.20 C.; D.; E.; F. and G. as Sections 9.20 B.; C.; D.; and F; to Repeal and Recreate Section 9.21 A. regarding HVAC Qualifications; to Create Section G. regarding Prohibited Installations of Exterior Incinerators or Boilers.
- Public Hearing: Rollin Pizzala, 5303 43<sup>rd</sup> Ave, would like to have the electrical work separated out. He was against the electrical changes.
- Staff/Alderman: Nick explained that they were now including these portable plastic swimming pools. That a certified Electrician can only pull a permit. HVAC changes are to be the same as the state. Alderman Carpenter asked about putting in a dish washer. Nick inform that if there is no wiring there for one than a certified Electrician would have to get the permit and do the work. Nick said that the ordinance change does not change who can get the permit. Alderman Ruef asked if a home owner could take a test and if they pass they can get the permit and do the work. Nick informed that taking a test is no longer an option. Alderman Orth asked how the HVAC change will affect a HVAC Company. Nick told him that there would be no change.
- It was moved by Alderman Carpenter, seconded by Alderman Ruef, to approve. Motion passed 3-0.*

*ADJOURNMENT - There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:10 pm.*

**REDLINE VERSION**

ORDINANCE NO. \_\_\_\_\_

BY: ALDERPERSON MICHAEL J. ORTH  
ALDERPERSON DON MOLDENHAUER

**TO REPEAL AND RECREATE SECTION 7.14 OF THE  
CODE OF GENERAL ORDINANCES, ENTITLED  
BICYCLE, TRICYCLE, UNICYCLE, SKATEBOARD,  
SCOOTER AND ROLLER SKATE REGULATIONS"**

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

**Section One:** Section 7.14 of the Code of General Ordinances for

the City of Kenosha, Wisconsin, is repealed and recreated as follows:

**7.14 BICYCLE, TRICYCLE, UNICYCLE, SKATEBOARD, SCOOTER AND ROLLER SKATE REGULATIONS**

**A. ~~1.~~ Definitions.** "Bicycle" shall mean every device propelled by the feet acting upon pedals and having two (2) wheels which are not less than fourteen (14) inches in diameter. The term shall also include adult tricycles.

**B. ~~2.~~ Wisconsin Statutes.** Chapter 346, Wisconsin Statutes, as it applies to bicycles, as it now exists and as it may be amended in the future, is incorporated herein by reference.

**C. ~~3.~~ Required Equipment.**

**1. ~~a.~~** No person may operate a bicycle upon any City street, alley, highway or public thoroughfare during the hours of darkness unless such bicycle is equipped with or the operator is wearing a lamp emitting a white light visible from a distance of at least five hundred (500) feet to the front of the bicycle. Such bicycle shall also be equipped with a red reflector or light that has a diameter of at least two (2) inches of surface area mounted and maintained so as to be visible to the rear thereof.

**2. ~~b.~~** No person may operate a bicycle upon a City street, alley, highway or public thoroughfare unless all braking equipment with which the bicycle was originally provided is in good working order. No person may operate a bicycle equipped with a coaster brake unless such brake will enable the operator to make the rear wheel skid on dry, level, clean pavement.

**3. ~~c.~~** No person may operate a bicycle upon a City street, alley, highway or public thoroughfare that is equipped with a siren, except in connection with a parade. The term "**parade**" shall mean a procession of an organized group of persons for the purpose of celebrating or promoting some event, belief or cause and having the permission of the City of Kenosha to use a street, alley, highway or public thoroughfare for such purpose. The term "**siren**" shall mean any instrument which is used for producing sound by means of air being forced over or through any mechanical device. The term "siren" shall include whistles.

**D. 4. Rules of Operation.** ~~No person shall operate a~~ **The following rules shall apply to the operation of bicycles in the City on any on all City streets, alleys, highways, or public thoroughfares or bicycle lanes:**

**1. No person operating a bicycle shall remove both hands from the handlebars, or feet from the pedals, or practice any acrobatic or fancy riding.** ~~a. Without both hands on the handlebars, except when signaling for a turn or stop, and both feet on the pedals, unless the operator is disabled and has written permission to do so from their treating physician, and files said permission with the Police Department.~~

**2. b. No person operating a bicycle shall ride at** ~~At~~ an unreasonable or imprudent rate of speed ~~under all of the circumstances~~ under the conditions and having regard for the actual and potential hazards then existing. The speed of the bicycle shall be so controlled as may be necessary to avoid colliding with any object, person, bicycle, vehicle or other conveyance on or entering the street, alley, highway, public thoroughfare or bicycle lane in compliance with legal requirements and using due care.

**3. No person operating a bicycle shall ride other than upon or astride a permanent and regular seat attached to the bicycle.**

**4. No person operating or riding upon a bicycle shall attach himself/herself or his/her bicycle to any vehicle upon a roadway.**

**5. ~~c.~~ No person operating a bicycle shall ride** with more people thereon than the bicycle was designed and constructed to carry.

**6. ~~d.~~ No person operating a bicycle shall ride** with a trailer or object in tow which was not designed and constructed for use with a bicycle, or with an appropriate trailer or object in tow which is in a state of disrepair, unsafely attached or overloaded.

**7. e. No person operating a bicycle shall ride** with any person in tow in any manner, subject to an affirmative defense that all of the following exist:

**a. (1)** The person or persons being towed are secured within a commercially available trailer subject to Section **7.14 D.6. 7.14 4.d.**;

**b. (2)** The trailer is designed for use as a carrier of persons;

**c. (3)** The trailer is being used in accordance with the manufacturer's specifications; and,

**d. (4)** The trailer is equipped with a red reflector that has a diameter of at least two (2") inches of surface area or is a strip of reflective tape that has at least two (2) square inches of surface area, on the rear of the trailer so mounted and maintained as to be visible from all distances from fifty (50') feet to five hundred (500') feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle.

**8. f. No person operating an adult tricycle shall do so** without a "slow vehicle" sign, ~~if an adult tricycle.~~

**E. 5. Child Carriers.** The operator of a bicycle may attach and utilize no more than one (1) child carrier, as herein defined, to a bicycle, for each set of handlebars, for the purpose of carrying a child, provided that:

**1. a.** The operator is fourteen (14) year of age or older.

**2. b.** The child using the carrier is under the age of six (6) years.

**3. c.** The child carrier is securely fastened to the bicycle and located behind the front handlebar.

The use of a child carrier contrary hereto is prohibited. The term "**child carrier**" shall mean a seat manufactured and designed expressly to be attached to a bicycle and equipped with a belt to restrain a child in the seat, two (2) arm rests, a back rest, foot rest and spoke protection and is for use by children under the age of six (6) years.

**F. Operating Two (2) or More Abreast.** The operation of bicycles two (2) or more abreast is prohibited on any street, alley, highway or public thoroughfare where motor vehicle traffic is permitted, except:

1. Within a single lane of a street or highway on which traffic travels in the same direction on two (2) or more lanes.
2. On any path, trail, lane, or other way set aside for the exclusive use of bicycles.
3. In the course of permitted bicycling events, including bicycle tours and races.

**G. 6-Prohibited Places of Operation.**

1. ~~a~~ **Bicycles.** No person shall operate a bicycle within the City in any of the following areas:
  - a. ~~(1)~~ Pedestrian paths located in public parks specifically marked/designated  "No Bicycles".
  - b. ~~(2)~~ Upon any private property without the express or implied permission of the owner or possessor thereof.
  - c. ~~(3)~~ Upon any property, public or private, which is posted to the effect of "No Trespassing" or "No Bicycles".
  - d. ~~(4)~~ Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
2. ~~b~~ **Skateboards, Scooters and Roller Skates.** No person shall ride or operate a skateboard, scooter or roller skates (~~including in-line skates~~) within the City in any of the following areas:
  - a. ~~(1)~~ On any portion of any street, alley, highway or public thoroughfare intended for the use of motor vehicles.
  - b. ~~(2)~~ Upon any private property without the express or implied permission of the owner or possessor thereof.
  - c. ~~(3)~~ Upon any property, private or public, which is posted  "No Trespassing" or  "No Skateboards/Skating".

**H. 7-Parking.** The operator of a bicycle shall not park or leave a bicycle unattended in the following places and manners:

1. ~~a~~ On any portion of any street, alley, highway or public thoroughfare intended for the operation of motor vehicles.
2. ~~b~~ Against windows or in doorways of buildings.
3. ~~c~~ Upon a public sidewalk, unless standing erect and not obstructing pedestrian traffic.
4. ~~d~~ Upon the portion of any parking lot held open to the public for use by motor vehicles.
5. ~~e~~ Upon any private property without the express or implied permission of the owner or possessor.
6. ~~f~~ Upon any private property which is posted to the effect of "No Trespassing" or "No Bicycles".

**I. 8- Rental Bicycles/Identification Cards.** Every person, party, firm or corporation which rents bicycles for use by others, shall permanently affix to each bicycle rented a tag or label stating name and address of place of rental and shall furnish to the renter an identification card which shall contain the following information:

1. ~~a~~ Identity, address and telephone number of owner of the bicycle.
2. ~~b~~ Serial number of the rented bicycle.
3. ~~c~~ Color, make and description of the bicycle.

**J. 9- Destruction of Identification.** No person shall intentionally remove, destroy, mutilate or alter the serial number on any bicycle frame or remove, destroy, mutilate or alter any valid identification or registration tag or label. Nothing herein shall prohibit the stamping or placing of numbers on bicycles for purposes of identification where such numbers are not placed over or within two (2) inches of any serial number or registration tag or label.

**K. 10- Unicycles.** No person shall operate or ride any device having only one (1) wheel,

irrespective of the size thereof, on any City street, alley, highway, public thoroughfare or on any sidewalk in a Business or Industrially Zoned District, except with the permission of the Police Chief, which may be granted only for parades and special events and which may be subject to a test of operating skills.

**L. ~~11.~~ Conflict of Laws.** If there should arise any conflict between the provisions of §7.14 and §7.01 of the Code of General Ordinances, §7.01 shall be controlling.

**M. ~~12.~~ Severability.** If any part of this Ordinance shall be held invalid or unconstitutional, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

**Section Two:** This Ordinance shall become effective upon passage and publication.

ATTEST: \_\_\_\_\_ City Clerk  
\_\_\_\_\_

APPROVED: \_\_\_\_\_ Mayor      Date: \_\_\_\_\_  
\_\_\_\_\_

Passed:

Published:

Drafted By:  
WILLIAM K. RICHARDSON,  
Assistant City Attorney

ORDINANCE NO. \_\_\_\_\_

BY: ALDERPERSON MICHAEL J. ORTH  
ALDERPERSON DON MOLDENHAUER

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a. The person or persons being towed are secured within a commercially available trailer subject to Section 7.14 D.6.;

b. The trailer is designed for use as a carrier of persons;

c. The trailer is being used in accordance with the manufacturer's specifications; and,

d. The trailer is equipped with a red reflector that has a diameter of at least two (2") inches of surface area or is a strip of reflective tape that has at least two (2) square inches of surface area, on the rear of the trailer so mounted and maintained as to be visible from all distances from fifty (50') feet to five hundred (500') feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle.

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2. The child using the carrier is under the age of six (6) years.

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2. On any path, trail, lane, or other way set aside for the exclusive use of bicycles.

3. In the course of permitted bicycling events, including bicycle tours and races.

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b. Upon any private property without the express or implied permission of the owner or possessor thereof.

c. Upon any property, public or private, which is posted to the effect of "No Trespassing" or "No Bicycles".

d. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

2. **Skateboards, Scooters and Roller Skates.** No person shall ride or operate a skateboard, scooter or roller skates within the City in any of the following areas:

a. On any portion of any street, alley, highway or public thoroughfare intended for the use of motor vehicles, except in the crosswalk as defined by Wisconsin Statutes.

b. Upon any private property without the express or implied permission of the owner or possessor thereof.

c. Upon any property, private or public, which is posted  "No Trespassing" or  "No Skateboards/Skating".

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1. On any portion of any street, alley, highway or public thoroughfare intended for the operation of motor vehicles.

2. Against windows or in doorways of buildings.

3. Upon a public sidewalk, unless standing erect and not obstructing pedestrian traffic.

4. Upon the portion of any parking lot held open to the public for use by motor vehicles.

5. Upon any private property without the express or implied permission of the owner or possessor.

6. Upon any private property which is posted to the effect of "No Trespassing" or "No Bicycles".

**I. Rental Bicycles/Identification Cards.** Every person, party, firm or corporation which rents bicycles for use by others, shall permanently affix to each bicycle rented a tag or label stating name and address of place of rental and shall furnish to the renter an identification card which shall contain the following information:

1. Identity, address and telephone number of owner of the bicycle.

2. Serial number of the rented bicycle.

3. Color, make and description of the bicycle.

**J. Destruction of Identification.** No person shall intentionally remove, destroy, mutilate or alter the serial number on any bicycle frame or remove, destroy, mutilate or alter any valid identification or registration tag or label. Nothing herein shall prohibit the stamping or placing of numbers on bicycles for purposes of identification where such numbers are not placed over or within two (2) inches of any serial number or registration tag or label.

**K. Unicycles.** No person shall operate or ride any device having only one (1) wheel, irrespective of the size thereof, on any City street, alley, highway, public thoroughfare or on any sidewalk in a Business or Industrially Zoned District, except with the permission of the Police Chief, which may be granted only for parades and special events and which may be subject to a test of operating skills.

**L. Conflict of Laws.** If there should arise any conflict between the provisions of §7.14 and §7.01 of the Code of General Ordinances, §7.01 shall be controlling.

**M. Severability.** If any part of this Ordinance shall be held invalid or unconstitutional, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

**Section Two:** This Ordinance shall become effective upon passage and publication.

ATTEST: \_\_\_\_\_ City Clerk

\_\_\_\_\_

APPROVED: \_\_\_\_\_ Mayor

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

Passed: \_\_\_\_\_

Published:

Drafted By:

WILLIAM K. RICHARDSON,  
Assistant City Attorney



**Engineering Division**  
Michael M. Lemens, P.E.  
Director/City Engineer  
**Fleet Maintenance**  
Mauro Lenci  
Superintendent  
**Administrative Supervisor**  
Janice D. Schroeder

**Street Division**  
John H. Prijic  
Superintendent  
**Waste Division**  
Rocky Bednar  
Superintendent

C-1

## DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

Municipal Building · 625 52<sup>nd</sup> ST · RM 305 · Kenosha, WI 53140  
Telephone (262) 653-4050 · Fax (262) 653-4056

Date: January 21, 2010

To: Public Safety and Welfare Committee

From: Kevin Risch, Deputy Director of Engineering *KKR 1-21-10*

Subject: Aldermanic Request for a Trial for the Placement of Stop Signs on 48<sup>th</sup> Street at 38<sup>th</sup> Avenue.  
(District 10)

Alderman Kennedy is requesting Stop control at the above intersection due to concerns being continually raised by his constituents. At present, there is no intersection control at this "T" intersection. Staff has determined that there is no accident history at this intersection to warrant stop control. However, due to sight restrictions that exist in the northeast quadrant, a stop control will make the intersection safer for the southbound vehicles.

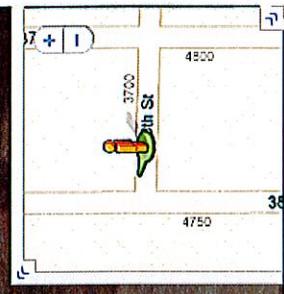
Staff recommends approval of a trial Stop Control on 48<sup>th</sup> Street at 38<sup>th</sup> Avenue.

KKR:kkkr

cc: Alderman Kennedy – w/a  
Ronald L. Bursek, Director of Public Works– w/a  
Michael M. Lemens, Director of Engineering/City Engineer – w/a  
File – w/a



3764 48th St, Kenosha, WI, United States  
Address is approximate





**Engineering Division**  
Michael M. Lemens, P.E.  
Director/City Engineer  
**Fleet Maintenance**  
Mauro Lenci  
Superintendent  
**Administrative Supervisor**  
Janice D. Schroeder

**Street Division**  
John H. Prijic  
Superintendent  
**Waste Division**  
Rocky Bednar  
Superintendent

C-2

## DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

Municipal Building · 625 52<sup>nd</sup> ST · RM 305 · Kenosha, WI 53140  
Telephone (262) 653-4050 · Fax (262) 653-4056

Date: January 21, 2010  
To: Public Safety and Welfare Committee  
From: Kevin Risch, Deputy Director of Engineering KKR 1-21-10  
Subject: Aldermanic Request for a Trial for the Placement of Stop Signs on 28<sup>th</sup> Avenue at 40<sup>th</sup> Street.  
(District 10)

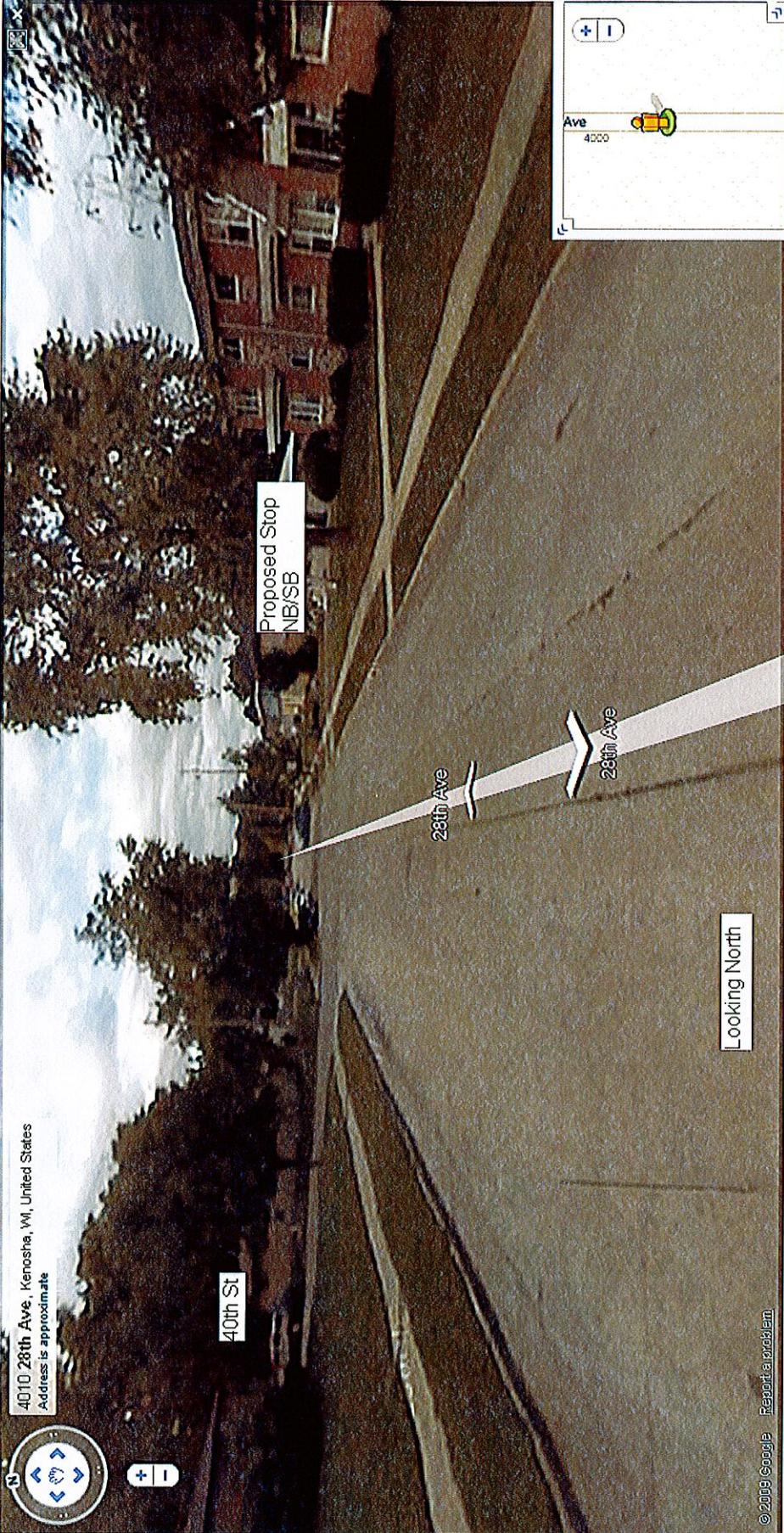
Alderman Kennedy is requesting Stop control at the above intersection due to concerns being continually raised by his constituents. The request is to place a NB/SB stop on the through street due to speeding traffic. At present, there is no intersection control at this "T" intersection.

Staff has determined that there is no accident history in the last 3 years at this intersection to warrant stop control. Additionally, there is adequate site distance for the intersecting street. City's Policy is to not provide intersection control on the through street at "T" intersections due to safety concerns. Since there is no intersecting street to the east, motorists are not expecting to stop and that is where side impact type accidents can occur.

Although staff recognizes the concerns raised by Alderman Kennedy, we do not recommend approval of this request for reasons stated above.

KKR:kkkr

cc: Alderman Kennedy – w/a  
Ronald L. Bursek, Director of Public Works – w/a  
Michael M. Lemens, Director of Engineering/City Engineer – w/a  
File – w/a



4010 28th Ave, Kenosha, WI, United States  
Address is approximate

40th St

Proposed Stop  
NB/SB

28th Ave

28th Ave

Looking North



ENGINEERING DIVISION  
MICHAEL M. LEMENS, P.E.  
DIRECTOR/CITY ENGINEER

C-3  
STREET DIVISION  
JOHN H. PRIJIC  
SUPERINTENDENT

FLEET MAINTENANCE  
MAURO LENCI  
SUPERINTENDENT

WASTE DIVISION  
ROCKY BEDNAR  
SUPERINTENDENT

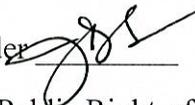
PARK DIVISION  
JEFF WARNOCK  
SUPERINTENDENT

ADMINISTRATION SUPERVISOR  
JANICE D. SCHROEDER

DEPARTMENT OF PUBLIC WORKS  
RONALD L. BURSEK, P.E., DIRECTOR

MUNICIPAL BUILDING · 625 - 52ND ST · RM 305 · KENOSHA, WI 53140  
TELEPHONE (262) 653-4050 · FAX (262) 653-4056

TO: Jesse Downing, Chairman  
Public Safety & Welfare Committee

FROM: Janice D. Schroeder 

SUBJ: Encroachment in Public Right-of-Way

DATE: 1/25/2010

The owners of the Retrospect Salon, 4418 21<sup>st</sup> Avenue, have requested the installation of awnings on their salon which encroach in the public right-of-way. They have submitted a completed application form and proof of insurance coverage, which is required by Chapter 5 of the Code of General Ordinances. The information provided by the owners of the Retrospect Salon meets the requirements of Chapter 5 of the City of Kenosha Code of General Ordinances.

**RECOMMENDATION**

Staff recommends the approval of the installation of the awnings.

City of Kenosha Ordinance No. 5.045  
APPLICATION FORM AND INDEMNITY & HOLD HARMLESS AGREEMENT  
Banners, Signs, Decorations & Obstructions in Public Right-of-Ways

1. Name of Applicant: Retrospect Salon - Megan Gwinnup, Co-Owner
2. Address of Applicant: 4418 21st Ave
3. Is Applicant a  partnership  individual  corporation  group of individuals  religious organization  fraternal organization (check one).
4. Contact Person (Name, Title, Address, Phone Number): Megan Gwinnup, CO-Owner, 4418 21st Ave 262-914-5057
5. Is banner, sign, decoration or obstruction  permanent or  temporary in nature?
6. Will banner, sign, decoration or obstruction be lighted?  NO  YES If yes, attach electrical plans and specifications
7. Location: East face front over windows & door
8. Size: See attached shop drawing
9. Construction (type of materials): See attached shop drawing
10. Height above public right-of-way: See attached shop drawing
11. Is banner, sign, decoration or obstruction to be placed on property of another which infringes on a public right-of-way? NO
12. If banner, sign, decoration or obstruction is to be placed on property of another, such as on a railroad bridge or private walkway connecting two building, etc., signed permission from the property owner must be attached hereto.
13. When will banner, sign, decoration or obstruction be put up? ASAP Taken down? If needed
14. Attach a picture, diagram or sketch of banner, sign, decoration or obstruction on map to scale.
- 15. Attach Certificate of General Liability Insurance with *Contractual Liability Endorsement*, showing insurance coverage in force and effect. (\$1,000,000 single limits policy).
16. Does the applicant understand that in the event of an unfavorable decision by the Department of Public Works, the applicant may appeal said denial to the Committee on Public Safety and Welfare? (See City of Kenosha Ordinance No. 5.045 for details)  
 Yes  No

INDEMNITY AND HOLD HARMLESS AGREEMENT

Applicant, in consideration of having the City of Kenosha, Wisconsin grant this application, herein and hereby agrees to indemnify and hold harmless the City of Kenosha, WI and its officers, employees and agents against any and all losses, claims, damages, costs, expenses, judgments, awards, attorney fees, or settlements which they may incur, sustain or be required to pay should any person or party suffer or sustain death, personal injury or property damage as a result of the putting up, taking down, maintaining or utilizing of any banner, sign, decoration or obstruction which is the subject of this agreement.

Dated at Kenosha, WI this 15 day of January, 2010  
Margaret Swiree Signature of Applicant  
CO-Owner Title

CONDITIONS OF APPROVAL

The Department of Public Works may impose reasonable permit conditions. The following guidelines shall be used to determine conditions of approval with respect to obstructions in any public right-of-way relative to restaurants, service of food and/or beverages, and outdoor displays or sales tables or racks where otherwise permitted:

1. Placement of obstructions shall be limited to areas where the sidewalk width is twelve (12) feet wide from face of curb to building line.
2. The obstruction shall be no closer than two (2) feet to the face of the curb.
3. The obstruction shall occupy no more than five (5) of the area between the curb and building line.
4. Non-permanent obstructions will be only permitted from May 1 through November 1.
5. Portable obstructions shall be adequately secured and anchored so as to prevent them from tipping over from the wind. Table umbrellas shall be secured with a heavy ballast holder.
6. Obstructions greater than three and one-half (3.5) feet in height shall be at least fifteen (15) feet from a corner sidewalk.
7. Obstructions cannot extend beyond the limits of the applicant's property's street frontage.
8. Aisle ways to building doors will be unobstructed so as to ensure a safe fire exit.
9. In accordance with Chapter 32, Rule 06-25 of the Code of General Ordinances, no structure, tree, pole, post, sign or any other obstruction shall be placed, located or maintained within a five (5) foot radius of any fire hydrant connected to the Water Utility water supply system.





Retrospect Salon

4418-21<sup>st</sup> Avenue  
Kenosha, WI 53140  
Telephone: 262-657-4323

January 15, 2010

Gina Anderson  
Dana Eland  
Erin Gename  
Megan Gwinnup

Ronald L. Bursek, P.E.  
Director of Public Works  
City of Kenosha  
625-52<sup>nd</sup> Street  
Kenosha, WI 53140

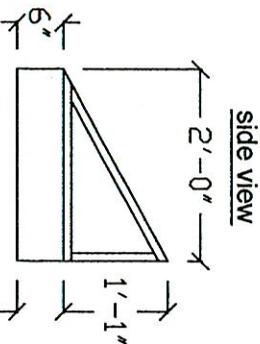
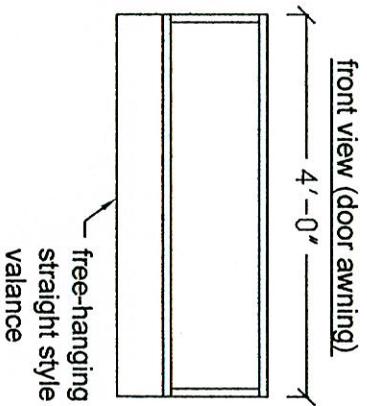
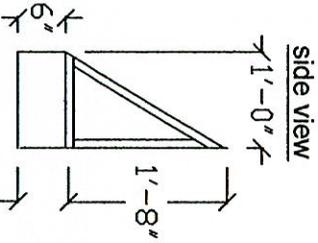
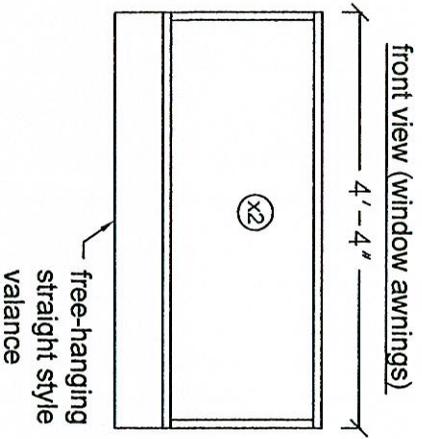
Dear Mr. Bursek,

We have recently opened our own business, Retrospect Salon located at 4418-21<sup>st</sup> Avenue. We are first time business owners and would like to modernize our store front and add to our curb appeal by hanging awnings above our windows. This addition to our building will help our business stand out in our residential neighborhood. As young female entrepreneurs we are very excited about our building having its finishing touches. Please accept this completed application for awning permit.

Thank you,

Gina Anderson  
Dana Eland  
Erin Gename  
Megan Gwinnup

- 3 Traditional style lift awnings manufactured complete and installed on the storefront. Frames made of  $\frac{1}{2}$ " steel rod. Awnings mounted to wall with #14 lag screws. Using Sunbrella material #4775, ginza java. Excluding any lettering or signage.



By signing this drawing you are agreeing with the proportionate shape and sizes indicated, fabric color and pattern, and proportionate graphics for the awning you have contracted to purchase from E.A.C.. This image belongs to E.A.C. and cannot be reproduced or used for alternate purposes.

Sign as approved for manufacturing \_\_\_\_\_

Date \_\_\_\_\_

**Job: Retrospect Salon**  
4418 21st. Ave.  
Kenosha, Wis. 53143  
**Contact: Keevin Schler (owner)**  
Scale:  $\frac{1}{2}$ " = 1'-0"  
Date: 10 - 22 - 2009



2801 Central St. Evanston, IL 60201  
847-864-4520

RetroSpect Salon



Megan, Dana, Gina, & Erin  
4418 21st Ave.  
Kenosha, WI



This image belongs to Evanston Awning Co. and is intended to represent awning design, placement, fabric color and signage. Changes can be made to any feature prior to production. Please indicate your approval of this image with your signature and return to our office.

Signature \_\_\_\_\_

Date \_\_\_/\_\_\_/20\_\_\_

Friday, November 13, 2009  
Evanston Awning Co.

Salesperson: Aaron Hunzinger  
Evanston Awning Co.  
2801 Central St.  
Evanston, IL 60201  
Phone: 847-864-4520  
Fax: 847-864-5886  
E-Mail: [awnings@evanstonawning.com](mailto:awnings@evanstonawning.com)



DEPARTMENT OF  
NEIGHBORHOOD SERVICES  
AND  
INSPECTIONS

JAMES M. SCHULTZ  
Director

Building Inspection • Property Maintenance • Zoning Enforcement

TO: Jesse L. Downing, Chairman and  
Members of the Public Safety and Welfare Committee

FROM: Paula A. Blise, Zoning Coordinator   
Department of Neighborhood Services and Inspections

SUBJECT: Analysis of Zoning Enforcement Activities: Complaint Volume, Reinspection Fee  
Analysis, Appeal Processes Associated with Zoning and Sign Code Enforcement

DATE: January 15, 2010

Sign ordinance and enforcement procedures were discussed at length at the March 23, 2009, Public Safety and Welfare Committee Meeting. It was determined that the existing sign ordinance be proactively and aggressively enforced to ensure that permits are obtained for all exterior signs; i.e., wall banners, and that illegal signs be removed in a timely manner.

Based on this discussion, sign enforcement was placed at the forefront of other zoning activities resulting in an increase in sign permit activity, enforcement action, and the assessment of reinspection fees. In 2009, thirty (30+/-) sign permits were obtained for wall banners resulting in the collection of an additional \$2,250 (+/-) in sign permit fees. Prior to this initiative, enforcement efforts to obtain permits for wall banners was virtually nonexistent. Noncompliance with orders issued to remove illegal signs resulted in an increase of reinspection fees from \$3,660 in 2008, to \$14,520 in 2009.

As discussed at the March 23, 2009, Public Safety and Welfare Committee Meeting, the aforementioned stepped-up enforcement efforts and sign code restrictions shall be analyzed and revisited by the Committee to evaluate public reaction, benefit, and/or liability to the community, and practicality of the current sign code.

As requested, a three-year analysis of the following information has been compiled and is attached for your review:

- Reinspection fee analysis associated with Sign Code and Zoning Enforcement Activities (Page 1)
- Reinspection fee report associated with unpaid special assessments and its correlation to property taxes (Page 2)
- Results of enforcement action taken in the collection of delinquent property taxes, and the approval of Certificate of Occupancy permits (Page 2)
- Sign code and zoning ordinance appeal process information: Disposition of appeals granted and/or denied from 2007 through 2009 (Pages 3 & 4)
- Section 15.17 (Appeals and Special Exceptions) - Code of General Ordinance standards associated with appeals to the Sign Ordinance (Page 5)
- Sections 9.01 & 9.04 (Zoning Board of Appeals) - Zoning Ordinance standards associated with appeals to the Zoning Ordinance (Page 6)
- Appeal Form - Reinspection fees utilized to appeal to the Director of Neighborhood Services & Inspections (Page 7)

PAB:kah  
Attachment

NSI ZONING DIVISION  
REINSPECTION FEE ANALYSIS ASSOCIATED WITH SIGN CODE AND ZONING ENFORCEMENT ACTIVITIES

| 2007 VIOLATIONS        | NEW CASES  | # OF REIN. FEES | REINSPECTION FEE \$\$ LEVIED | REIN. FEES PAID            | REIN. FEES TO TAX ROLL      | # OF TAX ROLL CASES @ \$100 ADMIN. FEES PER CASE | REIN. FEES VOIDED*      | REIN. FEES UNPAID (OPEN STATUS)* |
|------------------------|------------|-----------------|------------------------------|----------------------------|-----------------------------|--|-------------------------|----------------------------------|
| SIGN CODE              | 109        | 30              | \$3,630.00                   | \$1,650.00 <sup>(15)</sup> | \$990.00 <sup>(15)</sup>    |  |                         |                                  |
| FENCE / MISC.          | 288        | 9               | \$750.00                     | \$390.00 <sup>(9)</sup>    | \$300.00 <sup>(9)</sup>     |  |                         |                                  |
| ILLEGAL OCCUPANCY      | 92         | 95              | \$16,410.00                  | \$4,050.00 <sup>(95)</sup> | \$10,290.00 <sup>(95)</sup> |  | \$180.00 <sup>(1)</sup> | \$1,890.00                       |
| <b>TOTAL</b>           | <b>489</b> | <b>134</b>      | <b>\$20,790.00</b>           | <b>\$6,090.00</b>          | <b>\$11,580</b>             | <b>(66) \$6,600</b>                              |                         | <b>\$1,890 (OPEN)</b>            |
| <b>2008 VIOLATIONS</b> |            |                 |                              |                            |                             |  |                         |                                  |
| SIGN CODE              | 82         | 41              | \$3,660.00                   | \$1,170.00 <sup>(15)</sup> | \$2,490.00 <sup>(26)</sup>  |  |                         |                                  |
| FENCE / MISC.          | 227        | 3               | \$180.00                     | \$60.00 <sup>(1)</sup>     | \$120.00 <sup>(2)</sup>     |  |                         |                                  |
| ILLEGAL OCCUPANCY      | 50         | 34              | \$5,820.00                   | \$2,370 <sup>(19)</sup>    | \$3,450.00 <sup>(15)</sup>  |  |                         |                                  |
| <b>TOTAL</b>           | <b>359</b> | <b>78</b>       | <b>\$9,660.00</b>            | <b>\$3,600.00</b>          | <b>\$6,060.00</b>           | <b>(25) \$2,500</b>                              | <b>-0-</b>              | <b>-0-</b>                       |
| <b>2009 VIOLATIONS</b> |            |                 |                              |                            |                             |  |                         |                                  |
| SIGN CODE              | 86         | 103             | \$14,520.00                  | \$3,360.00 <sup>(35)</sup> | \$3,720.00 <sup>(27)</sup>  |  | \$630.00 <sup>(6)</sup> | \$6,810.00 <sup>(35)</sup>       |
| FENCE / MISC.          | 366        | 9               | \$1,020.00                   | \$300.00 <sup>(3)</sup>    | -0-                         |  | \$90.00 <sup>(1)</sup>  | \$630.00 <sup>(3)</sup>          |
| ILLEGAL OCCUPANCY      | 92         | 28              | \$4,920.00                   | \$600.00 <sup>(7)</sup>    | \$1,710.00 <sup>(9)</sup>   |  | -0-                     | \$2,610.00 <sup>(13)</sup>       |
| <b>TOTAL</b>           | <b>544</b> | <b>140</b>      | <b>\$20,460.00</b>           | <b>\$4,260.00</b>          | <b>\$5,430.00</b>           | <b>(34) \$3,400</b>                              |                         | <b>\$10,050 (OPEN)</b>           |

**REINSPECTION FEE REPORT ASSOCIATED WITH UNPAID SPECIAL ASSESSMENTS  
AND ITS CORRELATION TO PROPERTY TAXES**

The following table represents properties with outstanding special assessments, resulting from delinquent re-inspection fees. The purpose of this study was to ascertain the correlation between unpaid re-inspection fees and unpaid property taxes. Based on the following breakdown, it is evident that property owners in delinquent real estate tax status, are also delinquent paying re-inspection fees. However, property owners current in the payment of real estate taxes do reimburse the City of Kenosha for outstanding re-inspection fees.

| LOCATION            | OUTSTANDING S.A. FEES & DELINQUENT PROPERTY TAXES | ZONING S.A. FEE BREAKDOWN | VIOLATION          |
|---------------------|---|---------------------------|--------------------|
| 3122 14TH AV        | 2007 - 2008 (\$109,854.88)                        | \$930.00 (issued 2007)    | ILLEGAL OCCUPANCY  |
| 2400 ROOSEVELT RD   | 2006-2008 (\$15,961.87)                           | \$2,930.00 (issued 2007)  | ILLEGAL OCCUPANCY  |
| 8867 SHERIDAN RD    | 2007-2008 (\$24,528.78)                           | \$1,090.00 (issued 2007)  | ILLEGAL OCCUPANCY  |
| 704 75TH STREET     | 2008 (\$11,663.31)                                | \$2,490 (issued 2008)     | ILLEGAL SIGNS      |
| 4900 7TH AVENUE     | 2008 (\$3,620.13)                                 | \$60.00 (issued 2008)     | ILLEGAL OCCUPANCY  |
| 6021 56TH AVENUE    | 2008 (\$1,146.38)                                 | \$150 (issued 2008)       | ILLEGAL OCCUPANCY  |
| 8004 22ND AVENUE    | 2006 - 2008 (\$24,495.66)                         | \$1,020 (issued 2008)     | ILLEGAL OCC./SIGNS |
| 6736 30TH AVENUE    | 2006 - 2008 (\$15,332.81)                         | \$690 (issued 2008)       | ILLEGAL SIGNS      |
| 2901 60TH STREET    | 2008 (\$4,214.28)                                 | \$330 ((issued 2008)      | ILLEGAL SIGNS      |
| 2900 75TH STREET    | 2008 (\$143.67)                                   | \$150 (issued 2008)       | ILLEGAL SIGNS      |
| 2304 18TH STREEET   | 2008 (\$33,441.53)                                | \$1560 (issued 2008/09)   | ILLEGAL SIGNS      |
| 3705 52ND STREET    | 2008 (\$6,528.95)                                 | \$90 (issued 2009)        | ILLEGAL SIGNS      |
| 4924 SHERIDAN ROAD  | 2008 (\$14,177.92)                                | \$150 (issued 2009)       | ILLEGAL SIGNS      |
| 5920/22 SHERIDAN RD | 2008 (\$36,996.00)                                | \$60 (issued 2009)        | ILLEGAL SIGNS      |
|                     |   |                           |                    |

**PROPERTY TAX PAYMENTS OBTAINED TO PROCESS CERTIFICATE OF OCCUPANCY PERMITS**

Section 2.02(B)(8) of the City of Kenosha Zoning Ordinance stipulates *"The issuance of Building Permits, Conditional Use Permits, Occupancy Permits and Site Plan Review approval shall be conditioned upon applicant filing with the review authority a true and accurate certificate that there are no past due real estate taxes or special assessments with respect to the land which is the subject of development or use."*

Certificate of Occupancy permits are not processed and/or approved until delinquencies are settled. As a result of this requirement, \$41,812<sup>+</sup> in delinquent property taxes and special taxes was collected in 2009.

**SIGN CODE AND ZONING ORDINANCE APPEAL PROCESS INFORMATION:  
DISPOSITION OF APPEALS GRANTEED AND/OR DENIED FROM 2009 THROUGH 2009**

Appeals to sign ordinance and/or zoning ordinance requirements are deliberated by the Zoning Board of Appeals, as ordained under Section 9.0 of the Zoning Ordinance (Exhibit A) and Section 15.17 (Exhibit B) of the Code of General Ordinances. Zoning Board of Appeals fees have increased from \$310 in 2007 to \$350 in 2010.

There are three tiers that provide an Individual the capability to appeal a re-inspection fee. In the event, an individual feels that the Zoning Coordinator has erred in assessing the fee, and is found to be correct, the fee is eliminated outright by the Zoning Coordinator. Individuals that do not agree with the Zoning Coordinator's decision, may make an appeal to the Director of Neighborhood Services and Inspections by utilizing an appeal form (Exhibit C) which is available on the Internet. Re-inspection fees which are unpaid and convert to special assessment status must be appealed to the Finance Committee, with final decision rendered by the Common Council.

Following is a three-year summary of appeals associated with zoning ordinance criteria, sign code issues and re-inspection fees.

**2007**

- March 1, 2007 - Zoning Board of Appeals denied a petition to erect additional signs at 4633 Washington Road. Re-inspection fees and/or penalties were not warranted in this case.
  
- March 1, 2007 - Zoning Board of Appeals denied a petition to utilize a property as a two-family dwelling located at 4912 56th Street. Re-inspection fees, due to illegal use of property, were levied in the amount of \$1,770. \$60 paid, however \$1,710 + \$600 in administrative fees was special assessed due to nonpayment. Fees, totaling \$2,370.00 were eventually paid.  
  
A \$293.60 municipal citation, associated with this case was dismissed by the City Attorney's office.
  
- October 15, 2007 - Appeal to Director to rescind a re-inspection fee associated with illegal landscaping business at 6521 7th Avenue was granted. A \$180 re-inspection fee was rescinded.

**2008**

- January 17, 2008 - Zoning Board of Appeals dismissed Schubert Media's request to utilize sign credits at 7221 122nd Avenue without prejudice, based on information provided by the City Attorney. Schubert Media's request was thereby granted. Re-inspection fees and/or penalties were not warranted in this case.
  
- April 17, 2008 - Zoning Board of Appeals approved a petition to maintain and modify a pre-existing sign at a reduced setback for the property located at 5506/5512 75th Street. Re-inspection fees and/or penalties were not warranted in this case.
  
- July 17, 2008 - Zoning Board of Appeals denied a petition to erect a monument sign which would exceed maximum sign area and height ordinance standards at 10200 74th Street. Re-inspection fees and/or penalties were not warranted in this case.

**SIGN CODE AND ZONING ORDINANCE APPEAL PROCESS INFORMATION:**  
**DISPOSITION OF APPEALS GRANTEED AND/OR DENIED FROM 2009 THROUGH 2009**

- October 16, 2008 - Zoning Board of Appeals denied a petition to maintain a nonconforming sign and sign structure at 4516 52nd Street. Re-inspection fees in the amount of \$150.00 were levied and payment promptly remitted.
- 2009**
- January 15, 2009 - Zoning Board of Appeals approved a petition to erect an additional monument sign at 10222 74th Street. Re-inspection fees and/or penalties were not warranted in this case.
- January 15, 2009 - Zoning Board of Appeals approved a petition for relief to exceed the maximum sign height restriction to erect a sign on a tower at 7505-7539 Sheridan Road. Re-inspection fees and/or penalties were not warranted in this case.
- March 12, 2009 - \$90 re-inspection fee, associated with a complaint related to an "alleged" illegal fence at 5021 - 28th Avenue, was rescinded by Zoning Coordinator. The rescindment was based on new information provided by the property owner that the fence was pre-existing and not newly constructed.
- April 14, 2009 - A \$327.00 municipal citation, associated with an ongoing illegal landscaping business, located at 6521 7th Avenue, was appealed to the City Attorney's office and the charge reduced to \$109.00.
- May 15, 2009 - \$60 re-inspection fee related to illegal wall signs at 3308 52nd Street, was rescinded by the Zoning Coordinator. Operator paid \$150 for (2) sign permits which legalized the signs.
- May 20, 2009 - \$60 re-inspection fee related to an illegal pole sign at 4405 52nd Street, was rescinded by the Zoning Coordinator. It was determined that the re-inspection fee was issued in error, as the illegal sign was removed prior to the deadline.
- May 22, 2009 - \$90 re-inspection fee related to an illegal banner at 2705 18th Street was rescinded by the Zoning Coordinator. The operator paid \$75.00 for a sign permit which legalized the banner.
- November 10, 2009 - \$60 re-inspection fee, related to an illegal sign located at 1101 60th Street was rescinded by the Director.
- November 16, 2009 - \$360 re-inspection fee, related to an illegal sign located at 4800 25th Avenue was rescinded by the Zoning Coordinator, as the sign was removed. Over a five month period, the owner received \$660 in re-inspection fees based on illegal occupancy and an illegal sign at the subject location. \$520 was paid promptly, however \$120 + \$200 in administrative fees was special assessed due to nonpayment. Fees, totaling \$1,500.00 were eventually paid.
- December 21, 2009 - An appeal to the Director to rescind a \$360.00 re-inspection fee, associated with an illegal fence located at 600 - 65th Street, was denied. \$690.00 in re-inspection fees have been levied, based on noncompliance. \$180.00 was paid promptly, however \$510.00 in fees are unpaid, pending special assessment action.

SIGN ORDINANCE

As used herein, "recurring violation" shall mean a second, or any subsequent violation of any provision of this Chapter 15 committed by a person within any one (1) year period and for which the person admits responsibility or is determined to be the responsible person.

Whenever a notice of violation and order has been issued to the responsible person or tenant, where relevant, for a violation of this Code, no further notice and order shall be necessary for any recurrence of the same or similar violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a court of record.

#### 15.17 APPEALS AND SPECIAL EXCEPTIONS

**A. Administration.** It shall be the duty of the Administrator to administer and enforce this Ordinance.

**B. Special Exceptions.** Upon application for a Special Exception, the Zoning Board of Appeals may, after investigation and public hearing, grant a Special Exception from the terms of this Ordinance where such Special Exception will not be contrary to the spirit and purpose of this Ordinance, and where a Special Exception will do substantial justice.

Requests for Special Exceptions may be petitioned for any Section of this Ordinance with the exception of the location of Off-Premise Signs within specific zoning districts.

**C. Appeals.** An aggrieved person adversely affected by the denial of a permit or decision, determination or interpretation by the Administrator may appeal such denial, decision, determination or interpretation to the Zoning Board of Appeals.

**D. Application Procedure.** Any application for a Special Exception or appeal shall be taken pursuant to this Ordinance.

#### 15.18 PENALTY

Any Person who shall violate or cause to be violated any provisions of this Ordinance, shall upon conviction thereof, be fined not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of timely payment thereof, shall be committed to the Kenosha County Jail for a term not exceeding ninety (90) days. Each day a violation exists, or continues, shall constitute a separate offense.

# ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

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## SECTION 9.0 ZONING BOARD OF APPEALS

### 9.01 ESTABLISHMENT

There is hereby established a Zoning Board of Appeals for the City of Kenosha for the purpose of hearing appeals, granting variances and exceptions to the provisions of this Zoning Ordinance and issuing special permits provided for by this Ordinance. Hereafter, the Zoning Board of Appeals shall be referred to as "Board".

### 9.02 MEMBERSHIP

The Board of Appeals shall consist of five (5) members appointed by the Mayor subject to confirmation of the Common Council for terms of three (3) years, as provided in Section 62.23(7)(e)(2) of the Wisconsin Statutes. All terms shall commence on the first day of May of the year of appointment and shall terminate on the 30th day of April of the final year of the term of office. The members of the Board shall be removable by the Mayor for cause upon written charges and after public hearing. The Mayor shall designate one (1) of the members as Chairperson. The Board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Mayor shall appoint, for staggered terms of three (3) years, two (2) alternate members of such Board, in addition to the five (5) members above provided for. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest, or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent, or when more than one member of the Board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates. The Zoning Administrator shall act as Secretary of the Board.

### 9.03 ORGANIZATION

The Board shall adopt rules for the conduct of its affairs not inconsistent or in conflict with the provisions of this Ordinance.

**A. Meetings and Deliberations.** The meetings of the Board shall be held at the call of the Chairman, or any three (3) regular members and at such other times as the Board shall determine. All meetings, hearings, deliberations and voting of the Board shall be open to the public. However, after a public hearing has been closed, no one, except with permission of the Board, shall interrupt or participate in the deliberations of the Board.

**B. Minutes.** The Board shall keep minutes of the proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact. The Board shall keep records of its official actions, all of which shall immediately be filed in the office of the Administrator and shall constitute a public record.

**C. Concurring Vote.** A majority vote of the Board shall be necessary to grant a variance or reverse any order, decision, determination or requirement of the Administrator, or to decide on any matter upon which the Board is required to pass under the provisions of this Ordinance. The grounds for every such action shall be stated within the minutes of the hearing. A quorum of four (4) members is required to conduct a meeting or hearing.

### 9.04 POWERS AND DUTIES

The Board shall have all of the powers and duties prescribed by law and by this Ordinance and which are more particularly specified below. The Board must, in any appeal, make findings of fact and in considering special permits, require compliance with the standards of §9.05 of this Ordinance, when taking the following actions:

**A. Interpretation.** Hearing an appeal from a decision by the Administrator, to decide any question involving the interpretation of the words, terms, rules, regulations, provisions and restrictions of this Ordinance, where there is doubt as to the meaning thereof, including the determination, under §2.02 A.5. of this Ordinance, whether other uses are permitted in a zoning district by virtue of being similar and compatible to the permitted or accessory uses allowed in the same district.

**B. Variances.** Hearing an appeal from a decision by the Administrator, to vary or adopt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land, building or structure involved. However, no action of the Board shall have the effect of permitting in any district uses which are prohibited in such district by this Ordinance.

**C. Assistance.** The Board may request assistance from other City officers, departments, commissions and boards.

**D. Oaths.** The Chairman may administer oaths

