

\* \* \* NOTE TIME & ROOM CHANGE \* \* \*

AGENDA

BOARD OF PARK COMMISSIONERS

Monday, May 24, 2010

Kenosha Municipal Building Room 204

4:30 pm

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

Call to Order

Roll Call

**A. APPROVAL OF MINUTES**

A-1. Approval of minutes of regular meeting held on May 10, 2010.

**C. REFERRED TO COMMISSION**

C-1. Proposed Ordinance to Recreate Subsection 6.02 A. 21 (of the Code of General Ordinances) Regarding Park Rules and Regulations. *(Also referred to Public Safety & Welfare Committee)*

C-2. Proposed Ordinance to Repeal & Recreate Section 13.025 (of the Code of General Ordinances) Regarding Peddler's Stand and other Structures as Obstructions. *(Also referred to Public Safety & Welfare Committee and Licensing/Permit Committee)*

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.

**CITY OF KENOSHA – BOARD OF PARK COMMISSIONERS**  
**Meeting Minutes – May 10, 2010**

A meeting of the Board of Park Commissioners was held on Monday, May 10, 2010, at the Kenosha Municipal Building in Room 202. The meeting was called to order at 5:02 pm. The following members were present: Chairman Orth, Commissioner LaMacchia, Downing, Kennedy, and Green. Staff members in attendance were Jeff Warnock and Shelly Billingsley.

It was moved by Commissioner Kennedy, seconded by Commissioner LaMacchia, to approve the minutes from the meeting held on Monday, April 26, 2010. Motion passed 5-0.

- C-1. Elect a Park Commissioner to the City Plan Commission.  
*Chairman Orth passed the gavel and nominated Commissioner Downing, seconded by Commissioner Green. Commissioner Kennedy nominated himself, no one seconded. Motion passed to appoint Commissioner Downing to the City Plan Commission.*
- C-2. Request from Mt Carmel Parish to obtain permission to hang three (3) temporary signs to be installed on May 22, 2010 and removed on July 12, 2010.  
*It was moved by Commissioner Kennedy, seconded by Commissioner Green, to approve. Motion passed 5-0.*
- C-3. Request from Dr. Jim Santarelli to reinstate the advertising signs at the sports complex.  
Public Hearing: Dr. Jim Santarelli was present to answer any questions.  
Staff: Jeff informed the commission that the signs would be going on the outfield fence.  
*It was moved by Commissioner Kennedy, seconded by Commissioner Green, to approve. Motion passed 5-0.*
- C-4. Request from Kenosha Unified School District #1 for full sponsorship for the event held on July 18, 2010 at Lincoln Park. (The event was approved February 8, 2010)  
Staff/Commissioners: Jeff informed the commission that he is working on a trade off with KUSD. Commissioner Kennedy asked that they get the cost of sponsorship before the meeting.  
*It was moved by Commissioner Green, seconded by Commissioner Kennedy, to approve. Motion passed 5-0.*
- C-5. Request to place signs at the Kenosha Municipal Golf Course.  
Public Hearing: Alderman Bogdala, 17<sup>th</sup> District, asked if there were other bids.  
Staff: Jeff informed the commission that he would like to place the signs on the fence along 22<sup>nd</sup> Avenue and Washington Rd and also on the tee boxes.  
*It was moved by Commissioner Green, seconded by Commissioner Downing, to approve. Motion passed 5-0.*
- C-6. Authorization to Proceed with Beaver Pond Splash Pad Plan Development.  
Staff: Shelly was present to answer any questions.  
*It was moved by Commissioner commissioner, seconded by Commissioner seconded, to. Motion passed 5-0.*

**DIRECTOR/SUPERINTENDENT COMMENTS:** Jeff informed the commission that the playground equipment at Cicchini Park will be moved to Brass School property, the school will maintain and winterize it. Jeff updated on the crayfish and that there will be another control burn in the spring at Poerio Nature Center. The city will be partnering with UW Parkside to have Poerio Nature Center be an open class room. The Folk Festival will be held there and hopefully more people will become aware of this park.

CITIZEN/COMMISSIONERS COMMENTS: Alderman Bogdala, 17<sup>th</sup> District, would like to see detail information regarding the movement of the playground equipment from Cicchini Park. Commissioner Kennedy also requested the information.

There being no further business to come before the Board of Park Commissioners it was moved, seconded and unanimously carried to adjourn at 5:46 pm.

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

**REDLINE VERSION**  
**04.16.10**

**BY: ALDERPERSON MICHAEL ORTH**

**TO RECREATE SUBSECTION 6.02 A. 21 OF THE CODE OF  
GENERAL ORDINANCES, REGARDING PARK RULES AND  
REGULATIONS**

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

**Section One:** Section 6.02 A.21 of the Code of General Ordinances for

the City of Kenosha, Wisconsin, is hereby recreated as follows:

**6.02 RULES AND REGULATIONS**

No persons, other than authorized employees, agents, contractors and permittees of the City, shall engage in any of the following conduct:

**A. Parks.**

**21. Sell or offer for sale any product, articles, food, beverages, goods or services- , except as follows:**

**(a) Upon written request, the Board of Park Commissioners may allow the sale of any product, articles, food, beverages, goods or services provided that the applicant, when necessary, is appropriately licensed under state statute and local ordinance. In considering a request, the Board of Park Commissioners shall consider whether the proposed transactions are:**

- (1) Are customarily associated with public use and enjoyment of parks and park properties;**
- (2) Are in furtherance of public use and enjoyment of the park; or**
- (3) Are incidental to an appropriate recreational or cultural use of said properties.**

**(b) Sales permitted pursuant to subsection (a) shall be subject to the following requirements:**

- (1) Location. Permission shall be limited to the location designated by the Board of Park Commission.**
- (2) Hours of Operation. Permission to sell or offer for sale shall be limited to the hours between 9:00 a.m. and 8:00 p.m.**
- (3) Term. Permission shall be limited too no more than thirty (30) consecutive days.**
- (4) Special Events. Permission shall not be required for vendors associated with a special event previously approved by the City.**
- (5) Utilities. Vendors which require use of public utilities shall be required to pay utility fees as designated by the Superintendent of Parks;.**
- (6) Noise. Noise levels emanating from the stand shall be kept to a minimum and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants and customers. Vendors shall be subject to all applicable City ordinances regarding noise and amplification and this ordinance shall not be interpreted to expand or contradict those other ordinances. In the event of a conflict, the more strict regulation or ordinance shall apply.**

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

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

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

Passed:

Published:

Drafted By:  
MATTHEW A. KNIGHT  
Deputy City Attorney

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

**REDLINE VERSION**  
**04.16.10**

BY: ALDERPERSON MICHAEL ORTH

**TO REPEAL AND RECREATE SECTION 13.035 OF THE  
CODE OF GENERAL ORDINANCES, REGARDING PEDDLER'S  
STANDS AND OTHER STRUCTURES AS OBSTRUCTIONS**

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

**Section One:** Section 13.035 of the Code of General Ordinances for the

City of Kenosha, Wisconsin, is hereby repealed and amended as follows:

**13.035 PEDDLER'S STANDS AND OTHER STRUCTURES AS OBSTRUCTIONS**

No person, firm, party or corporation shall place or maintain a stand or structure from which peddling, as defined in §13.03, Ordinances, is engaged in or which are used for any other purposes, upon any City property, including street right-of-ways, sidewalks and lawn park areas, without first having obtained permission of the Common Council. Peddler's stands shall not be authorized within eight hundred (800') feet of any permanent business retailing similar or competing products located in a permanent building or structure and peddler's stands and other structures shall not be authorized where likely to create a public or private nuisance, or otherwise disturb the peace or obstruct vehicular or pedestrian traffic

A person shall be deemed to have a "stand", although there is no structure associated therewith, whenever a person remains in any one location for more than one (1) hour within an eight (8) hour period of time. A "location" shall be defined as **any City property including street right-of-ways, sidewalks and lawn park areas.** A "right-of-way" shall be defined as being within one hundred fifty (150') feet of any street or highway intersection measured from the center point thereof and shall also be defined as being within a right-of-way on either side of a street or highway from intersection to intersection.

Applications for permits shall be filed with the City Clerk on forms approved by the City Clerk, accompanied by a fee of One Hundred (\$100) Dollars. Permits shall be nonproratable and shall be for the period October 1 through September 30 of each year. A separate permit shall be required for each "stand". **Person(s) peddling from a stand as defined herein shall not be required to hold an individual peddler's license as required by § 13.03.**

**A. Review.** In reviewing a peddler stand permit application, the Common Council shall consider whether the proposed stand transactions are:

- (1) Customarily associated with public use and enjoyment of the location proposed for the stand.
- (2) In furtherance of public use and enjoyment of the location proposed for the stand.
- (3) Incidental to an appropriate recreational or cultural use of the location proposed for the stand.

**B. Operation.** Peddler stands issued a permit pursuant to Subsection A shall be subject to the following operations requirements:

- (1) Location. The stand location shall be limited to the area described in the permit application and approved by the Council.

(2) Term. An approved location shall be limited to thirty (30) consecutive days. Each stand may be relocated subject to the filing of a new permit application during the term of the permit and upon Common Council approval.

(3) Hours of Operation. Peddling is permitted at a stand location between the hours of 9:00 a.m. and 8:00 p.m.

(4) Special Events. A peddler stand permit shall not be required for vendors associated with a special event previously approved by the City.

(5) Utilities. Vendors which require use of public utilities shall pay utility charges as designated by Superintendent of Parks.

(6) Noise. Noise levels emanating from the stand shall be kept to a minimum and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants and customers. Vendors shall be subject to all applicable City ordinances regarding noise and amplification and this ordinance shall not be interpreted to expand or contradict those other ordinances. In the event of a conflict, the more strict regulation or ordinance shall apply.

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

ATTEST: \_\_\_\_\_ Deputy City Clerk  
Debra L. Salas

APPROVED: \_\_\_\_\_ Mayor                      Date: \_\_\_\_\_  
Keith G. Bosman

Passed:

Published:

Drafted By:  
MATTHEW A. KNIGHT,  
Deputy City Attorney