

**AGENDA**  
**PUBLIC SAFETY & WELFARE COMMITTEE MEETING**  
**Kenosha Municipal Building - Room 204**  
**Monday, June 8, 2015 - 5:00 pm**

<b>Chairman:</b>	<b>Rocco J. LaMacchia, Sr</b>	<b>Vice Chairman:</b>	<b>Jack Rose</b>
<b>Aldersperson:</b>	<b>Kurt Wicklund</b>	<b>Aldersperson:</b>	<b>Scott N. Gordon</b>
<b>Aldersperson:</b>	<b>Keith W. Rosenberg</b>		

**Call to Order**  
**Roll Call**

Approval of the minutes of the meeting held on May 11, 2015.

1. Application for Carmichael & Associates, Inc., for a Carnival License on July 2-5, 2015 in City of Kenosha Marina Site at 5901 3<sup>rd</sup> Avenue. *(District 2)*
2. Request from Patrick Zuchowski Installation of Obstruction *(Planter Box)* in the Public Right-of-Way at 6606 32<sup>nd</sup> Avenue. *(District 8) (Deferred from the meetings on 4/27/15 & 5/11/15)*
3. Aldermanic Request for the Restriction of Parking on the West Side of 27<sup>th</sup> Avenue from Roosevelt Road to 67<sup>th</sup> Street *(District 8) (Staff recommends 90-Day Trial)*
4. Ordinance by the Mayor - To Renumber Sections 9.28 and 9.29 and to Create Section 9.28 *(of the Code of General Ordinances)* Regarding Structural Interference With Public Safety Radio Communication. *(Referred from Council on 5/18/15)*

**CITIZEN COMMENTS/ALDERPERSON COMMENTS/OTHER BUSINESS AS AUTHORIZED BY LAW  
PERTAINING TO PUBLIC SAFETY& WELFARE MATTERS AS AUTHORIZED BY LAW**

IF YOU ARE DISABLED AND NEED 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 of Meeting held Monday, May 11, 2015**

A meeting of the Public Safety & Welfare Committee was held on Monday, May 11, 2015 in Room 204 of the Kenosha Municipal Building. The meeting was called to order at 5:57 pm by Chairman LaMacchia.

At roll call, the following members were present: Alderpersons Wicklund, Rose, and Gordon. Alderperson Rosenberg was excused. Staff members in attendance were: Shelly Billingsley, Acting Director of Public Works/City Engineer; Greg Holverson, Assistant City Engineer; Deputy Police Chief Dan Miskinis; and Alderperson Jan Michalski.

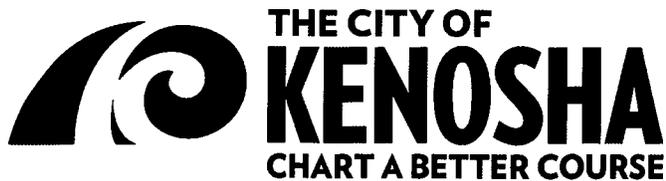
It was moved by Alderperson Gordon, seconded by Alderperson Rose, to approve the minutes from the meeting held on Monday, April 27, 2015. Motion carried unanimously.

1. Request from Patrick Zuchowski Installation of Obstruction (*Planter Box*) in the Public Right-of-Way at 6606 32<sup>nd</sup> Avenue. (*District 8*) (*Deferred from the meeting on 4/27/15*)  
Staff: Shelly Billingsley spoke.  
Public Hearing: Patrick Zuchowski spoke.  
Public Hearing is closed.  
Staff: Greg Holverson and Shelly Billingsley answered questions.  
It was moved by Alderperson Wicklund, seconded by Alderperson Gordon to open up to another public hearing. Motion carried unanimously.  
Public Hearing: Patrick Zuchowski spoke.  
It was moved by Alderperson Gordon to defer until the next meeting. After discussion, Alderperson Gordon withdrew his motion. It was then moved by Alderperson Rose, seconded by Alderperson Wicklund to defer until the next meeting. Motion carried unanimously.
2. Aldermanic Request for the Installation of a Stop Sign at the Intersection of 64<sup>th</sup> Avenue and 76<sup>th</sup> Street. (*District 14*)  
Staff: Shelly Billingsley spoke.  
It was moved by Alderperson Rose, seconded by Alderperson Gordon to approve.  
Motion carried unanimously.
3. Aldermanic Request for the Installation of Parking Restrictions on the East Side of 60<sup>th</sup> Avenue from 80<sup>th</sup> Street to the Union Pacific Railroad Crossing 411 ft North of 80<sup>th</sup> Street. (*District 14*)  
It was moved by Alderperson Gordon, seconded by Alderperson Rose to approve.  
Motion carried unanimously.
4. Aldermanic Request for the Removal of the Parking Restrictions in front of Villa Nova Apartments at 2401 18<sup>th</sup> Street. (*District 4*)  
Staff: Shelly Billingsley spoke.  
It was moved by Alderperson Rose, seconded by Alderperson Gordon to approve.  
Motion carried unanimously.

5. Previous Trial for the Restrictions of Parking on the North Side of 74th Street from 104th Avenue to the East 710 feet, and the South Side of 74th Street from 104th Avenue to the East 270 feet. (*District 16*)  
Staff: Shelly Billingsley spoke.  
It was moved by Alderperson Gordon, seconded by Alderperson Rose to approve.  
Motion carried unanimously.
6. Election of Committee Chairman 2015/2016.  
It was moved by Alderperson Gordon, seconded by Alderperson Wicklund to nominate Alderperson LaMacchia as Chairman. Motion carried unanimously.
7. Election of Committee Vice Chairman 2015/2016.  
It was moved by Alderperson Gordon, seconded by Alderperson Wicklund to nominate Alderperson Rose as Vice Chairman. Motion carried unanimously.
8. Reschedule of May 25, 2015 (*Memorial Day*) meeting.  
It was moved by Alderperson Gordon, seconded by Alderperson Wicklund to cancel the meeting and if needed meet on June 1<sup>st</sup> before Common Council. Motion carried unanimously.

CITIZEN COMMENTS: Patrick Zuchowski and Alderperson Jan Michalski spoke regarding item #1.

ADJOURNMENT - There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:22 pm.



Shelly Billingsley, P.E.  
Acting Director of Public Works  
City Engineer

June 4, 2015

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

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

Subject: Application for Carmichael & Associates, Inc., for a Carnival License on July 2-5,  
2015 in City of Kenosha Marina Site at 5901 3<sup>rd</sup> Avenue. (*District 2*)

**BACKGROUND/ANALYSIS**

Staff received this request from the City Clerk's office for a Carnival License for Carmichael & Associates, Inc., on July 2-5, 2015 in the City Marina Site at 5901 3<sup>rd</sup> Avenue. This event is an annual event and is going on it's third year.

**RECOMMENDATION**

Staff has no recommendation.

SB/dm



**Memorandum**

Date	May 14, 2015
To	Police~ Kelly Andreoli Fire~ Pat Ryan, Theonita Cox CDI~ Brian Wilke, Rich Schroeder, Health~ Mark Melotik
Copy	Public Works~ Diane Miles
From	Michelle Nelson, Information Coordinator
Subject	Carnival License Application

Please see the attached application which was submitted to the City Clerk's Office.

LICENSEE: Carmichael & Associates, Inc.  
TYPE: Carnival License  
DATE: July 2, 2015-July 5, 2015  
PS&W: June 8, 2015  
CC: June 15, 2015

If you require additional information, feel free to email or call me.

**APPLICATION FOR CARNIVAL LICENSE**

**FEE: \$50.00**

Name of Corporation or Organization applying for license Carmichael Assoc. Inc.

Address of Corporation or Organization 1420 63<sup>rd</sup> St. Kenosha WI 53143

Name of Person in Charge of Event Frank Carmichael

Contact: Reanna Stockdale 564-8800

Phone Number of Person in Charge 262-564-8800

Location where carnival will be held Parking Lot directly east of Madrigrano Marina Shores on 3rd Ave. & 58<sup>th</sup> St.

Dates and hours that carnival will be held July 2 - July 5, 2015

Attach a certificate of insurance indicating \$2,000,000 of liability coverage for death or personal injury and \$100,000 coverage for property damage through an insurance company licensed to do business in the State of Wisconsin.

I (we) hereby agree to comply with all laws, rules and regulations of the State of Wisconsin and the City of Kenosha.

I (we) understand that the Mayor, Building Inspector, Health Administrator or Fire Chief may suspend operations for 24 hours pending an investigation of any unsafe condition.

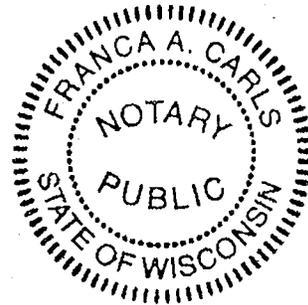
[Signature]  
Applicant

Subscribed and sworn to before me this

17<sup>th</sup> day of April, 2015

[Signature: Franca A. Carls]  
Notary

My commission expires 5/21/2017



Approval by the Mayor in the event that there is not a Council meeting from the time an application is submitted and prior to the event after consultation with the alderman of the district in which the carnival is to operate.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



Policy CPW0218511

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **ADDITIONAL INSURED – NOT OTHERWISE CLASSIFIED**

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM  
BUSINESSOWNERS LIABILITY COVERAGE FORM  
COMMERCIAL GENERAL LIABILITY COVERAGE PART  
COMMERCIAL UMBRELLA LIABILITY COVERAGE PART  
GARAGE COVERAGE FORM

### **SCHEDULE**

**Name of Person or Organization (Additional Insured):**

City of Kenosha

WHO IS AN INSURED is amended to include as an insured the person or organization shown in the Schedule as an additional insured, but only with respect to liability incurred solely as a result of some act or omission of the named insured.

It is further understood and agreed that the designation of the entity named as an additional insured does not increase or alter the limit of liability, nor the scope of coverage of this policy.

The coverage granted to the additional insured under this endorsement shall be excess over any other valid and collectible insurance, whether contingent, excess or primary.

This endorsement provides no coverage to the additional insured for its liability arising out of the claimed negligence, statutory liability or fault of the additional insured.

As a condition of coverage, the additional insured shall be obligated to tender the defense and indemnity of every claim or suit to all other insurers that may provide coverage to the additional insured, whether on a contingent, excess or primary basis.

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

Zimbra

mnelson@kenosha.org

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**Re: Carnival Application**

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**From :** Brian Wilke <bwilke@kenosha.org> Mon, May 18, 2015 08:32 AM  
**Subject :** Re: Carnival Application ■ 2 attachments  
**To :** Michelle Nelson <mnelson@kenosha.org>  
**Cc :** Kelly Andreoli <kma360@kenoshapolice.com>, Patrick <pryan@kenosha.org>, Theonita <tcx@kenosha.org>, Rich Schroeder <rschroeder@kenosha.org>, mark <mark.melotik@kenoshacounty.org>, Diane Miles <dmiles@kenosha.org>, Lisa May <lmay@kenosha.org>

No holds from zoning on the application.

**Brian R. Wilke**  
**Development Coordinator**

Community Development & Inspections  
625 52nd Street - Room 308  
Kenosha, WI 53140  
bwilke@kenosha.org  
262.653.4049



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**From:** "Michelle Nelson" <mnelson@kenosha.org>  
**To:** "Kelly Andreoli" <kma360@kenoshapolice.com>, "Patrick" <pryan@kenosha.org>, "Theonita" <tcx@kenosha.org>, "Brian Wilke" <bwilke@kenosha.org>, "Rich Schroeder" <rschroeder@kenosha.org>, "mark" <mark.melotik@kenoshacounty.org>  
**Cc:** "Diane Miles" <dmiles@kenosha.org>, "Lisa May" <lmay@kenosha.org>  
**Sent:** Friday, May 15, 2015 9:45:04 AM  
**Subject:** Carnival Application

Please see attached.

**Michelle Nelson**  
**Information Coordinator**

T:262.653.4271

Zimbra

mnelson@kenosha.org

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**RE: Carnival Application**

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**From :** Mark Melotik  
<Mark.Melotik@kenoshacounty.org>

Fri, May 15, 2015 01:50 PM

■ 2 attachments

**Subject :** RE: Carnival Application

**To :** Michelle Nelson <mnelson@kenosha.org>

**Hi Michelle,**

**I don't have any holds but the business will be inspected and may be required to obtain a license or pay inspection fees.**

**Mark Melotik REHS/RS  
Environmental Manager  
Kenosha County Division of Health  
[Mark.melotik@kenoshacounty.org](mailto:Mark.melotik@kenoshacounty.org)  
Office: (262)605-6745  
Fax: (262)605-6715**



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**From:** Michelle Nelson [mailto:mnelson@kenosha.org]

**Sent:** Friday, May 15, 2015 9:45 AM

**To:** Kelly Andreoli; Patrick Ryan; Theonita Cox; Brian Wilke; Rich Schroeder; Mark Melotik

**Cc:** Diane Miles; Lisa May

**Subject:** Carnival Application

**Importance:** High

Please see attached.

**Michelle Nelson**  
**Information Coordinator**  
T:262.653.4271  
625 52nd Street  
Kenosha, WI 53140

Zimbra

mnelson@kenosha.org

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**carnival**

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**From :** Kelly Andreoli <kma360@kenoshapolice.com> Fri, May 15, 2015 10:23 AM**Subject :** carnival**To :** Michelle Nelson (mnelson@kenosha.org)  
<mnelson@kenosha.org>, Lisa May  
(lmay@kenosha.org) <lmay@kenosha.org>**Cc :** Lewis Lindquist <ltl240@kenoshapolice.com>

I reviewed the application for the carnival license. It must go through Public Safety & Welfare before it's approved by the Mayor. It notes on the bottom that the Mayor, Building Inspector, Health Administrator or Fire Chief can suspend operations pending an investigation for unsafe conditions, but I don't see anything about the Police. I do not believe we need to give a recommendation.

***Kelly M. Andreoli******Clerical Supervisor******Kenosha Police Department******(262) 605-5237******[kma360@kenoshapolice.com](mailto:kma360@kenoshapolice.com)***

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THE CITY OF  
**KENOSHA**  
PUBLIC WORKS

June 5, 2015

Carmichael & Associates Inc.  
Attn: Frank Carmichael  
1420 63<sup>rd</sup> St  
Kenosha, WI 53143

RE: A Carnival License on July 2-5, 2015 in City of Kenosha Marina Site at 5901 3<sup>rd</sup> Avenue.

Dear Mr. Carmichael:

Your request for a Carnival License on July 2-5, 2015 in City of Kenosha Marina Site at 5901 3<sup>rd</sup> Avenue will be reviewed by the Public Safety & Welfare Committee. The meeting is scheduled for:

**Monday, June 8, 2015**  
**5:00 p.m.**  
**Room 204**  
**Kenosha Municipal Building, 625-52nd Street**

You and/or your representative are required to appear.

If you have any questions, you may contact me at 262-653-4065 or [dmiles@kenosha.org](mailto:dmiles@kenosha.org).

Sincerely,

Diane S. Hoff  
Secretary of the Parks Commission

cc: Public Safety & Welfare Committee  
Alderperson Rhonda Jenkins, District 2 – w/a  
Shelly Billingsley, Deputy Director of Public Work/City Engineer – w/a



E-MAILED MAY 26 2015

March 26, 2015

Carmichael & Associates, Inc.  
1420 63<sup>rd</sup> Street  
Kenosha, WI 53140

RE: Carnival License~ Parking Lot on 3<sup>rd</sup> Ave. and 58<sup>th</sup> St. (July 2 – July 5, 2015)

Dear Applicant:

The above referenced application will be presented to the Common Council:

**Date:** Monday, June 15, 2015  
**Time:** 6:30 pm  
**Location:** Kenosha Municipal Building, 625-52<sup>nd</sup> Street, Room 202

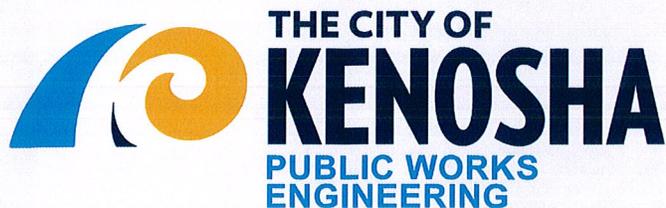
**It is recommended that you attend this meeting; however, meeting dates and times are subject to change. Please check the current agenda at [www.kenosha.org](http://www.kenosha.org) to ensure you attend the correct meeting.**

If you have any questions, feel free to email [mnelson@kenosha.org](mailto:mnelson@kenosha.org) or call 653-4271.

Sincerely,

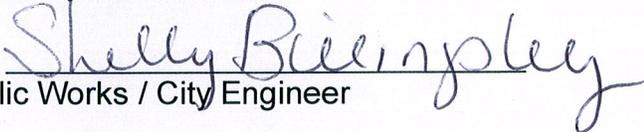
Michelle Nelson  
Information Coordinator  
City Clerk's Office

c: Alderperson Jenkins



June 5, 2015

To: Rocco J. LaMacchia, Sr., Chairman  
Committee on Public Safety and Welfare

From: Shelly Billingsley, P.E.   
Acting Director of Public Works / City Engineer

CC: Bill Richardson (Attorney's Office)

Subject: Request from Patrick Zuchowski – Installation of Obstruction (*Planter Box*) in  
Public Right-of-Way at 6606 32nd Avenue (*Deferred from the meetings on  
4/27/15 & 5/11/15*)

#### **BACKGROUND INFORMATION**

City staff had become aware of unpermitted construction in the Public Right-of-way immediately in front of the property located at 6606 32nd Avenue in the form of a 30 foot long by 4 foot wide brick planter box constructed 12-inches high. Construction in the public right-of-way is not allowed unless approved and permitted by the city. Regarding construction of this type, the permit required and the conditions of approval are defined in Code of General Ordinances 5.045 Banners, Signs, Decorations and Obstruction in the Public Right-of-Way.

On December 16, 2014 Public Works Department sent Patrick Zuchowski, owner and resident of property, a letter information him of City Ordinance 5.045 and requested that the application form be filled out and returned to the City.

On March 27, 2015, Patrick Zuchowski came to the Public Works office to find out what application he needed to fill out and completed the application at the Public Works Administration counter, with the exception of the insurance requirement.

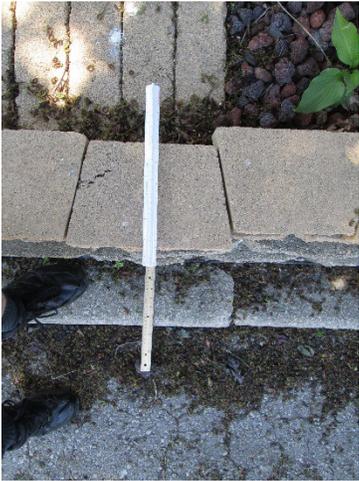
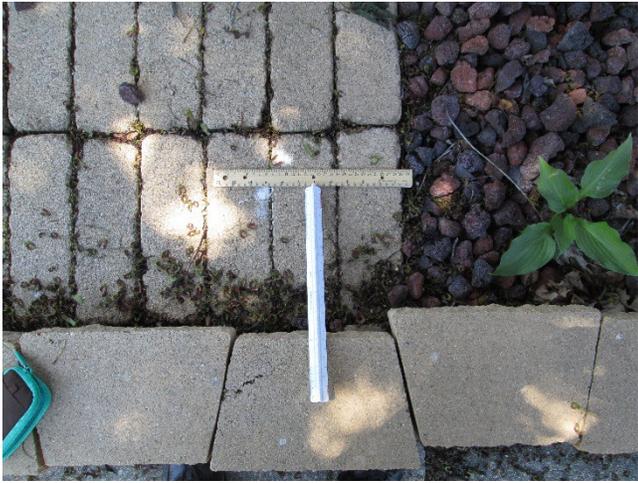
On May 15, 2015 this obstruction was brought forth to Committee on Public Safety and Welfare deferring action until Alderman Wicklund could meet with the homeowner and the insurance requirements be supplied.

On May 22nd Alderman Wicklund visited the property to see if the 2 foot setback from the face of the curb could be obtained pursuant to the Code of General Ordinance 5.045, Section D, Paragraph 2. Alderman Wicklund provided photos of the area in question please see attached.

**RECOMMENDATION**

Staff recommends denial if property owner will not move the planter box so that the 2 foot setback from the face of the curb as designated in the Code of General Ordinance 5.045, Section D, Paragraph 2 is obtained and if the applicant is unable to procure and maintain during the permit period, a minimum liability insurance of one million (\$1,000,000) dollars single limits, providing coverage for claims of death, personal injury and property damage.

SB/dm





# APPLICATION FORM AND INDEMNITY & HOLD HARMLESS AGREEMENT

## Banners, Signs, Decorations & Obstructions in Public Right-of-Ways

(Ordinance No. 5.045)

Is Applicant a  partnership  individual  corporation  group of individuals  religious organization  fraternal organization (check one) pb212@sbcglobal.net

Name of Applicant Patrick Zuchowski

Address of Applicant 6606 32 Ave Kenosha, WI 53142

Contact Person (Name, Title, Address, & Phone Number) Above 2629450631

Is banner, sign, decoration or obstruction  permanent  or  temporary in nature?  
If temporary in nature, what time will banner, sign, decoration or obstruction be put up? \_\_\_\_\_  
Taken down? \_\_\_\_\_

Will banner, sign, decoration or obstruction be lighted?  YES  NO  
If yes, attach electrical plans and specifications.

Location: Parade Way

Size: 30ft x width of Pkwy. Construction (type of materials): Brick

Height above public right-of-way 12"

Is banner, sign, decoration or obstruction to be placed on property of another which infringes on a public right-of-way?  YES  NO

Is the banner, sign, decoration or obstruction to be placed on property of another, such as on a railroad bridge or private walkway connecting two buildings, etc.  YES  NO  
If yes, signed permission from the property owner must be attached hereto.

Attach a picture, diagram or sketch of banner, sign, decoration or obstruction on map to scale.

Attach Certificate of General Liability Insurance, with Contractual Liability Endorsement, showing insurance coverage in force and effect. (\$1,000,000 single limits policy). Already done by owner

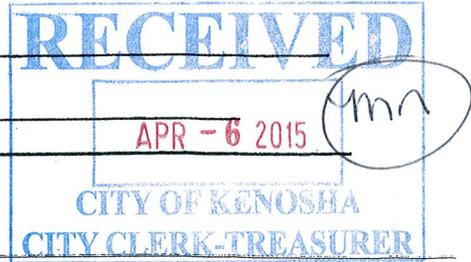
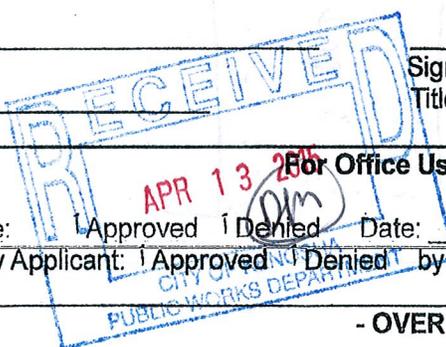
### INDEMNITY AND HOLD HARMLESS AGREEMENT

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.

Executed at Kenosha, WI this 27 day of March, 2015.

Signature of Applicant Title: \_\_\_\_\_

Public Safety & Welfare:  Approved  Denied Date: \_\_\_\_\_  
Reviewed & appealed by Applicant:  Approved  Denied by Common Council Date: \_\_\_\_\_

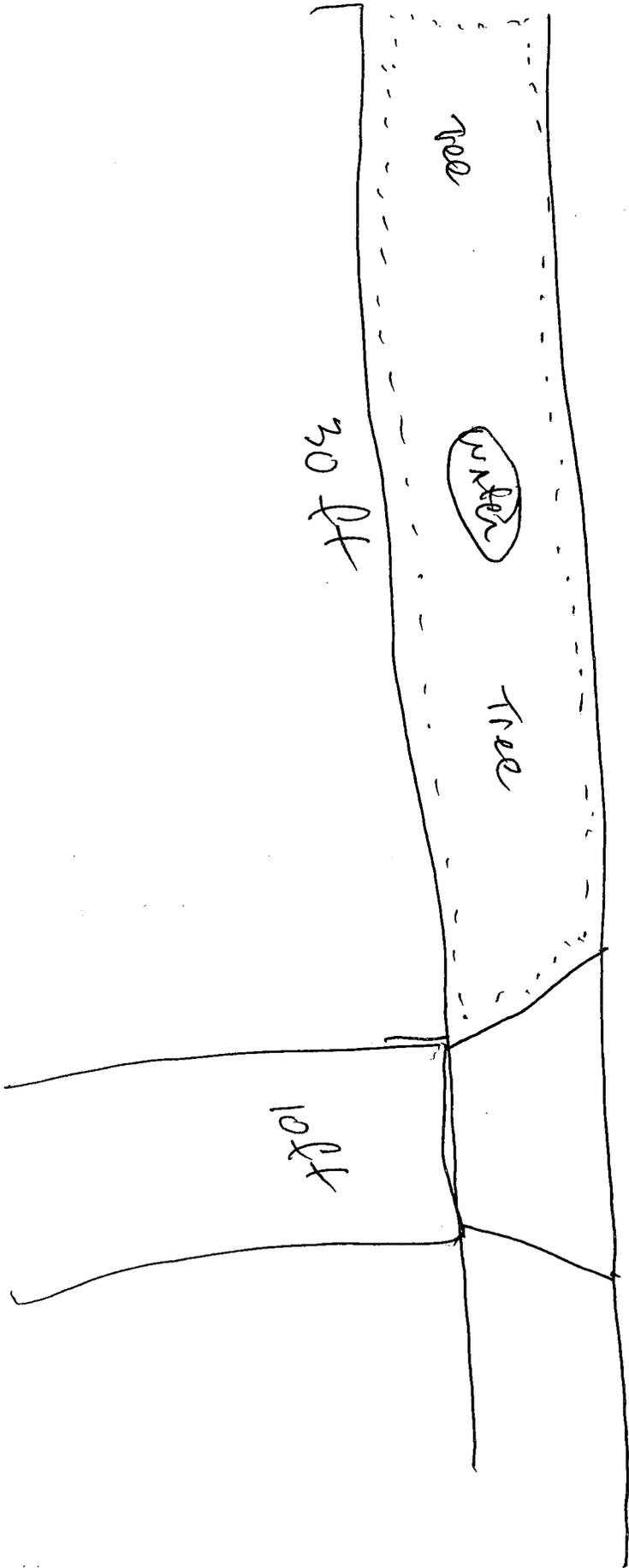


## CONDITIONS OF APPROVAL

The Committee on Public Safety & Welfare 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 racks where otherwise permitted:

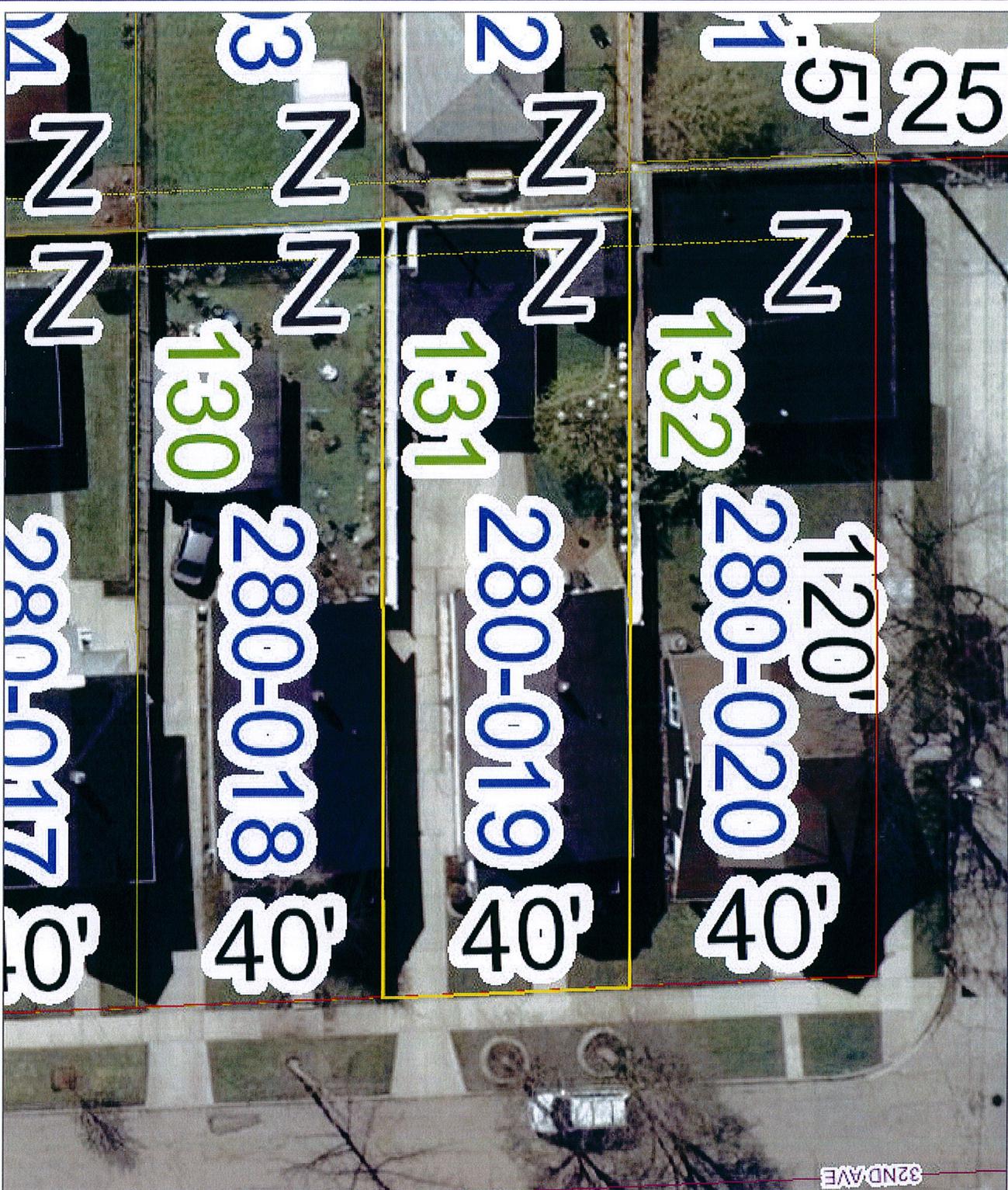
1. Placement of obstructions shall be limited to areas where the sidewalk width is twelve (12') feet wide from face of curb to building line.
2. The obstruction shall be no closer than two (2') feet to the face of the curb.
3. The obstruction shall occupy no more than five (5') feet of the area between the curb and building line.
4. Nonpermanent obstructions will only be 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 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.

\_\_\_\_\_ (initial)





2012 Imagery, work done in 2011



32ND AVE



Legend

- Street Centerlines
- Right-of-Ways
- Water Features
- Parcels
- Certified Survey Maps
- Condominiums
- Subdivisions
- Municipal Boundaries



1 inch = 24 feet

DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.

Date Printed: 3/27/2015



**ENGINEERING DIVISION**  
SHELLY BILLINGSLEY, P.E.  
CITY ENGINEER

**PARK DIVISION**  
JEFF WARNOCK  
SUPERINTENDENT

**FLEET MAINTENANCE**  
MAURO LENCI  
SUPERINTENDENT

**STREET DIVISION**  
JOHN H. PRIJIC  
SUPERINTENDENT

**WASTE DIVISION**  
ROCKY BEDNAR,  
SUPERINTENDENT

**DEPARTMENT OF PUBLIC WORKS**

MICHAEL M. LEMENS, P.E., DIRECTOR  
SHELLY BILLINGSLEY, P.E., DEPUTY DIRECTOR

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

December 16, 2014

Patrick Zuchowski  
6606 32<sup>nd</sup> Ave  
Kenosha, WI 53142-3416

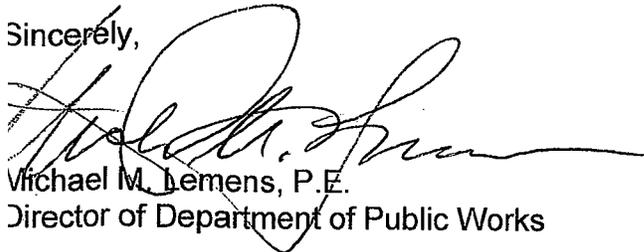
**SUBJECT:** Obstruction in Public Right-of-Way at 6606 32<sup>nd</sup> Ave

Dear Patrick Zuchowski,

The City has become aware of an obstruction in the public right-of-way immediately in front of the property at 6606 32<sup>nd</sup> Avenue. Construction in the public right-of-way is not allowed unless the proper permit is submitted and approved by the City. Regarding obstructions in the public right-of-way, the permit required is defined in City of Kenosha Code of General Ordinances 5.045 Banners, Signs, Decorations and Obstruction in the Public Right-of-Way. We have attached a copy of this ordinance along with the application form that needs to be fully completed and filed with the City Clerk to start the permit process with the City. The City Clerk will forward to Public Works Department for review and comment prior to placing the application on the agenda of the Committee on Public Safety and Welfare. The attached Ordinance will detail out the construction requirements in Section D.

After reviewing the ordinance, you have any remaining question, please contact Greg Holverson, Assistant City Engineer at 262-653-4152.

Sincerely,



Michael M. Lemens, P.E.  
Director of Department of Public Works

cc: Alderman Kurt Wickland – District 8  
Debra Salas, City Clerk  
Shelly Billingsley P.E., Director/City Engineer  
Greg Holverson, P.E., Assistant City Engineer

## CODE OF GENERAL ORDINANCES, 2014 - KENOSHA, WISCONSIN

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### 5.045 BANNERS, SIGNS, DECORATIONS AND OBSTRUCTIONS IN PUBLIC RIGHT-OF-WAY

**A. Permit Required.** No person, party, firm or corporation shall place any banner, sign, decoration, or obstruction in any public right-of-way without first obtaining the written permission of the Director of Public Works. The Common Council shall, from time to time, by Resolution, establish permit fees.

**B. Exception and Limitation.** The requirements of this Ordinance do not apply to:

1. The placement of banners, signs, decorations or obstructions by the City in a right-of-way; and,
2. Outdoor dining areas permitted under **Section 5.046** of the Code of General Ordinances.

**C. Requirements.** A permit under **Subsection A.** may be granted only where:

1. A City authorized application form has been fully completed, properly executed and filed with the Office of the City Clerk. The City Clerk shall forward said application to the Director of Public Works, or designee thereof, for review and written comment prior to placing the application on the agenda of the Committee on Public Safety and Welfare for action thereon. The application form shall include an indemnity and hold harmless agreement drafted by the City Attorney which protects the City and its officers and employees from liability arising out of acts or omissions herein relevant, and it shall also require the following information: Name of applicant; address of applicant; identification of whether applicant is a partnership, individual, corporation, group of individuals, religious organization, political organization, social organization or fraternal organization; person representing applicant to contact; location, size, construction and height of banner, sign, decoration or obstruction; when banner, sign, decoration will be put up and taken down, if temporary in nature; whether or not lighted; and a picture, diagram or sketch of banner, sign, decoration, or obstruction.

2. The applicant has procured and maintains during the permit period, a minimum liability and contractual liability insurance policy in the amount of One Million (\$1,000,000.00) Dollars single limits, providing coverage for claims involving death, personal injury and property damage. A certificate of such insurance shall be filed with the City Clerk as part of the application. If a sign or decoration is painted upon the property of another which lawfully infringes on a public right-of-way, this requirement shall apply only to the painter during the period of painting. The City Attorney may recommend, and the Committee on Public Safety & Welfare may approve, higher limits of insurance protection on a case by case basis.

3. The written permission of the owner of private property which lawfully infringes on a public right-of-way, such as a railroad bridge, upon which the banner, sign, decoration or obstruction will be placed, has been procured and attached to the application. Banners, signs, decorations and obstructions may not be placed on private property which unlawfully infringes on a public right-of-way.

4. The persons executing the application are authorized to do so by the corporation, partnership or organization in whose name the permission is requested and the application must document said authorization.

5. The placement, maintenance and removal of all banners, signs, decorations or obstructions shall be by applicant, solely at applicant's expense.

6. It shall be unlawful for any applicant obtaining a permit hereunder to fail to promptly remove a banner, sign, decoration or obstruction by the date specified within their application for taking it down, or by such other date as is determined by the Committee on Public Safety & Welfare.

**D. Conditions of Approval.** The Committee on Public Safety and Welfare 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 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.

## CODE OF GENERAL ORDINANCES, 2014 - KENOSHA, WISCONSIN

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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') feet of the area between the curb and building line.
4. 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.
5. Obstructions greater than three and one-half (3.5') feet in height shall be at least fifteen (15') feet from a corner sidewalk.
6. Obstructions cannot extend beyond the limits of the applicant's property's street frontage.
7. Aisleways to building doors will be unobstructed so as to ensure a safe fire exit.
8. 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.

**E. Prohibited Content.** No banner, sign, decoration or obstruction may be obscene or may tend to discriminate against any person or group protected by law against discrimination.

**F. Lighting.** The lighting of banners, signs, decorations and obstructions shall be prohibited, unless specified in the application and approved by the Committee on Public Safety & Welfare. Such approval may be granted only if the lighting will not unreasonably interfere with traffic or the peaceful use of property owners and users within the immediate vicinity thereof.

**G. Appeal.** Should the Committee on Public Safety & Welfare deny the application, applicant, by filing a written notice of appeal with the City Clerk within five (5) business days following, but not including, the day of denial, may appeal said denial to the Common Council. The appeal will be heard at a scheduled Common Council meeting as soon as practicable. However, to be heard at a given Common Council meeting, the notice of appeal must be filed a minimum of two (2) business days prior to said meeting, not including the day of the scheduled meeting.

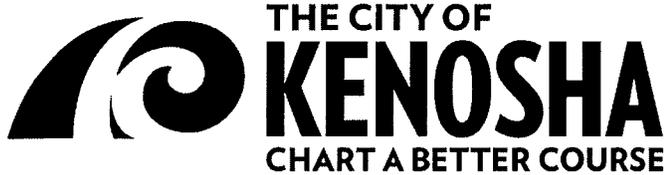
**H. Revocation, Suspension and Removal.** The Committee on Public Safety & Welfare may suspend or revoke any permit issued hereunder and order the removal of any banner, sign, decoration or obstruction placed in a City right-of-way contrary to the terms of a permit issued under this Ordinance, or contrary to this Ordinance, upon providing permit holder with a reasonable time, not to exceed ten (10) days, in which to file a written request with the City Clerk to be heard in said matter, and show cause why the proposed action should not be taken. However, a banner, sign, decoration or obstruction may be removed without prior notice or opportunity to be heard where it constitutes an immediate danger to the public health, safety or welfare, where it is not in conformance with representations made in the application, where the Certificate of Insurance has expired or where placed within any right-of-way without a permit, contrary to the provisions of this Ordinance. In such cases, an opportunity for a post-removal hearing shall be provided.

**I. Other Codes, Permits and Inspections.** Permits issued hereunder are conditioned upon compliance with any Building, Health, Fire or Zoning Codes and permits and inspections hereunder, which may be applicable.

**J. Penalty.** Any person, party, firm or corporation who violates any provision of this Ordinance shall, upon conviction, forfeit not more than Three Hundred (\$300.00) Dollars, plus the cost of prosecution, and in the event of the failure to promptly pay said amounts, the violator shall be imprisoned for not more than ten (10) days in the County Jail. Each day of violation shall be deemed a separate offense.

### **5.046 OUTDOOR DINING AREA LOCATED IN A PUBLIC RIGHT-OF-WAY, MAJOR STREET SETBACK AREA OR ON PUBLIC PROPERTY.**

**A. Definitions.** The following terms and phrases, for purposes of this Ordinance, shall have the meanings provided.



Shelly Billingsley, P.E.  
Acting Director of Public Works  
City Engineer

Date: May 12, 2015

To: Alderperson Rocco LaMacchia, Chairman  
Public Safety and Welfare Committee

CC: Alderperson Kurt Wicklund (District 8)

From: Shelly Billingsley, P.E.  
Deputy Director of Public Works / City Engineer *Shelly Billingsley* 5-12-15

Subject: *Aldermanic Request for the restriction of parking on the west side of 27<sup>th</sup> Avenue from Roosevelt Road to 67<sup>th</sup> Street (District 8)*

**BACKGROUND INFORMATION:**

Alderman Wicklund is requesting to restrict parking along the west side of 27<sup>th</sup> Avenue between Roosevelt Road and 67<sup>th</sup> Street. He claims that with parking on both sides, the road can get congested. This would also alleviate issues for a dumpster pick up at 2635 Roosevelt Road. The truck used to pick up their dumpster cannot make the turning radius with vehicles parked on the west side of the road.

Public Works Engineering Staff inspected 27<sup>th</sup> Avenue from Roosevelt Road to 67<sup>th</sup> Street. There currently is a 'No Parking Here to Corner' (*north arrow*) sign located 38 feet south of Roosevelt Road's right-of-way line on the west side of 27<sup>th</sup> Avenue. According to City records, parking on the west side of 27<sup>th</sup> Avenue is govern by Resolution 97-93 which removed the previous 'No Parking Restriction' from along the west side of 27<sup>th</sup> Avenue from Roosevelt Road to 67<sup>th</sup> Street and replaced it with two-hour parking from 8:00 AM to 6:00 PM Monday thru Saturday, except holidays.

Based off of Resolution 97-93, the parking restrictions on the west side of 27<sup>th</sup> Avenue are currently incorrectly marked.

**RECOMMENDATION:**

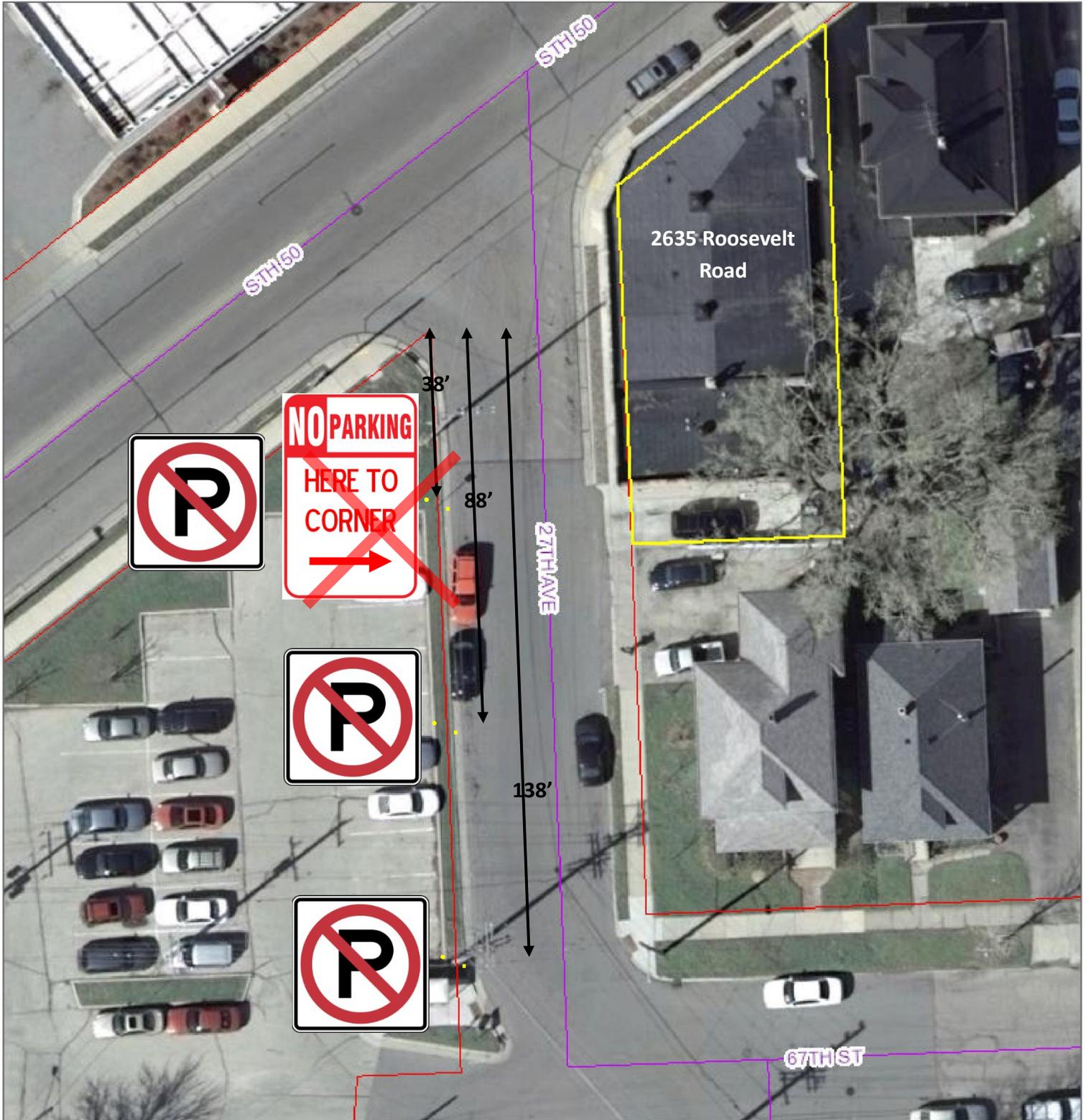
Public Works Engineering Staff recommends that parking be restricted for a 90-day trial on the west side of 27<sup>th</sup> Avenue from Roosevelt Road to 67<sup>th</sup> Street, as shown on Attachment 1.



# No Parking Here to Corner Extension 27<sup>th</sup> Avenue south of Roosevelt Road (STH 50)



1 inch = 30 feet  
Date Printed: 5/12/2015



**DISCLAIMER** This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.



June 5, 2015

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

From: Shelly Billingsley, P.E. *Shelly Billingsley*  
Acting Director of Public Works/City Engineer

Subject: Ordinance by the Mayor - To Renumber Sections 9.28 and 9.29 and to Create Section 9.28 *(of the Code of General Ordinances)* Regarding Structural Interference With Public Safety Radio Communication. *(Referred from Council on 5/18/15)*

**BACKGROUND INFORMATION**

Staff received this request from the Legal Department for an Ordinance by the Mayor - To Renumber Sections 9.28 and 9.29 and to Create Section 9.28 *(of the Code of General Ordinances)* Regarding Structural Interference With Public Safety Radio Communication

**RECOMMENDATION**

Staff has no recommendation.

SB/dm

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

SPONSOR: THE MAYOR

**TO RENUMBER SECTIONS 9.28 AND 9.29 AND TO CREATE SECTION 9.28 OF THE CODE OF GENERAL ORDINANCES REGARDING STRUCTURAL INTERFERENCE WITH PUBLIC SAFETY RADIO COMMUNICATION**

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

**Section One:** Sections 9.28 and 9.29 of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby renumbered as 9.29 and 9.30 respectively.

**Section Two:** Section 9.28 of the Code of General Ordinances for the City of Kenosha, Wisconsin is hereby created as follows:

**9.28 STRUCTURAL INTERFERENCE WITH PUBLIC SAFETY RADIO COMMUNICATION**

**A. Definitions.**

**1. Terms.** The following terms for purposes of this section shall have the respective meanings:

**Basement.** Any story where less than half of the height between the floor and ceiling is above the average level of the street, sidewalk or finished grade.

**Code Official.** The Director of the Department of Community Development and Inspections, any successor to the position, or any duly authorized designee of the Director or successor.

**NFPA.** National Fire Code, 2006 Edition, and future amendments thereto as recommended by the National Fire Protection Association (hereinafter referred to as "NFPA (Section Number)") that have been adopted by the City of Kenosha, either directly, or through adoption of state regulations that have adopted the codes.

**Responsible Person.** The owner, operator or manager of any structure or premises, whether they be a person, partnership, corporation, non-stock corporation, limited liability company, limited liability partnership, association, or syndicate.

**2. Terms Defined Elsewhere.** Where terms are not defined in this Code and are defined in other City Ordinances, Codes, or ASHRAE and NFPA 70, such terms shall have the meanings ascribed to them therein in those Codes.

**3. 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.

**B. General.** Except as otherwise provided, no person or organization shall maintain, own, erect or construct any building or structure which is used for commercial, multi-family, or institutional use or any part thereof or cause the same to be done which fails to support adequate radio coverage to public safety service workers, including but not limited to firefighters and police officers. For purposes of this section, adequate radio coverage shall include all of the following:

1. A minimum signal strength of -101 dBm available in 95% of the area of each floor of the building when transmitted from the Public Safety Radio Communications Systems; and
2. A minimum signal strength of -101 dBm received at the Public Safety Radio Communications System when transmitted from 95% of the area of each floor of the building, via portable radio with or without public safety microphone.
3. Channel Performance Criterion (CPC): CPC is the minimum performance level in a faded channel, per TSB-88, clause 4.2. TSB-88 is a “Telecommunications Systems Bulletin” published by the TIA, Telecommunications Industry Association. The performance level is rated using “Delivered Audio Quality”. Industry standard DAQ definitions are shown in Table 1.
4. DAQ level of 3 is the minimum performance level which shall be attainable by Public Safety Radio systems in 95% of the area of each floor of a building subject to this chapter.

**Table 1 –Delivered Audio Quality Definitions**

<b>DAQ Delivered Audio Quality</b>	<b>Subjective Performance Description</b>
1	Unusable, speech present but unreadable.
2	Understandable with considerable effort. Frequent repletion due to noise / distortion.
3	Speech understandable with slight effort. Occasional repetition required due to noise / distortion.
3.5	Speech understandable with repletion only rarely required. Some noise / distortion.
4	Speech easily understood. Occasional noise / distortion.
4.5	Speech easily understood. Infrequent noise / distortion.
5	Speech easily understood.
<b>5.</b>	The frequency range which must be supported shall be 150.0000-160.0000 MHz, in both digital and analog signals.
<b>6.</b>	The Kenosha Fire and Police Departments may alter necessary frequencies or signal strengths due to changes in technical specification for public safety radio requirements or in the event frequency changes are required by the FCC. Any such frequency changes shall be reported to the Common Council and approved as amendments to this ordinance as soon as

is practicable. The Responsible Party shall modify or expand the emergency responder radio coverage system at their expense for the additional frequencies. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this section.

**C. Testing Procedures.**

**1. Initial Tests.** Upon completion of installation of an emergency responder radio coverage system, the building owner shall have the radio system tested to ensure that two-way coverage on each floor of the building is in accordance with Section B.

**2. Annual Tests.** The Responsible Party will cause to be conducted annual tests. The Responsible Party shall file the report generated in paragraph C.4. with the Code Official each year within thirty (30) days of the testing, but in no event later than April 30. The tests will require:

- a. In-building coverage tests will be conducted to assure compliance with the standards described in Subsections B 1-6.
- b. Signal boosters shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.
- c. All other active components shall be checked to verify operation within the manufacturer's specifications.

**3. Tester Qualifications.** The tests must be conducted, documented, and signed by a person in possession of a current General Radiotelephone Operator license issued by the United States Federal Communications Commission, or a current technician certification issued by a nationally recognized organization or school, or a certificate issued by the manufacturer of the equipment being installed.

**D. Maintenance.**

**1.** The emergency responder radio coverage system shall be maintained operational at all times in accordance with Subsection B.

**2.** Except as otherwise specified herein, each responsible person or tenant where relevant, as designated herein, shall be responsible for the maintenance required under this Code and subject to penalty for conviction of any violation of this Code.

**E. Amplification Systems Allowed.**

**1.** Buildings and structures which cannot independently support the required level of radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage: a radiating cable system or an internal multiple antenna system with or without FCC type-accepted signal booster amplifiers as needed.

The installation of equipment as indicated above can not be detrimental to the operation of the Public Safety Radio System.

**2.** In the event that a signal booster is employed it shall meet the following minimum requirements:

- a. be fully encased within a dust resistant case;
- b. be contained in a National Electrical Manufacturer's Association (NEMA) 4-type

- c. waterproof cabinet;
- c. battery systems used for the emergency power source shall be contained in a NEMA 4-type waterproof cabinet;
- d. the signal booster system and battery system shall be electrically supervised and monitored by a supervisory service, or shall sound an audible signal at a constantly attended location; and
- e. have FCC certification prior to installation.

**F. Secondary power.**

Emergency responder radio coverage systems shall be provided with an approved secondary source of power conforming to NFPA 72. The secondary power supply shall be capable of operating the emergency responder radio coverage system for a period of at least twenty-four (24) hours. When primary power is lost, the power supply to the emergency responder radio coverage system shall automatically transfer to the secondary power supply.

**G. Field Testing.**

1. Fire Department and Law Enforcement Personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present.

2. Every Responsible Person shall cooperate with and facilitate Field Testing. Failure by the Responsible Person to cooperate with and facilitate such Field Testing shall be a violation of this Code.

3. No person, whether the Responsible Person or otherwise, may obstruct the Field Testing. Obstruction includes the denial of entrance into the building or structure, or portion of the building or structure, at reasonable times pursuant to reasonable notice.

**H. Exemptions.**

The following buildings are exempt from the requirements of this ordinance:

1. A building containing a wired communication system in accordance with Subsection B that has been permitted by the Code Official to be installed or maintained in lieu of a radio coverage system for buildings. The communications control equipment and portable handsets shall be located inside the building at the main building entrance, or other location approved by the Code Official.

2. Buildings and areas of buildings that have minimum radio coverage signal strength levels within the building in accordance with Subsection B, herein, without the use of a radio coverage system.

3. Buildings meeting all of the following conditions:
- a. there are not more than five stories above grade;
  - b. the total building area, including occupiable space created after July 1, 2015, does not exceed 100,000 square feet;
  - c. the total basement area does not exceed 5,000 square feet; and
  - d. there are no building spaces having a floor level used for human occupancy that are more than 30 feet below the finished floor of the lowest level of exit.

4. One and two family dwellings.

5. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the Code Official shall have the authority to accept an automatically activated emergency responder radio coverage system.

6. A building that is existing and has been legally occupied prior July 1, 2015, provided, however, that if additional occupiable space was created after July 1, 2015, the building remains exempt under paragraphs H.1 through 4.

**I. Enforcement.**

1. Any person who violates a provision of this Code, shall, upon conviction, be subject to a forfeiture of not more than One Thousand (\$1,000.00) Dollars, and in addition, shall pay the costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense. Failure to promptly pay said forfeiture shall subject the violator to be sentenced to the County Jail for a period not to exceed sixty (60) days. Each day a violation exists, or continues, shall constitute a separate offense.

2. In addition to the forfeitures described above, the City Attorney shall be authorized to seek injunctive relief as appropriate to bring buildings into compliance with this provision.

**Section Three:** This Ordinance shall become effective on **July 1, 2015**, after passage and publication.

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

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

Passed:

Published:

Drafted By:  
EDWARD R. ANTARAMIAN  
City Attorney