THE CITY OF KENOSHA
CHART A BETTER COURSE

Agenda
Public Safety & Welfare Committee Meeting
625-52nd St, Rm 204
Monday, May 9, 2016
5pm

Chairperson:	Rocco J. LaMacchia, Sr	Vice Chairperson:	Jack Rose
Alderperson:	Jan Michalski	Alderperson:	Eric Haugaard
Alderperson:	Keith W. Rosenberg		

Call to Order
Roll Call
Citizens Comments

1. Ordinance by the Mayor - To Repeal and Recreate Subsection 16.02 A. "Definitions" and Subsection 16.17 "Exterior Premises" *(of the Code of General Ordinances for the City of Kenosha). (Referred from Council on 5/2/16)* **PUBLIC HEARING**

2. Resolution By Alderperson Dave Paff, Co-Sponsor: Alderperson Jack Rose - Resolution To Recognize Bike To Work Week. *(Referred from Council on 5/2/16)* **PUBLIC HEARING**

3. Reschedule of May 30, 2016 *(Memorial Day)* meeting.

ALDERPERSONS' COMMENTS

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 653-4050 BY NOON BEFORE THIS MEETING TO MAKE ARRANGEMENTS FOR REASONABLE ON-SITE ACCOMMODATIONS.

THE CITY OF KENOSHA
CHART A BETTER COURSE

COMMUNITY DEVELOPMENT & INSPECTIONS

TO: Alderperson Rocco LaMacchia, Chairperson
Public Safety & Welfare Committee Members

FROM: Jeffrey B. Labahn, Department of Community Development & Inspections

RE: **Ordinance by the Mayor - To Repeal and Recreate Subsection 16.02 A. "Definitions" and Subsection 16.17 "Exterior Premises" (of the Code of General Ordinances for the City of Kenosha)**

DATE: May 5, 2016

BACKGROUND/ANALYSIS:

Chapter 16, of the Code of General Ordinances, is the Property Maintenance Code for the City of Kenosha.

One of the recurring issues that our Property Maintenance Inspectors has encountered is the storage of vehicles, trailers and other recreational equipment or residentially zoned and/or used properties. The existing Ordinance does not stipulate where such vehicles and equipment can be located on residential properties.

The proposed Ordinance Amendment would prohibit the storage of vehicles and equipment within the front yard or street side-yard (except upon driveways) of residentially developed properties. Furthermore, the proposed Amendment would prohibit any vehicles or equipment to be located on any vacant, residentially zoned property.

RECOMMENDATION:

A recommendation is made to approve the Ordinance Amendment to repeal and recreate various subsections of the Property Maintenance code.

JBL:kas
Attachment

ORDINANCE NO. _____

SPONSOR: THE MAYOR

TO REPEAL AND RECREATE SUBSECTION 16.02 A. "DEFINITIONS" AND SUBSECTION 16.17 "EXTERIOR PREMISES" OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA

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

Section One: Subsection 16.02 A. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed as follows:

16.02 DEFINITIONS

A. General.

1. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings stated in this Section.
2. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural; and the plural includes the singular, except where the context indicates another interpretation.
3. Terms Defined Elsewhere. Where terms are not defined in this Code ~~and~~but are defined in other City General or Zoning Ordinances, federal or state ~~C~~codes, ~~or~~ ASHRAE, and NFPA 70, or Chapter 340 of the Wisconsin Statutes such terms shall have the meanings ascribed to them therein in those Ordinances, Codes, or Statutes.
4. Terms Not Defined. Where terms are not defined herein, or through the methods of interpretation authorized by this Section, such terms shall have ordinarily accepted meanings, such as the context indicates.
5. Parts. Whenever the words "structure", "accessory structure", "dwelling unit", "dwelling", "premises", "building", "lodging house", or "lodging room", are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof".
6. "Shall". The word "shall" is mandatory and not discretionary.
7. "May". The word "may" is permissive. The phrase "may not" is prohibitory.
8. Phrases. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
~~**9. Other Terms.** Terms defined in other sections of this Code shall have the meaning stated therein~~

Section Two: Subsection 16.17 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed as follows:

16.17 EXTERIOR PREMISES

All exterior Premises, including the abutting rights-of-ways, lawn park areas, curbs and gutters, shall be maintained by the responsible person or tenant, where relevant, in accordance with this Section.

A. Clean, Sanitary and Reasonably Safe.
1. In a clean and sanitary condition, free from debris.
2. Free from rubbish and garbage which are not contained as provided under **Section 5.06** of the Code of General Ordinances, entitled "Waste Collection and Removal", and any successor Ordinance for purposes of storage and collection, provided storage is for no longer than necessary to accommodate collection, but not longer than seven (7) days.
3. Free from recyclable materials, as defined in **Section 5.119** of the Code of General Ordinances, which are not contained as provided in said **5.06** for purposes of collection and storage, provided storage is for no longer than necessary to accommodate collection, but not longer than fourteen (14) days.
4. Free from nuisance motor vehicles, nuisance boats, scrap metals, and all household furniture not designed for outdoor use.
5. In a condition so as not to become infested with rodents or a rodent harborage.
6. Free from used building materials.
7. Free from animal feces, which were present for more than twenty-four (24) hours.
8. Free from physical hazards.
9. Free from appliances, furnaces, water heaters, water softeners or building materials which are not integrated into a structure within five (5) days of being placed on Premises.
10. Free from any accumulation of combustible materials which are not used as an integral part of an authorized business carried out on the Premises.
11. Free of any raw materials, equipment parts, or bulk commodities, unless said items are a raw material used in a lawful business carried out on the Premises or a final manufactured product.
12. Free from motor vehicle, boat or aircraft parts and tires, (excluding tires used as sandboxes, swings, and playground equipment).
~~In the event that the Responsible Person fails to comply with an order of the Code Official to maintain the Exterior Premises in accordance with **Sections 16.17 A.1.** through **12.** above, the Code Official may have the Premises cleaned and shall recover the cost of said cleaning and the disposal of all materials removed therefrom through a special assessment levied against the benefited Premises. A One Hundred ($100.00) Dollar Administrative Fee shall be added to the special assessment against the benefited property.~~
B. Unpaved Lawn Park Areas. The unpaved public lawn park areas abutting private property between the curb and lot line shall be maintained by the abutting property owner in conformance with **Section 5.11** of the Code of General Ordinances.
C. Maintenance of Alleys and Vacated Alleys. All alleys and vacated alleys, abutting private property between the center of the alley and the lot line, shall be maintained by the abutting property owner in accordance with this Code.
D. Grading and Drainage. All Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. All courts, yards or other areas on the Premises shall be properly graded to divert water away from the structure. Adjacent ground surface shall be sloped away from the structure with a grading of at least one half (1/2") inch per foot for a minimum of five (5') feet where possible or by other means such as eaves, troughs and downspout extensions. Approved retention and detention basins, however, shall be permitted to hold water in accordance

with their approved design and capacity.

E. Sidewalks, Walkways, Stairs, Driveways and Parking Facilities. Private concrete sidewalks shall be maintained in accordance with the standards for public sidewalk maintenance. Walkways, stairs, driveways, and parking facility areas shall be maintained in good repair and reasonably safe. Existing concrete or bituminous paved walkways, driveways, and parking facilities shall be repaired or replaced as such. Parking facilities with more than five (5) parking spaces shall comply with the requirements of **Section 5.08** of the Code of General Ordinances. Public sidewalks shall be maintained in accordance with **Sections 5.11** and **5.116** of the Code of General Ordinances.

F. Weeds. All exterior Premises shall be kept free from weeds as defined in this Code. Where weed destruction is not performed by the responsible person, weeds shall be destroyed by the Code Official. Weeds which equal or exceed eight (8") inches in height shall be destroyed by cutting and mulching.

G. Landscaping. Landscaping, plantings and other decorative surface treatments, including species of grass common to Southeastern Wisconsin, shall be installed and maintained so as to present an attractive appearance in all court and yard areas in accordance with generally accepted landscaping practices in Southeastern Wisconsin. Unless granted a variance for a natural lawn from the Code Official, grass shall be maintained to a height not to exceed eight (8") inches. Plantings, including, but not limited to grasses, trees and shrubs shall be maintained so as not to present hazards to persons or vehicles traveling on public right-of-ways and shall be maintained so as to enhance the appearance and value of the property on which located, and thereby enhancing the appearance and value of abutting property, the neighborhood and the City.

Application for variance for a natural lawn, if desired, shall be made by the responsible person on a form promulgated by the Department. The application shall state with specificity the dimensions of the area sought for variance, along with a diagram showing the position of the area relative to sidewalks, driveways, streets, alleys, and other public right-of-ways. The application shall state the species, if ascertainable, and maximum height of the grasses. The application may be made without cost to the applicant. The application shall be granted or granted with reasonable conditions unless it is determined that the granting will conflict with the purpose and intent of this Code, in which event the application will be denied. The denial of an application or the reasonableness of conditions imposed may be appealed to the Board of Housing Appeals in accordance with the procedures of this Code.

In the event that the responsible person fails to comply with an order of a Code Official to cut grass or trim trees or shrubs, the Code Official shall have the grass cut to a height of three (3") inches and have the trees trimmed and shall recover the cost through special ~~assessments~~charges levied against the benefited property. ~~A One Hundred ($100.00) Dollar Administrative Fee for processing and administering the special assessment shall be added to the special assessment against the benefited property.~~

H. Firewood Storage. Firewood, for personal use only, may be kept on residentially zoned or used property. It shall be stored in straight, orderly piles which are raised a minimum of six (6") inches off the ground, which are not more than six (6') feet in height, which are not in the "front yard" as defined in the Zoning Ordinance, and which are no closer than four (4') feet to a dwelling.

I. Exterior Storage. Exterior storage is subject to all required reviews, approvals and permits under the Zoning Ordinance and Code of General Ordinances. Exterior storage in Business Zoning Districts shall be screened in accordance with Section 3.12 D. of the Zoning Ordinance. All required screening shall be maintained in good repair. Exterior storage is prohibited on residentially zoned or used property.

J. Rodent Harborage. All Premises shall be kept free from nondomesticated rodent harborage. Where nondomesticated rodents are found, they shall be promptly exterminated by a State approved process which will not be injurious to human health. After rodent extermination, proper precautions shall be taken to control rodent harborage and prevent reinfestation.

K. Exhaust Vents. Pipes, ducts, conductors, fans, blowers or other exhaust vents shall not

discharge gases, steam, vapor, hot air, grease, smoke odors or other gaseous or particulate wastes directly upon public or private property or that of another tenant on the same Premises.

L. Accessory Buildings/Structures. All accessory buildings and structures, including windows and doors which are a part thereof, shall be maintained structurally sound, in good repair, reasonably weathertight, watertight, and rodent proof. Responsible persons shall not permanently remove any door or window except to board up a door or window by removing existing trim, installing framing as necessary, and siding to match the existing siding.

M. Fences. All fences shall be maintained in good repair, be structurally sound and plumb. Fence surfaces shall be free of rust, corrosion, deterioration, decay, missing parts, and peeling, flaking and chipped paint. Wood surfaces other than decay-resistant wood must be protected from the elements and decay by painting or other protective covering or treatment. Fences shall not be of a type prohibited by Section 16.06 of the Zoning Ordinance for the City of Kenosha.

N. ~~Motor~~ Vehicles, Trailer and Equipment Parking and Storage. ~~Motor Vehicle Repair Work.~~ ~~Section 7.128 of the Code of General Ordinance regulating nuisance motor vehicles and motor vehicle repair work shall be complied with.~~

1. The Owner of the Premises is responsible for compliance with Sections 7.128 and 7.129 of the Code of General Ordinances regulating motor vehicles and regulating parking of prohibited motor vehicles.

2. The Owner of a Premises which is zoned and/or used for residential purposes, and which has a principal structure, may not allow parking or storage of motor vehicles, recreational vehicles, truck campers and/or caps, camping trailers or boats within the front yard and street side yard areas as defined by the City of Kenosha Zoning Ordinance, unless on driveway aprons.

3. The Owner of a Premises which is zoned for residential purposes, and which has no principal building erected, may not allow parking or storage of motor vehicles, recreational vehicles, truck campers and/or caps, camping trailers or boats, except for any vehicle that is being used in the lawful construction work being performed pursuant to all required and applicable licenses, permits and approvals.

O. Graffiti. In accordance with **Section 11.031** of the Code of General Ordinances, the owner of any building or accessory building shall be responsible for removing all graffiti therefrom within fifteen (15) days from the posting of the property. ~~In the event that the owner of any building or accessory structure does not remove the graffiti so ordered by the Code Official, the Code Official may have the graffiti removed and shall recover the cost of said graffiti removal through a special assessment levied against the benefited property. A One Hundred ($100.00) Dollar Administrative Fee shall be added to the special assessment against the benefited property.~~

P. Special Charge. In the event that the Responsible Person or owner as required herein, fails to comply with an order of the Code Official to maintain the Exterior premises in accordance with Subsections 16.17A., C., F., G., J., M., N., or O., above, the Code Official may have the remedial measures taken and shall recover the cost of remediation and the disposal of all materials removed therefrom through a special charge levied against the benefited Premises. A One Hundred Dollar ($100.00) Administrative Fee shall be added to the special charge against the benefited property.

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

ATTEST: _____ City Clerk/Treasurer
DEBRA L. SALAS

APPROVED: _____Mayor Date: _____
JOHN M. ANTARAMIAN

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

THE CITY OF KENOSHA
CHART A BETTER COURSE

PUBLIC WORKS

May 6, 2016

To: Rocco L. LaMacchia, Sr., Chairman,
Public Safety & Welfare Committee

From: Shelly Billinglsey, P.E. Shelly Billingsley
Director of Public Works

Subject: Resolution By Alderperson Dave Paff, Co-Sponsor: Alderperson Jack Rose - Resolution To Recognize Bike To Work Week. *(Referred from Council on 5/2/16)*

BACKGROUND INFORMATION

Staff received this Resolution from the Legal Department by Alderperson Paff which was referred to Public Safety and Welfare at the Common Council meeting on May 2, 2016 - To Recognize Bike To Work Week

RECOMMENDATION

Staff recommends approval.

RESOLUTION _____

SPONSOR: ALDERPERSON DAVE PAFF
CO-SPONSOR: ALDERPERSON JACK ROSE

RESOLUTION TO RECOGNIZE BIKE TO WORK WEEK

WHEREAS, National Bike to Work Week has been scheduled by the League of American Bicyclists for May 16 - 20, 2016; and

WHEREAS, the Wisconsin Bike Federation has, in recognition of weather considerations, declared June 6 – 11, 2016, to be Wisconsin Bike to Work Week; and

WHEREAS, the purpose of both the national and Wisconsin Bike to Work Weeks is to increase awareness of alternative modes of transportation other than automobiles and to encourage the use of alternate modes of transportation to work at least one day during that week; and

WHEREAS, taking a bike to work has multiple potential benefits, including improvement in individual health, lower transportation costs, and a cleaner environment; and

WHEREAS, since 2010, in June of each year, the City of Kenosha has sponsored Bike or Walk to Work Weeks to promote bicycle to encourage healthy alternatives to car commuting; and

WHEREAS, the City of Kenosha continues to promote bicycle use through numerous events, which will this year will include highlighting Wisconsin Bike to Work Week.

NOW THEREFORE BE IT RESOLVED, that the Common Council does recognize June 5 – 18, 2016, as Wisconsin Bike to Work Weeks in Kenosha.

BE IT FURTHER RESOLVED, that the City of Kenosha Common Council encourages members of the public to participate in Wisconsin Bike to Work Weeks.

Adopted this _____ day of _____, 2016.

ATTEST: _____
Debra Salas, City Clerk/Treasurer

APPROVED: _____
John M. Antaramian, Mayor

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney