

AGENDA  
PUBLIC SAFETY & WELFARE COMMITTEE MEETING  
Monday, January 31, 2011  
Kenosha Municipal Building Room 202  
5:00 pm

Chairman: Jesse L. Downing  
Vice Chair: Anthony Kennedy  
Commissioners: Michael J. Orth  
Lawrence Green  
Rocco J. LaMacchia, Sr.

Call to Order  
Roll Call

**A. APPROVAL OF MINUTES**

A-1. Approval of minutes of regular meeting held on January 10, 2011.

**B. DEFERRED**

B-1. Proposed Ordinance To Repeal and Recreate Various Sections of Chapter 15 Related to Off-Premises Signs. *(Referred back from Common Council meeting of December 6, 2010) (Deferred from the meeting held on December 13, 2010 and December 27, 2010)*

**C. REFERRED TO COMMISSION**

C-1. Request from Chavez Learning Station (*Head Start KUSD*) to Designate South side 63<sup>rd</sup> Street 2700 Block as No Parking, 7:30am – 4:30pm, On School Days. *(District 12) (Staff recommends approval of a 90 day trial)*

DISCUSSION ITEM:

1. Application of the zoning ordinance as it relates to businesses and vending machines located on the exterior of the businesses location.
2. Outdoor Sales

DIRECTOR AND/OR SUPERINTENDENT COMMENTS  
CITIZEN COMMENTS/COMMISSIONER COMMENTS

OTHER BUSINESS AUTHORIZED BY LAW

IF YOU ARE DISABLED AND NEED ASSISTANCE PLEASE CALL 653-4052 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 10, 2011

The regular meeting of the Public Safety & Welfare Committee was held on Monday, January 10, 2011 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 5:58 pm. The following members were present: Chairman Downing, Alderman Kennedy, Orth, Green, and LaMacchia.

*It was moved by Alderman Green, seconded by Alderman LaMacchia, to approve the minutes of the meeting held on Monday, December 27, 2010. Motion passed 5-0.*

DISCUSSION ITEM:

1. Joint Service Update – Sue Marcinkus, Director, Joint Services gave an update. She is retiring January 25<sup>th</sup>, and they are in the process of interviewing one candidate. Public Safety Building is on going. A Communication Committee has been formed and a study is being done and should be completed in 6 months.

ALDERMAN COMMENTS: Alderman Kennedy commented on the good job the city does clearing the snow in the downtown area.

ADJOURNMENT - *There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:12 pm.*

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

**DRAFT 11.04.10**

With staff recommendations added on 01.26.11 in green from meeting with sign companies

**BY: MAYOR**

**TO REPEAL AND RECREATE VARIOUS SECTIONS OF CHAPTER 15 OF THE CODE OF GENERAL ORDINANCES RELATED TO OFF-PREMISE SIGNS.**

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

**Section One:** Repeal definitions of “off premise” and “on-premise” in Section 15.02 of the Code of General Ordinances for the City of Kenosha, Wisconsin.

**Section Two:** Definitions of “on-premise commercial sign” and “off-premise commercial sign” in Section 15.02 of the Code of General Ordinances for the City of Kenosha, Wisconsin are hereby created as follows:

**Off-Premise Commercial Sign.** A Sign identifying or advertising a business, owner, operator, product, service or commercial activity not located or available on the Premise where the Sign is located or directing persons to a different location from where the Sign is located.

**On-Premise Commercial Sign.** A Sign identifying or advertising a business, owner, operator, product, service or commercial activity located or available on the Premise where the Sign is located.

**Section Three:** Section 15.03 of the Code of General Ordinances for the City of Kenosha, Wisconsin is hereby repealed and recreated as follows:

**15.03 PROHIBITION/~~PERMIT AND LICENSE REQUIREMENT~~**

**A. ~~Sign Permit/License Requirement.~~** It shall be unlawful for any person to erect, place, replace, move, establish, originally paint, construct, install, convert, substantially alter, rebuild, enlarge, remodel, relocate, illuminate, or maintain any Sign defined in this Ordinance in the City contrary to the applicable provisions, standards and requirements of this Ordinance. ~~without first obtaining a permit and/or license, where required by this Ordinance. A Sign Permit and/or license may be issued with reasonable conditions consistent with the purpose of this Ordinance.~~

**B. Kenosha Water Utility Water Tower Signs Exempt.** Signs placed or allowed on elevated water towers owned and maintained by the Kenosha Water Utility shall be exempt from the requirements and prohibitions proscribed in this Chapter.

**Section Four:** Section 15.04 of the Code of General Ordinances for the City of

Kenosha, Wisconsin is hereby repealed and recreated as follows:

**15.04 PERMITTED AND PROHIBITED SIGNS**

Signs shall be permitted or prohibited (not permitted) in the City in certain Zoning Districts in accordance with Table 1, attached hereto and incorporated herein. See Section 15.12 for Prohibited Signs and ~~Section 15.15 I. for Prohibited Off-Premise Signs.~~

**Section Five:** Section 15.07 of the Code of General Ordinances for the City of

Kenosha, Wisconsin is hereby repealed and recreated as follows:

**15.07 SIGN PERMIT**

**A. Sign Permit Required.** A Sign Permit from the Administrator shall be required for any Person to erect, place, replace, move, establish, originally paint, construct, install, convert, substantially alter, rebuild, enlarge, remodel, relocate, or illuminate any ~~On-Premise or Off-Premise~~ Sign upon private property, whether a Permanent or Portable Sign, unless exempted from this requirement by this Ordinance.

**B. Exemptions.**

- 1.** Noncommercial signs that are:
  - a.** less than 16 square feet
  - b.** not permanent
- 2.** Table 1 of this Ordinance identifies Signs which require or do not require a permit.
- 3.** The repair, routine maintenance or repainting of any existing Sign shall not be considered a substantial alteration or other activity requiring a permit hereunder.

**BC.** **Application.** A Sign Permit for a Permanent or Portable Sign, except as otherwise provided in this Ordinance, shall not be granted or issued until after a fully completed application form has been filed with the Administrator by a licensed Sign erector showing the plans and specifications, dimensions, material, setback, elevation, projections, and details of the proposed Sign nor until all provisions of this Ordinance relating to such Sign shall be complied with, nor until after the payment of the prescribed fee for every such permit. The Administrator may prescribe the form of all applications for the various forms of permits herein required.

**ED.** **Fees.** The Common Council shall, from time to time, establish the permit fees. Permit fees shall be waived for any permit under this Chapter applied for by the City of Kenosha, City of Kenosha Redevelopment Authority, Library, or Museum.

**DE.** **Portable Sign Permits.** Portable Signs shall be permitted only upon the issuance of a

Portable Sign Permit granted and issued by the Administrator subject to the following conditions and restrictions:

1. A Portable Sign Permit shall allow the use of a Portable Sign for a specified period of time, not to exceed thirty (30) consecutive days.
2. Only two (2) Portable Sign Permits shall be issued with respect to the same Premise in any calendar year.
3. All Portable Signs shall be anchored and supported in a manner which reasonably prevents the possibility of Signs becoming hazards to public health and safety. Any Portable Sign weighing in excess of fifty (50) pounds must conform to the requirements of the City Building Code.
4. Portable Signs shall not exceed thirty-two (32) square feet of Sign Face area per side.

**F. Off-Premise Commercial Signs**

Subject to the provisions of Wisconsin Statutes §§ 62.23 (7) (h) and (hc) no sign permit may be issued to erect, place, replace, move, establish, originally paint, construct, install, ~~convert~~, substantially alter, rebuild, enlarge, remodel, or relocate any off-premise commercial sign.

**Section Six**

Section 15.12 of the Code of General Ordinances for the City of

Kenosha, Wisconsin is hereby repealed and recreated as follows:

**15.12 PROHIBITED SIGNS**

All Signs not expressly permitted are prohibited in any location in the City. The following Signs are specifically prohibited:

1. Signs containing statements, words or pictures of an obscene or pornographic nature.
2. A Sign, handbill, notice or poster affixed to a tree, fence, pole, Street Sign, Traffic Sign or other structure not constructed or intended for use as a Sign base, which is not authorized by this Ordinance.
3. Revolving Signs.
4. Roof Signs.
5. Signs which are structurally dangerous, or unsafe.
6. Abandoned/Obsolete Signs.
7. Flashing and Animated Signs.
8. Deteriorated Signs.
9. Signs used beyond time limits provided in this Ordinance.
10. Off-premise commercial signs.

**Section Seven**

Section 15.15 of the Code of General Ordinances for the City of

Kenosha, Wisconsin is hereby repealed and recreated as follows:

**15.15 OFF-PREMISE SIGNS**

**A. Purpose.** This Section is intended to protect the public health, safety and welfare by regulating the construction, materials, ~~placement/location~~, size, height, spacing and maintenance of Off-Premise Commercial Signs. This Section is designed to ensure that Off-Premise Commercial Signs are compatible with other Signs and land uses, and are not detrimental to the aesthetic quality of the community. All Off-Premise Commercial Signs ~~permitted-existing~~ in the City shall be maintained in accordance with the following conditions and restrictions:

**B. Illumination.** The light rays from any Off-Premise Commercial Sign which is externally illuminated shall be cast directly upon the Sign Face surface and shall not be visible to motor vehicle operators, except as may be reflected from the Sign Face. The illumination of Off-Premise Commercial Signs will not be permitted between 12:00 A.M. and 5:00 A.M. No Off-Premise Commercial Sign shall contain flashing elements or video displays.

**C. Wind Load Requirement.** Off-Premise Commercial Signs shall be maintained so as to withstand a wind load/pressure of not less than thirty (30) pounds to the square foot.

**D. Nonconforming Off-Premise Commercial Signs.** Any existing Off-Premise Commercial Sign constructed, erected and installed in accordance with applicable State and local laws, rules and regulations established on the effective date of this Ordinance and which Sign becomes Nonconforming by the provisions herein, shall be a Nonconforming use and any Sign which, as a result of subsequent amendments hereto becomes Nonconforming, shall also be a Nonconforming use and is to be subject to Section 7.0 of the Zoning Ordinance.

No Nonconforming Off-Premise Commercial Sign structure shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of Section 7.0 of the Zoning Ordinance. For the purpose of this Section only, the term "altered or reconstructed" shall not include painting, rustproofing, ~~or~~ changing of advertising message, or the installation of cable and bracket components necessary to ratchetably anchor a flex billboard of the type having a fully recyclable polyethylene substrate. For inspection purposes, an approved building permit must be obtained prior to the commencement of any work associated with the installation of cable and bracket components.

Nonconforming Off-Premise Commercial Signs may continue in use only when in compliance with the following:

1. The Sign must have been actually in existence as of the effective date of this Ordinance.
2. The Sign may be sold, leased, or otherwise transferred without affecting its Nonconforming status, but its location may not be changed. ~~A Nonconforming Sign removed as a result of a Street Right-of-Way taking or for any other reason may be relocated only if the Sign is made to conform to this Ordinance.~~
3. The Sign must have been constructed, erected, and installed in accordance with applicable State and local laws, rules and regulations that were in effect at the time this Ordinance was enacted, and must continue to be maintained in accordance with this Ordinance. Failure to adhere to rules and regulations associated with construction, erection and installation of Off-Premise Signs, including failure to obtain permit approvals, shall render the Sign illegal.
4. In accordance with Section 62.23(7)(h), Wisconsin Statutes, the Sign must remain substantially the same as it was on the effective date of this Ordinance and may not be enlarged or expanded. Any extension, enlargement, rebuilding, changing the materials of the Sign structure, changing the size of the Sign structure materials, adding catwalks, adding guys or struts for stabilization of the Sign or structure,

adding lights to a non illuminated Sign, changing the height of the Sign above ground or re-erection of the Sign is prohibited. The Sign may not be structurally altered so as to prolong the life of the Sign.

5. The Sign may continue in use as long as it is not destroyed, extended, expanded, abandoned, or discontinued. A Sign is deemed destroyed when it is rendered any or all of the following descriptions: dismantled, ~~blown down~~, removed or modified from its original state. A Sign shall be deemed expanded if any or all of the following standards are met: increase in size, mass, volume or scope in any direction; provide greater detail; to spread out; to increase or grow in extent; or, to increase in width or circumference. A Sign is deemed abandoned or discontinued if for a period of twelve (12) months or longer, it is composed of obsolete advertising matter, or is without advertising matter, or is in need of substantial repair provided that any period of involuntary discontinuance which occurs during the period a street is closed shall not be considered. A Sign is deemed abandoned or discontinued if the name of the owner does not appear thereon and if the name and address of the current owner is not readily ascertainable from records on file with the Department of Neighborhood Services and Inspections.

An unsafe or abandoned Sign is declared a public nuisance, which shall be abated by the owner within sixty (60) days of receiving notice from the Department. After sixty (60) days, the Sign may be removed by the Department, and the cost thereof shall be placed on the tax roll as a special assessment and become a lien against the benefited property, unless paid sooner.

**E. Identification of Sign Erector.** On every Off-Premise Sign erected, the erector shall, in a permanent manner, state the name and address of the Sign erector that erected the Sign, the permit number, and the date of its erection. Such information must be readable from a distance of at least one (1) foot.

#### **F. Off-Premise Sign License.**

**1. License Required.** An annual Off-Premise Sign License for each Off-Premise Sign Face.

**2. Fees.** The fee for such License shall be calculated for each Sign Face. License fees are not proratable. License fees shall be deposited in a special revenue fund, which shall be used to offset the City's cost associated with the annual inspection and licensing of each Sign Face. The Common Council shall, from time to time, establish the License Fees.

**3. Term.** Every License issued hereunder shall expire on the first (1st) day of July of the year following the date of issuance.

**G. Replacement Sign Credits.** Off-Premise Signs constructed as a result of Replacement Sign Credits granted prior to June 16, 2008, shall be subject to the Ordinance standards enacted March 6, 1995. An Off-Premise Sign Permit shall be obtained prior to the expiration of subject credits.

**H. Off-Premise Signs in City Parks or Recreation Areas.** This section does not apply to off-premise signs placed in City parks or recreational areas pursuant to authorization for non-permanent placement, from the Parks Commission.

**Section Eight:** To repeal and recreate the line pertaining to off-premises in Table 1 of Chapter 15 of the Code of General Ordinances for the City of Kenosha, Wisconsin as follows:

SIGN DESCRIPTIONS	B-1/B2-/B-3	IP	M-1/M-2	RG/RS/RD/RR	RM
Off-Premise <u>Commercial Signs</u> [Refer to Section 15.15]	<del>PERMITTED ONLY IN B-2</del> <u>NOT PERMITTED</u>	NOT PERMITTED	<u>NOT</u> PERMITTED	NOT PERMITTED	NOT PERMITTED

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

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

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

Passed:

Published:

Drafted By:  
EDWARD R. ANTARAMIAN  
City Attorney



**Engineering Division**  
Michael M. Lemens, P.E.  
Director/City Engineer  
**Fleet Maintenance**  
Mauro Lenci  
Superintendent  
**Park Division**  
Jeff Warnock  
Superintendent

**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> Street - RM 305 - Kenosha, WI 53140  
Telephone (262) 653-4050 - Fax (262) 653-4056

DATE: January 31, 2011  
TO: Public Safety and Welfare Committee  
FROM: Kevin Risch, P.E., Assistant City Engineer KKR 1-25-11  
SUBJECT: Request to Designate South Side 63<sup>rd</sup> Street 2700 Block (Chavez Learning Station) as No Parking Standing Stopping, 7:30am - 4:30pm, On School Days.

The principal at the Chavez Learning Station (Head Start KUSD) 6300 27<sup>th</sup> Avenue is requesting the area on the south side of 63<sup>rd</sup> Street along the school be designated No Parking Standing Stopping, 7:30am - 4:30pm, On School Days. This is to enable their bus loading and unloading.

Staff has reviewed and recommends a trial to designate the south side of 63<sup>rd</sup> Street from 27<sup>th</sup> Avenue west approximately 100 feet as No Parking Standing Stopping, 7:30am - 4:30pm On School Days.

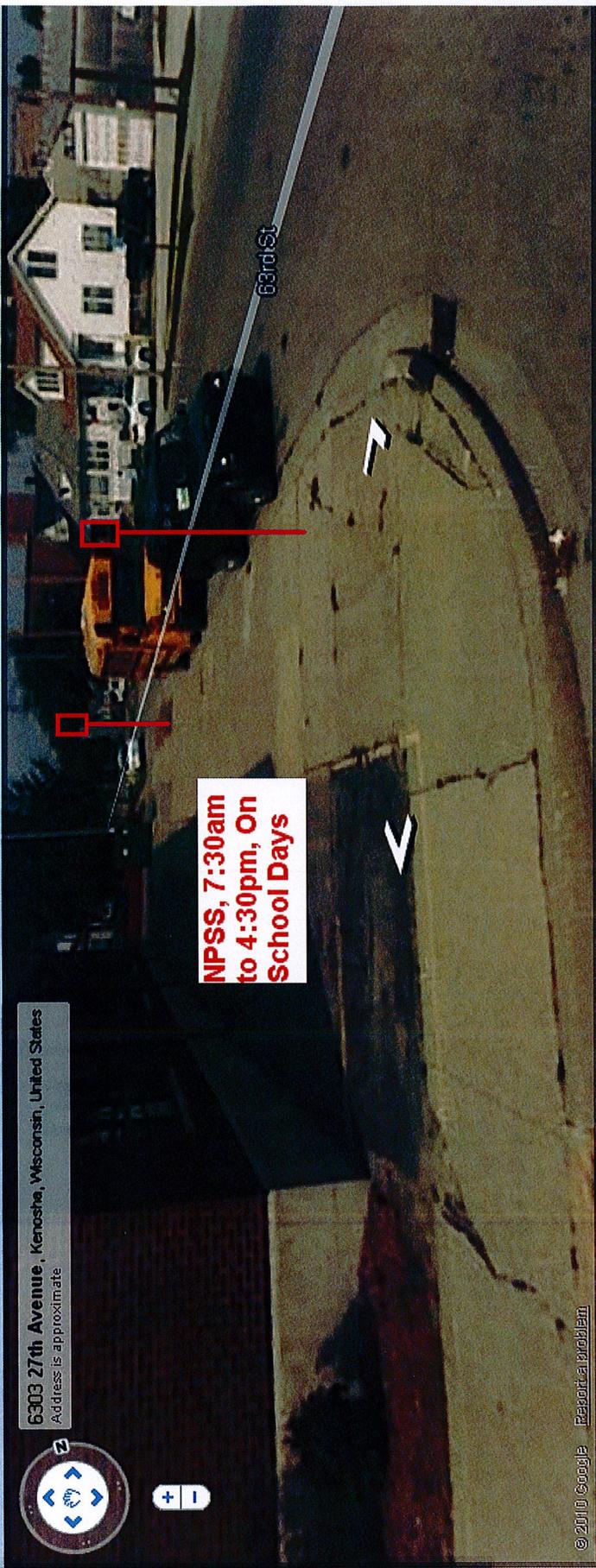
KKR:dt

cc: Alderman Steve Bostrom—w/a  
Melody Orban - Chavez Learning Station - 6300 27<sup>th</sup> Avenue -w/a  
Ronald L. Bursek, Director of Public Works- w/a  
Michael M. Lemens, Director of Engineering/City Engineer - w/a  
Randy LaClaire—w/a  
File - w/a

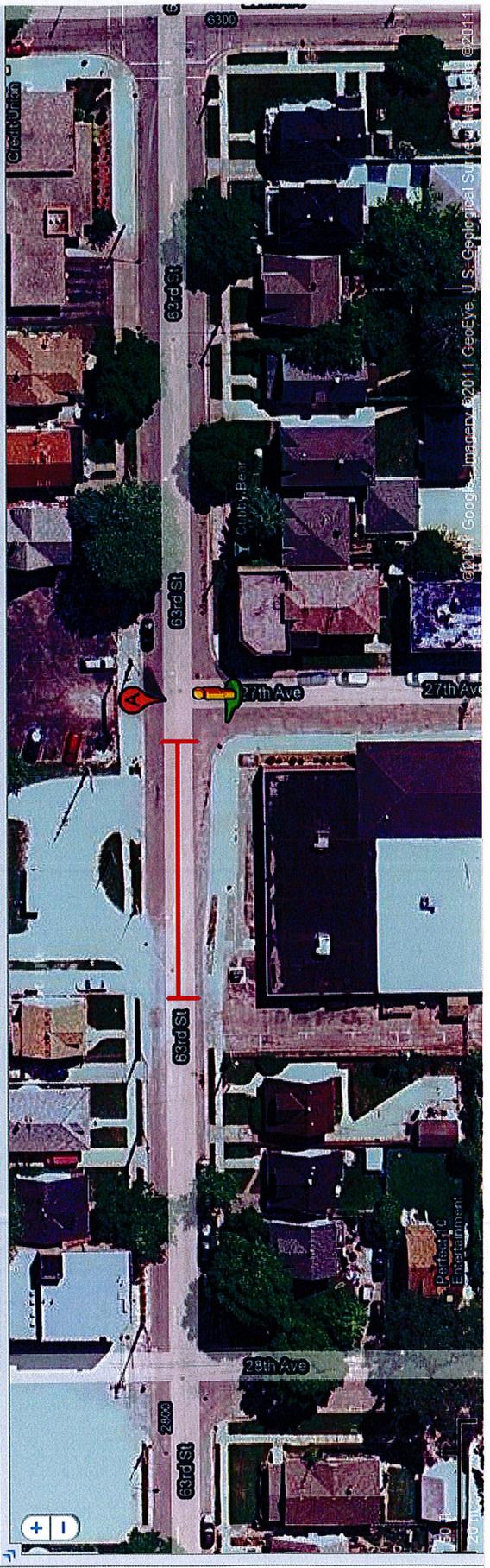
6303 27th Avenue, Kenosha, Wisconsin, United States  
Address is approximate



**NPSS, 7:30am  
to 4:30pm, On  
School Days**



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