

PUBLIC SAFETY & WELFARE COMMITTEE

- MINUTES -

Monday, June 8, 2009

The regular meeting of the Public Safety & Welfare Committee was held on Monday, June 8, 2009 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 6:28 pm. The following members were present: Chairman Jesse Downing, Alderman Donald Ruef, Stephen P. Casey, Kathy Carpenter, and Michael J. Orth. Staff members in attendance were Ron Bursek and Paula Blise.

It was moved by Alderman Carpenter, seconded by Alderman Casey, to approve the minutes of the meeting held on Monday, June 1, 2009. Motion passed 5-0.

1. Aldermanic Request for Trial for Stop Control for WB 65th Street at 92nd Avenue which is a "T" Intersection.
Public Hearing: No one spoke.
Alderman/Staff: Recommends approval.
It was moved by Alderman Casey, seconded by Alderman Carpenter, to approve items #1, #2, and #3 after being read. Motion passed 5-0.
2. Aldermanic Request for Trial for Stop Control for NB/SB 66th Street at 111th Avenue making it a 4-Way Stop.
Public Hearing: No one spoke.
Alderman/Staff: Recommends approval.
3. Application of Kamran M. Khan for a Loading Zone at 610 59th Street (59th Street Properties).
Public Hearing: No one spoke.
Alderman/Staff: Recommends approval. Chairman Downing had concerns with this because of the no parking on the one side of the street and now taking another space away for parking.
4. Informational Item: Signs in the Right-of-Way (Sandwich Signs) Paula Blise asked the committee for some guidance on changing the ordinance or how to enforce the current ordinance. She informed the committee that sandwich signs are prohibited with the exception of outdoor dining establishments, causing confusion with other businesses. Alderman Moldenhauer, 2nd District, informed the committee that a business had called him asking why they had to remove their sign and other establishments can have them out. Alderman Casey asked Paula what Jim Schultz's concerns were. She replied that they both were looking for guidance, right now enforcement is done on complaint basis only. Alderman Ruef would like to see all signs banned, it is a hazard when people are driving, they're looking at the signs and not paying attention to the road. Alderman Ruffolo, 4th District, informed the committee that signs in the right-of-way are illegal and that the ordinance that allows Outdoor Dining establishments to have menu signs, they should only be the menu nothing else. Alderman Ruffolo also had concerns with the language on signs, some can be offensive. Alderman Orth said that the material of a sign and the wording is important, A frame vs a yard sign. He also informed the committee that a business in Brookfield was opening and the City didn't like the color of their sign, so they changed the color. Signs in the walk way could be dangerous and how do we enforce it, do we call the police. He also said that if we allow businesses to have one (1) store front sign and than it begins to multiply. The city wants to project a positive image. Paula informed the committee that all temporary signs are prohibited.
It was moved by Alderman Casey, seconded by Alderman Carpenter, to receive and file. Motion passed 5-0.

ADJOURNMENT - *There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:43 pm.*



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

STREET DIVISION
JOHN H. PRIJIC
SUPERINTENDENT

FLEET MAINTENANCE
MAURO LENCI
SUPERINTENDENT

WASTE DIVISION
ROCKY BEDNAR
SUPERINTENDENT

PARK DIVISION
JEFF WARNOCK
SUPERINTENDENT

ADMINISTRATION SUPERVISOR
JANICE D. SCHROEDER

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

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

TO: Jesse Downing, Chairman
Public Safety & Welfare Committee

FROM: Janice D. Schroeder 

SUBJ: Basketball Hoop in Public Right-of-Way

DATE: 6/29/2009

Recently Public Works staff witnessed the placement of a portable basketball hoop in the parkway of 5211 65th Place. I was notified of this and was asked to contact the homeowner that the placement of this obstruction in the public right-of-way violates city ordinance. Karen and Rodney Rasmussen, the property owners, were sent a letter on May 18, 2009 stating this violation. The letter also explains the process for receiving city approval for placement of an obstruction in the public right-of-way. The basketball hoop was removed from the parkway.

Karen Rasmussen completed the application form for Banners, Signs, Decorations & Obstructions in Public Right-of-Ways, as required by City of Kenosha Ordinance Ch. 5.045, and included the certificate of insurance.

During the week of June 8, Jack Barber called me to let me know that the portable basketball hoop was back in the parkway of 5211 65th Place, and he was directed to remove the obstruction. Karen Rasmussen called me on June 11, 2009 to ask where the basketball hoop was, and why was it taken, since she had submitted the application form and proof of insurance, and "received a permit." I told her that she had only submitted a request, and that approval of this request was granted by the Public Safety and Welfare Committee.

RECOMMENDATION

City staff has reviewed the request of Karen and Rodney Rasmussen for the placement of a portable basketball hoop in the public right-of-way (parkway). Per City of Kenosha Code of General Ordinance, Ch. 5.045 D "Conditions of Approval," obstructions

- "shall be limited areas where the sidewalk width is twelve (12") feet wide from face of curb to building line." – The sidewalk at this property is 5 feet.
- "Portable obstructions shall be adequately secured and anchored so as to prevent them from tipping over in the wind." – The portable hoop is transportable, not secured and anchored.

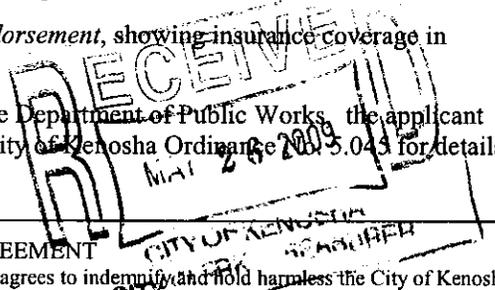
Furthermore, per City of Kenosha Code of General Ordinance, Ch.11.02 (I):

- "No person shall within the limits of the City commit any of the following offenses, namely; obstruct or interfere with, by any means, vehicular or pedestrian traffic on any public walk, highway, street, alley or other public thoroughfare for the purpose of disrupting the orderly pattern and flow thereof.

This obstruction also impedes the tasks of City street sweeping and tree trimming. City staff recommends the denial of this application.

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

1. Name of Applicant: Karen and Rodney Rasmussen
2. Address of Applicant: 5211 65th Place, Kenosha, WI 53142
3. Is Applicant a partnership individual corporation group of individuals religious organization fraternal organization (check one).
4. Contact Person (Name, Title, Address, Phone Number): Karen Rasmussen, homeowner, 5211 65th Place, Kenosha 654-8232
5. Is banner, sign, decoration or obstruction permanent or temporary in nature? Can be moved but is very heavy.
6. Will banner, sign, decoration or obstruction be lighted? NO YES If yes, attach electrical plans and specifications
7. Location: 41 inches from street, on right-of-way behind mailbox, at the above address as shown in picture; does not obstruct trash pick-up, snow plowing, or anything else; has never been in the street as your letter stated
8. Size: 34 inch by 45 inch base, 12 foot height (approximately)
9. Construction (type of materials): plastic, metal and acrylic
10. Height above public right-of-way: about 12 feet tall
11. Is banner, sign, decoration or obstruction to be placed on property of another which infringes on a public right-of-way? No
12. If banner, sign, decoration or obstruction is to be placed on property of another, such as on a railroad bridge or private walkway connecting two building, etc., signed permission from the property owner must be attached hereto. N/A
13. When will banner, sign, decoration or obstruction be put up? next month Taken down? —
14. Attach a picture, diagram or sketch of banner, sign, decoration or obstruction on map to scale.
15. Attach Certificate of General Liability Insurance with *Contractual Liability Endorsement*, showing insurance coverage in force and effect. (\$1,000,000 single limits policy).
16. Does the applicant understand that in the event of an unfavorable decision by the Department of Public Works, the applicant may appeal said denial to the Committee on Public Safety and Welfare? (See City of Kenosha Ordinance No. 5.043 for details) Yes No



INDEMNITY AND HOLD HARMLESS AGREEMENT

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

Dated at Kenosha, WI this 26th day of May, 2009
Karen Rasmussen - Rasmussen Signature of Applicant
Rodney Rasmussen Signature of Applicant
 Title: homeowner Title: homeowner

CONDITIONS OF APPROVAL

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

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





ALLSTATE INSURANCE COMPANY
WISCONSIN
HOMEOWNERS

Home Office
Northbrook, IL

Calendar Date: 05/21/2009
Policy Number: 032677429 8 / 30

This request is subject to policy terms and is effective only if the policy noted above is currently in force.

Karen Seagraves-Rasmussen
Policyholder's Signature

Effective 11 : 36 AM 05 / 21 / 2009

Cindy Lee
Agent's Signature

141064 BKJ 262 694 0754
Agent # Location Agent's Phone #

ORDINANCE NO. _____

BY: THE MAYOR

TO REPEAL AND RECREATE VARIOUS SUBSECTIONS OF SECTION 3.23 OF THE CODE OF GENERAL ORDINANCES, ENTITLED "AUTOMATIC FIRE SPRINKLER SYSTEMS"

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

Section One: Section 3.23 D.1.g. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

g. Residential Groups. Residential Group R-1 and R-3 occupancies shall have an approved sprinkler system installed and maintained if it meets any one (1) or more of the following:

- (1) Buildings of Type IA construction if they are:
 - (a) Over five thousand (5,000) square feet in area.
 - (b) Over one (1) story in height, exceeding five thousand (5,000) square feet in area.
 - (c) Over two (2) stories in height, regardless of area.
- (2) Throughout all buildings of other than IA construction if:
 - (a) Over four thousand (4,000) square feet in area on a floor.
 - (b) More than two (2) stories in height.

Section Two: Section 3.23 E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

E. Exception. Provided that an alternate fire suppression system approved by the Bureau is in use, any portion of a building housing a process or material which would interact with water to create a greater fire hazard than without water, may be exempt from the requirement of Automatic Fire Sprinkler System.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN,
Acting City Attorney

OFFICE OF THE CITY ATTORNEY
MUNICIPAL BUILDING
625 - 52ND STREET
Kenosha, Wisconsin 53140
PHONE (262) 653-4170
FAX (262) 653-4176



PATRICK J. SHEEHAN
CITY ATTORNEY
EDWARD R. ANTARAMIAN
DEPUTY CITY ATTORNEY
MATTHEW A. KNIGHT
ASSISTANT CITY ATTORNEY
WILLIAM K. RICHARDSON
ASSISTANT CITY ATTORNEY

June 10, 2009

Honorable Mayor
and Common Council,
City of Kenosha,
Kenosha, Wisconsin 53140

Re: **Bond Schedule**

Dear Mayor Bosman and Members of the Common Council:

On your Agenda is a Bond Schedule for your approval.

Bond schedules such as this are required in order for the City to utilize the issuance of citations for violations of City Ordinances; without the ability to issue citations, a cumbersome summons and complaint procedure is necessary. Last year, the Kenosha Police Department and the Department of Neighborhood Services and Inspections together issued 15,614 citations, of which over 4,300 were for non-traffic, Ordinance violations.

The Bond Schedule has been in existence for over twenty-five years. Periodically, it is updated to keep pace with increases in State-imposed costs and to address new ordinances. The Bond Schedule foundation is that it provides consistency from person to person in any given year, and consistency of deposit from year to year. Moreover, the individual deposit amounts fit within an integrated framework (e.g., the deposit for battery is greater than the deposit for disturbance of the peace, which in turn is greater than that for littering).

Your adoption of the Resolution approving the Bond Schedule is requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Edward R. Antaramian".

EDWARD R. ANTARAMIAN,
City Attorney

ERA:ri

cc: Frank J. Pacetti, City Administrator
Honorable John A. Neuenschwander, Municipal Court Judge
Police Chief John M. Morrissey
Matthew A. Knight, Assistant City Attorney
William K. Richardson, Assistant City Attorney
Susan Gibson, Municipal Court Clerk

RESOLUTION NO. _____

BY: THE MAYOR

**TO APPROVE THE REVISED CITY OF KENOSHA,
WISCONSIN, BOND SCHEDULE FOR MUNICIPAL COURT**

WHEREAS, the City of Kenosha, Wisconsin, pursuant to authority of Wisconsin Statutes Section 755, established a Municipal Court to adjudicate alleged violations of City Ordinances, including statutory traffic forfeitures adopted by City Ordinances; and,

WHEREAS, in order to utilize Uniform Municipal Citations for purposes of facilitating notification of violations to alleged violators, pursuant to Wisconsin Statutes Section 778.25, and others, a deposit schedule must periodically be established for violations; and,

WHEREAS, said deposit schedule by law, in addition to a base forfeiture for each violation, must include various fees, surcharges, and costs (e.g., penalty assessment of twenty-six (26%) percent pursuant to Section 165.87, jail assessment of Ten (\$10.00) Dollars pursuant to Section 302.46(1), a crime lab fee of Eight (\$8.00) Dollars, and locally-imposed court costs of a maximum of Twenty-eight (\$28.00) Dollars pursuant to Wisconsin Statutes Section 814.65(1) and established at the maximum amount by Section 1.055 12(a)(2) of the Code of General Ordinances for the City of Kenosha); and,

WHEREAS, the State of Wisconsin Judicial Conference promulgates a Revised Uniform State Traffic Deposit Schedule and Alcohol Beverages, Harassment, Safety, Tobacco, UW Rule, and Drug Paraphernalia and Rental Unit Energy Efficiency Violations Deposit Schedule and Uniform Misdemeanor Bail Schedule and Trespass to Land Deposit Schedule (collectively "Judicial Council Deposit Schedules"); and,

WHEREAS, the Judicial Council Deposit Schedules address matters of Statewide concern, but do not include ordinances that are unique to each municipality; and,

WHEREAS, the City has maintained a City of Kenosha, Wisconsin, Bond

Schedule ("City Deposit Schedule") for over twenty (20) years, subject to periodic revisions; and,

WHEREAS, a revision is necessary due to increased fees, surcharges, and costs (e.g., crime lab fee has gone from \$7.00 to \$8.00, and the City's court costs have gone from \$23.00 to \$28.00), and a revision is necessary due to restructuring of the Code of General Ordinances (e.g., recreation of Chapter 3, creation of text messaging while driving); and,

WHEREAS, pursuant to Paragraph 1.055 7.b. of the Code of General Ordinances, the attached "City of Kenosha, Wisconsin, Bond Schedule for Municipal Court" was prepared by the Office of the City Attorney to include base forfeitures and all applicable assessments, fees, and costs; and further, said City Deposit Schedule has been approved by the Municipal Court as evidenced by the Municipal Judge's signature thereon.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the "City of Kenosha, Wisconsin, Bond Schedule for Municipal Court" is hereby approved.

Adopted this _____ day of _____, 2009.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Date: _____

Drafted By:
EDWARD R. ANTARAMIAN,
City Attorney

CITY OF KENOSHA, WISCONSIN
BOND SCHEDULE
FOR MUNICIPAL COURT

Approved By:



The Honorable John A. Neuenschwander
Municipal Court,
City of Kenosha, Wisconsin

Dated: May 14, 2009

Approved By Common Council Resolution
No. _____-09 dated _____, 2009.

ALL NON-TRAFFIC JUVENILE OFFENSES [16 Years and Under].....	\$121.60
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Excluding Violations of :

- **Section 11.135 (Cigarettes and Tobacco Products By A Minor);**
- **Violations of Section 10.01 Adopting Chapter 125, Wisconsin Statutes;**
- **Violations of Section 11.05 (Curfew); and,**
- **Section 11.032 (Truancy)**

CHAPTER I – CITY GOVERNMENT

◆ 1.055 6. b.	CONTEMPT OF COURT.....[Court Use Only]....[0-50].....	\$109.00
1.14 J.	Obstruct, Hinder or Delay Emergency Government..[100-200].....	\$235.00
1.22 B.	Untrue, Incorrect or Incomplete License/Permit Application. [0-500]....	\$109.00

CHAPTER II – FINANCE

2.16 J.	Hotel-Motel Room Tax [50-200].....	\$172.
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CHAPTER III – FIRE PREVENTION AND FIREWORKS

3.07 B.	Failure To Permit Entry For Inspection.....	\$172.00
3.13 C.	Failure To Obtain Permit.....	\$172.00
3.15	Fire Drill/Drill Reports.....	\$ 96.40
3.16 A.	Fire Extinguishing Equipment [Sell/Service w/o Bond Posted].....	\$172.00
3.17	False Fire Alarm/Meddling With System	
	◆ First Offense [100-500].....	\$361.00
	◆ Second Offense [100-1000].....	\$676.00
3.19 B.	Open Burning.....	\$172.00
3.19 D.	Unattended Candle as Open-Flame Fixture.....	\$109.00
3.20	Improper Storage of Smoking Materials/Failure To Regularly Clean Cooking Equipment.....	\$235.00
3.21	Storage of Combustible Materials	
3.21 A.	Oily Rags.....	\$172.00
3.21 B.	Oil Drip Pans and Cups.....	\$172.00
3.21 C.	Oil-Bearing Machines.....	\$172.00
3.21 D.	Oily Clothing.....	\$172.00
3.21 E.	Oil on Combustible Floors.....	\$172.00
3.21 F.	Combustible Waste Material Accumulation.....	\$172.00
3.22	Explosives	
	◆ First Offense..[100-1000].....	\$361.00
	◆ Second Offense [100-1000].....	\$802.00
3.23	Automatic Sprinkler Systems [100-1000].....	\$298.00
3.25 B.	Fire Alarm Maintenance.....	\$298.00

3.27	Failure To Have Exit Signs in Proximity of Floor.....	\$109.00
3.30 C.1.&3.	Keybox System – Failure To Have Proper Contents.....	\$361.00
3.30 C.4.	Failure To Timely Respond to Keybox Alarm.....	\$109.00
3.34	Failure To Comply With Orders.....	\$172.00
	♦ 2nd Offense Within One Year.....	\$298.00

♦ All Other Sections.....[100-1000]..... **\$235.00**

CHAPTER IV – HEALTH

4.03	Mobile Homes and Parks.....	\$172.00
4.05 E.	Smoking in Restaurants/Grocery Stores	
	♦ 1st Offense [50-500].....	\$109.00
	♦ 2nd Offense [100-1000].....	\$172.00
4.05 G.	Duties of Proprietors	
	♦ 1st Offense [50-500].....	\$109.00
	♦ 2nd Offense [100-1000].....	\$172.00

♦ All Other Sections.....[25-500]..... **\$109.00**

CHAPTER V – PUBLIC WORKS AND SERVICES

5.03 B.1. -5.	Hookup or Tamper With Sewers..[0-100].....	\$676.00
5.04	Street Obstructions/Street Parties.....	\$109.00
	Post Notice on Poles.....	\$ 83.80
5.05	Sidewalk & Driveway Approaches..[0-1000].....	\$361.00
5.06 D.	Garbage Out Before 5:00 P.M.....[50-100].....	\$109.00
5.06 H.	Bulky Solid & Recyclable Waste Collection.[50-100].....	\$109.00
5.06 I.	Recyclable Material Taken From Parkway..[50-100].....	\$109.00
5.06 J.	Household Hazardous Waste..[50-100].....	\$235.00
5.08	Parking Facilities.....	\$209.80
5.10	Minimum Wage Scale..[0-500].....	\$361.00
5.11 E.1.-3.	Sidewalk/Alleys To Be Kept Clean....[20].....	\$71.20
	♦ 2d & 3rd Violations Within 12 Months...[40].....	\$96.40
	♦ 4th & Subsequent Violations Within Calendar Year [60].....	\$121.60
5.119 N.	Owners/Agents Responsibilities-Multiple Family Dwellings.[10-1000]..	\$235.00
5.119 O.	Owners/Agents Responsibilities-NonResidential Property...[10-1000].	\$235.00
5.119 P.	Prohibition on Disposal of Recyclable Materials	
	Separated For Recycling – 1st Violation..[0-50].....	\$109.00
	♦ 2d Violation..[0-200].....	\$298.00
	♦ 3rd Violation..[0-2000].....	\$2,566.00

♦ All Other Subsections of Section 5.119..[10-1000]..... **\$172.00**

♦ All Other Sections...[10-1000]..... **\$209.80**

CHAPTER VI – PARKS

6.02 A.8.	Operating MV/Bicycle on Lawn.....	\$146.80
6.02 A.9.	Parking MV/Bicycle on Lawn.....	\$146.80
6.02 A.15.	No Trespassing in Posted Areas.....	\$109.00
6.02 A.18.	Alcoholic Beverage/Beer in Park.....	\$109.00
6.02 A.19.	In Park After Hours.....	\$109.00
6.05	Failure To Procure Park Permit.....	\$172.00
6.08	Dumping Ice/Snow on City Property.....	\$361.00
♦	All Other Sections.....[0-500].....	\$109.00

CHAPTER VII – TRAFFIC REGULATIONS

➤	7.01	SEE UNIFORM STATE TRAFFIC SCHEDULE	
		Adopted By The Wisconsin Judicial Conference	
	7.129	Parking Prohibitions – Residential Areas.....	\$109.00
	7.13 A.	Unnecessary Sounding of Horn.....	\$ 77.50
	7.13 B.	Trick Riding [Motorcycle].....	\$235.00
	7.13 B.	Trick Riding [Bicycle].....	\$ 71.20

PARKING REGULATIONS

1.	Restricted Parking (Specific Time Limits) [Section 7.05].....	\$20-\$35-\$50
2.	Parking Outside of Designated Areas.....	\$20-\$35-\$50
3.	Under Elevated Tracks [Section 7.04 1.a.].....	\$20-\$35-\$50
4.	Center Line of Railroad [Section 7.04 1.b.].....	\$20-\$35-\$50
5.	Church, Hospital, School or Theater [Section 7.04 1.c.].....	\$20-\$35-\$50
6.	Rural Mailbox [Section 7.04 1.d.].....	\$20-\$35-\$50
7.	Public Alleys [Section 7.04 1.e.].....	\$20-\$35-\$50
8.	Sidewalk [Section 7.04].....	\$20-\$35-\$50
9.	Between Sidewalk and Curb [Section 7.04 1.g.].....	\$20-\$35-\$50
10.	Loading Zone [Section 7.11].....	\$20-\$35-\$50
11.	Crosswalk.....	\$20-\$35-\$50
12.	Posted Property.....	\$20-\$35-\$50
13.	12 Inches From Curb.....	\$20-\$35-\$50
14.	Wrong Side of Street.....	\$20-\$35-\$50
15.	24 Continuous Hours [Section 7.04 3.].....	\$20-\$35-\$50
16.	Angle Parking.....	\$20-\$35-\$50
17.	All Other Parking Violations....[Including 7.129].....	\$20-\$35-\$50
18.	Alternate Street Parking [Section 7.06].....	\$25-\$45-\$60
19.	Driveway.....	\$25-\$45-\$60
20.	Within Intersection.....	\$25-\$45-\$60
21.	Double Parking.....	\$25-\$45-\$60
22.	Vehicle Over 11,500 lbs [Section 7.04 4.].....	\$55-\$80-\$105
23.	Other Posted or Signed Areas.....	\$25-\$45-\$60
24.	Fire Hydrant.....	\$25-\$45-\$60
25.	Fire Station.....	\$25-\$45-\$60
26.	Handicapped Parking.....	\$80-\$105-\$130
27.	Snow Emergency.....[Section 7.13 F.].....	\$25-\$50
28.	Parking Meter (Expired) [Section 7.07].....	\$6-\$11-\$15

7.126	Nuisance Motor Vehicles.....	\$172.00
7.13 G.	Place Snow on Street.....	\$71.20
7.13 L.	Moped or Motorcycle on Private Property.....	\$77.50
7.14	Bicycle Regulations.....	\$77.50
7.145	Operate Bicycle Without Owner's Consent.....	\$172.00
7.15	Keys in Ignition.....	\$71.20
7.16	Restrict Heavy Vehicular Traffic.....	\$83.80
7.19 A.	Pedestrian Violations.....	\$58.60
7.19 B.	Failure To Yield To Pedestrians [See §346.23 & 346.24, Wis. Stats., as Adopted by Section 7.01, Code of Gen. Ords.].....	\$83.80
7.19 C.	Person Working On Road [Charge as Section 7.01, Code of Gen. Ordinances, Adopting §346.27, Wis. Stats.].....	\$140.50
7.19 D.	Blind Pedestrians on Roadway [Charge As Section 7.01, Code of Gen. Ordinances, Adopting §346.26(1) or (3)].....	\$172.00
7.20	Text Messaging While Driving....[0-150].....	\$140.50
	Accident While Text Messaging....[0-500].....	\$361.00
♦	All Other Sections.....[1-200].....	\$172.00

CHAPTER IX – BUILDING CODE

9.06	Failure To Obtain or Display Permits.....	\$172.00
9.08	Failure to Request Required Inspections.....	\$172.00
9.14	Failure to Obtain Street Occupancy Permit.....	\$361.00
9.16	Failure to Obtain Permit to Move Building.....	\$235.00
9.17	Failure to Obtain Raze Permit.....	\$134.20
9.18	Failure To Obtain Pool/Hot Tub Permit.....	\$361.00
9.23 G.	House Numbering (Numbers/Size/Location).....	\$58.60
♦	All Other Sections.....[25-500].....	\$109.00

CHAPTER X – LIQUOR AND BEER

➤ The provisions of Chapter 125, Wisconsin Statutes, are adopted by Chapter X.

10.01 Adopting:

125.07(1)(a)	Sale of Alcoholic Beverage To Minor – 1st Offense	\$298.00
♦	2nd Offense Within 30 Months [3 Day Suspension of Liquor or or Operator's Lic. if Previous Violation Within 12 Months].....	\$424.00
♦	3rd Offense Within 30 Months [Mandatory 3-10 Day Suspension of Liquor or Operator's License if Previous Violations With 12 Months].....	\$676.00
♦	4th & Subsequent Offenses Within 30 Months [Mandatory 15-30 Day Suspension of Liquor or Operator's License if Previous Violations Are Within 12 Months].....	\$1306.00
125.07(2)	Sale of Alcohol Beverage To Intoxicated Person.....	\$298.00
125.07(3)(b)	Permit Underage Person To Loiter on Licensed Premises.....	\$298.00
125.07(4)(a)(1)	Underage Person Procure/Attempt To Procure	

	Alcoholic Beverage From Licensee/Permittee – 1st Offense.....	\$361.00
	◆ 2nd Offense Within 12 Months.....	\$424.00
	◆ 3rd & Subsequent Offenses Within 1 Year.....	\$676.00
125.07(4)(a)(3)	Underage Drinker Loitering on Licensed Premises.....	\$361.00
125.07(4)(a)(4)	Underage Person Misrepresent Age For Purposes of Receiving Alcohol:	
Child Under 17:		
	◆ 1st Offense – [Discretionary Suspension 30-90 Days].....	\$361.00
	◆ 2d Offense w/i 12 Months – [Discretionary 1 Year Suspension].....	\$424.00
	◆ 3rd & Subsequent Offenses within 1 Year.....	\$676.00
Person 17 – 20 Years:		
	◆ 1st Offense [Discretionary 30-90 Day Suspension].....	\$361.00
	◆ 2nd Offense Within 1 Year [Discretionary 1 Year Suspension].....	\$424.00
	◆ 3rd Offense Within 1 Year [Discretionary 2 Year Suspension].....	\$676.00
	◆ 4th & Subsequent Offenses Within 1 Year [Discretionary 2 Year Suspension].....	\$991.00
125.07(4)(b)	Consumption/Possession of Alcohol By Underage Person:	
Child Under 17:		
	◆ 1st Offense [Discretionary 30-90 Day Suspension].....	\$83.80
	◆ 2nd Offense Within 1 Year [Discretionary 1 Year Suspension].....	\$121.60
	◆ 3rd & Subsequent Offenses Within 1 Year [Discretionary 2 Year Revocation].....	\$172.00
Person 17 – 20 Years:		
	◆ 1st Offense [Discretionary 30-90 Day Suspension].....	\$172.00
	◆ 2nd Offense Within 1 Year [Discretionary 1 Year Suspension].....	\$298.00
	◆ 3rd Offense Within 1 Year [Discretionary 2 Year Revocation].....	\$424.00
	◆ 4th & Subsequent Offenses Within 1 Year [Discretionary 2 Year Revocation].....	\$676.00
125.085(3)(a)	Making or Providing False ID To Underage Drinker.....	\$298.00
125.085(3)(b)	ID Violations [Discretionary 30-90 Day D.L. Suspension]:	
Child Under 17:		
	◆ 1st Offense.....	\$298.00
	◆ 2nd Offense Within 1 Year.....	\$424.00
	◆ 3rd & Subsequent Offense Within 1 Year.....	\$676.00
Person 17-20 Years Old:		
	◆ 1st Offense.....	\$172.00
	◆ 2nd Offense Within 1 Year.....	\$298.00
125.32(2)	Operate Without a Manager's/Operator's License.....	\$172.00
125.32(3)(a)	Open After Hours.....	\$172.00
	◆ All Other Violations of Chapter 125, Wisconsin Statutes, and Chapter X, Code of General Ordinances.....[25-500].....	\$172.00

CHAPTER XI – OFFENSES AGAINST GOOD ORDER AND CONDUCT

11.02 A.	Discharge Firearms.....	\$298.00
11.02 B.	Fights In Public.....	\$172.00
11.02 C.	Throw Snowballs or Other Objects.....	\$109.00
11.02 D.	Indecent Conduct By Urinating Public.....	\$172.00
	All Other Indecent Conduct.....	\$235.00
11.02 E.	Objectionable/Profane Language.....	\$109.00
11.02 F.	Assault.....	\$172.00
11.02 G.	Prowling.....	\$235.00
11.02 H.	Incite Violence.....	\$109.00
11.02 I.	Obstruct Streets/Sidewalk (Interfere With Traffic Flow).....	\$109.00
11.02 J.	Disturb Meeting.....	\$109.00
11.02 K.	Annoy in Public.....	\$109.00
11.02 L.	Court Restraining Order Violation.....	\$298.00
	2nd Offense.....	\$550.00
11.02 M.	Disturbance of the Peace.....	\$298.00
11.02 N.	Mashing.....	\$172.00
11.02 O.	Begging.....	\$109.00
11.02 P.	Smoke, Drink, Eat on Passenger Bus.....	\$109.00
11.02 Q.	Obstruct Police/Firemen; Hinder/Obstruct/Interfere...[100-1000].....	\$235.00
	◆ Assault/Batter/Resist/Throw Objects.....[100-1000].....	\$424.00
	◆ 2nd Offense.....	\$676.00
11.02 Q.3.	Knowingly Make False Complaint Against An Officer...[100-1000].....	\$424.00
11.02 R.	Possess Firebomb & Other Devices.....[100-1000].....	\$235.00
11.02 S.	Abuse K-9	
	◆ Obstruct.....	\$235.00
	◆ Other.....[100-1000].....	\$550.00
11.02 T.	Hunt In City Limits.....	\$172.00
11.02 U.	Littering.....	\$172.00
11.02 V.	Battery.....	\$361.00
11.02 W.	Theft: If Property Value is:	
	Less than \$10.....	\$172.00
	\$10, but less than \$50.....	\$298.00
	\$50, but less than \$100.....	\$424.00
	\$100, but less than \$300.....	\$550.00
	◆ 2nd Offense (Value Under \$300).....	\$676.00
11.02 X.	Trespass on School Property.....	\$109.00
11.02 Y.	Trespass By Delivery Men.....	\$109.00
11.02 Z.	Vandalism: If Property Value is:	
	Less than \$10.....	\$172.00
	\$10, but less than \$50.....	\$298.00
	\$50, but less than \$100.....	\$424.00
	\$100, but less than \$300.....	\$550.00
	◆ 2nd Offense (Value Under \$300).....	\$676.00
11.022	Trespass (Posted).....	\$109.00
11.023	Abusive Phone Calls.....	\$298.00
11.024	Control Dog When Ordered.....	\$298.00
11.025	Retail Theft/Defrauding Innkeeper: If Retail Value is:	
	Less than \$10.....	\$172.00
	\$10, but less than \$50.....	\$298.00

	\$50, but less than \$100.....	\$424.00
	\$100, but less than \$300.....	\$550.00
	◆ 2nd Offense	\$676.00
11.026	Open Intoxicants [Sidewalk/Street/MV].....	\$109.00
11.027	Gas Stations Must Have Safe.....	\$77.50
11.028	Parents Responsible For Minors...[25-500].....	\$172.00
11.029	False Police Calls.....[0-500].....	\$371.00
11.03	Disorderly Houses.....	\$109.00
11.031 C.1.&2.	Graffiti.....	\$361.00
11.031 C.3.	Failure to Remove Graffiti.....	\$109.00
11.032	Truancy.....	\$676.00
11.034	Loitering – Illegal Drug Activity.....	\$1306.00
11.035	Loitering For Purpose of Prostitution.....	\$361.00
	◆ 2nd & Subsequent Offenses.....	\$676.00
11.036	Trespass To Private Property.....	\$109.00
11.036 D.	Trespass To Motor Vehicles.....	\$172.00
11.04	Gambling.....	\$676.00
11.05	Curfew.....	\$109.00
	◆ Parents Permit Minors Out After Curfew.....	\$172.00
	◆ 2nd Offense.....	\$298.00
	◆ 3rd Offense.....	\$424.00
11.051 B.	Theft, Destruction, Defacement or Mutilation of Library Materials - When Value is:	
	Less than \$10.....	\$172.00
	\$10, but less than \$50.....	\$298.00
	\$50, but less than \$100.....	\$424.00
	◆ 2nd Offense.....	\$676.00
11.052	Theft of Cable Service.....	\$298.00
11.055	Nonpayment of Fares (Taxi/Bus).....	\$172.00
11.06 A.	Possession of Dangerous Weapon By Intoxicated Person.....	\$361.00
11.06 A.	Possession of Dangerous Weapon By Minor.....	\$96.40
11.06 B.	Sale of Dangerous Weapon To A Minor or Intoxicated Person.....	\$361.00
11.06 D.	Carrying Concealed Weapon.....	\$298.00
11.07	Endurance Contest.....	\$109.00
11.08	Nudity in Public Place.....	\$172.00
11.085	Minors Prohibited Adult Uses.....	\$676.00
11.10 B.	Unauthorized Tag Sales.....	\$109.00
11.105	Automatic Phone Dialing Device Prohibited.....	\$235.00
11.11	Abandoned Refrigerator & Icebox.....	\$361.00
11.135	Possession of Cigarettes/Tobacco Product By Minor.....	\$58.60
11.14 B.	Loud Music/Noise.....	\$172.00
11.14 C.1.	Unnecessary Noise by M.V. or M/C.....	\$109.00
11.141	Snowmobiles.....	\$209.80
11.145	Toxic Glue Sales.....	\$172.00
11.146	Possession of Marijuana (1 ounce or less).....	\$298.00
11.147	Spray Painting.....	\$298.00
11.148	Rummage/Garage Sales.....	\$172.00
11.149	Parking in Front or Side Yard.....	\$109.00
11.15	Professional Strikebreakers.....	\$361.00
◆	All Other Sections.....[0-1000].....	\$172.00

CHAPTER XII – AMUSEMENTS

◆ All Sections – 1st Offense.....[0-500].....	\$361.00
◆ 2nd & Subsequent Offenses Within 1 Year.....	\$676.00

CHAPTER XIII – BUSINESS LICENSES

13.01	Scrap Salvage Dealers/Collectors.....[0-500].....	\$361.00
13.015	Temporary Cement Plant.....[25-500].....	\$361.00
13.02	Pawnbrokers & Secondhand Article Dealers.-1st Offense [50-1000].....	\$235.00
	◆ 2nd Offense [500-2000].....	\$1306.00
13.03	Peddlers.....	\$172.00
13.031	Use of Unlicensed Peddler.....	\$172.00
13.035	Peddlers Stand Prohibited.....	\$172.00
13.036	Trespass For Commercial Purposes.....	\$109.00
13.037	Trespass For Peddlers.....	\$109.00
13.04	Convenient Cash – Open After Hours.....	\$172.00
13.07	Taxicabs and Drivers.....	\$235.00
13.09	Sale of Cigarettes Without a Permit.....	\$172.00
13.10	Permit For Christmas Trees.....	\$172.00
13.11	Farmers Market.....	\$172.00
13.12	Towing Service.....	\$298.00
13.125	Massage Establishment/Technicians.....	\$235.00
◆ All Other Sections.....[0-200].....	\$172.00	

CHAPTER XIV – ANIMALS, BIRDS AND FOWL

14.01 A.1.	Dog Licenses.....[30].....	\$83.80
14.01 A.2.	Dog Collar Tag.....[30].....	\$83.80
14.01 B.1.	Cat Licenses.....	\$83.80
14.01 B.2.	Cat Collar Tag.....	\$83.80
14.01 C.	Dogs – Nuisances.....[50-200].....	\$109.00
14.01 D.1.	Dog At Large.....[0-200].....	\$109.00
	◆ 2nd Offense Within 2 Years.....	\$172.00
	◆ 3rd & Subsequent Offense Within 2 Years.....	\$235.00
14.013	Limitation on Number of Dogs/Cats – Residential.....	\$172.00
14.014	Animal Feces Must Be Removed.....	\$109.00
14.015	Kennels & Pet Shops.....	\$235.00
14.02	Farm Animals in City.....[100].....	\$172.00
14.024	Vietnamese Potbellied Pig License.....	\$361.00
14.025	Horse-Drawn Vehicles.....	\$172.00
14.03	Animal/Bird/Fowl Sanitary Housing.....[50].....	\$109.00
14.04	Restricted Sale of Chicks/Rabbits.....[100-500].....	\$172.00
14.05	Pigeons.....[100-500].....	\$172.00
14.055	Cruelty To Animals.....[100-500].....	\$361.00
	◆ 2nd Offense Within 5 Years.....	\$676.00
14.06	Trapping Prohibited.....	\$172.00
14.07 B.	Rabies Vaccination.....[50].....	\$109.00

14.07 F.1.	Notification of Animal Bite.....[200-500].....	\$361.00
14.07 F.3.	Veterinarian Release.....[200-500].....	\$550.00
14.07 F.5.	Hold for 10 Days.....[200-500].....	\$361.00
14.07 F.8.	Late Confinement.....[200-500].....	\$361.00
14.07 F.10.	Don't Destroy Pet Until Examined.....[200-500].....	\$361.00
14.075	Vicious Animal License.....[0-500].....	\$361.00
◆	All Other Sections.....[0-100; except for Section 14.076].....	\$172.00

CHAPTER XV – SIGNS

15.08	No Sign Erector's License.....	\$172.00
◆	All Other Sections.....[50-500].....	\$235.00

CHAPTER XVI – MINIMUM HOUSING CODE

◆	All Sections.....[0-1000].....	\$172.00
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CHAPTER XVII – REGULATING THE DIVISION & PLATTING OF LAND

◆	All Sections....[100-1000].....	\$172.00
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CHAPTER XVIII – KENOSHA REGIONAL AIRPORT OPERATION & REGULATIONS

18.06 A. & C.	No Vehicles or Pedestrians on Runway....[1-500].....	\$172.00
18.07 C.	Unauthorized Helicopter Landing.....	\$247.60
18.07 G.	Failure To Obtain Hot Air Balloon Permit.....	\$109.00
18.07 H.	Dropping Objects From Aircraft Prohibited.....	\$298.00
18.09 B.	Obstructing Airport Director.....	\$298.00
◆	All Other Sections.....[25-1000].....	\$235.00

CHAPTER XIX – KENOSHA MUNICIPAL HARBOR**19.02 Adopting:**

§30.67(1), W.S. Failure To Render Aid After Boating Accident – Misdemeanor – Refer To D.A.

§30.68(2), W.S. Negligent or Reckless Operation of Boat – Misdemeanor – Refer to D.A.

19.025	Violation of Slow-No Wake.....	\$134.20
19.045	Pier Headline...[25-100].....	\$109.00
19.055	Obstruct Navigation.....	\$361.00
◆	All Other Sections.....[0-500].....	\$109.00

CHAPTER XX – MANUFACTURED/MOBILE HOME PARKS

♦ All Sections.....[0-1000]..... \$172.00

CHAPTER XXI – CONSUMER PROTECTION AND WEIGHTS AND MEASURES

21.20 A., B., C., & D. - Misdemeanor – Refer to D.A.
21.22 Penalties..... \$109.00

CHAPTER XXII – FAIR HOUSING

♦ All Sections...[100-1000]..... \$676.00
♦ 2nd Offense Within 5 Years...[1000-10,000]..... \$1306.00

CHAPTER XXIII – NOISE CONTROL

23.5 B.1.c. Excessive Noise – Loud Car Stereo..... \$146.80
♦ 2d & Subsequent Violations Within a Year..... \$298.00
♦ All Other Sections.....[25-500]..... \$109.00

CHAPTER XXIV – LANDLORD'S RIGHTS

♦ All Sections..... \$172.00

CHAPTER XXV – MINIMUM STANDARDS FOR THE KENOSHA REGIONAL AIRPORT

25.02 Aircraft Sales..... \$361.00
25.03 Airframe & Power Plant Repair Facilities..... \$361.00
25.04 Aircraft Rental..... \$361.00
25.05 Flight Training..... \$361.00
25.06 Line Services..... \$361.00
25.07 Specialized Commercial Flying Services..... \$361.00
25.08 Aircraft Charter & Air Taxi..... \$361.00
25.09 Aircraft Rental Operator..... \$361.00
25.10 Multiple Services..... \$361.00
♦ All Other Sections.....[100-500]..... \$172.00

CHAPTER XXVI – KENOSHA CABLE TELEVISION FRANCHISE ORDINANCE

All Sections.....[0-1000]..... \$361.00

CHAPTER XXVIII – VACANT BUILDING CODE

◆ All Sections.....[0-1000].....	\$172.00
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CHAPTER XXX – CODE OF ETHICS

◆ All Sections.....[0-1000].....	\$361.00
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CHAPTER XXXI – INCINERATION

◆ All Sections.....[2000-5000].....	\$2566.00
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CHAPTER XXXII – KENOSHA WATER UTILITY/WATER & SEWERAGE SYSTEMS

32.05	Rules & Regulations – Water Utility.....	\$1306.00
32.06	Rules & Regulations – Water System.....	\$1306.00
32.07	Rules & Regulations – Sewage System.....	\$1306.00
32.08	Wastewater Regulations.....	\$1306.00
◆ All Other Sections.....[Not Less Than \$1000].....		\$1306.00

CHAPTER XXXIII – CONSTRUCTION SITE MAINTENANCE & EROSION CONTROL CODE

◆ All Sections....[5-500].....	\$361.00
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CHAPTER XXXIV – FORESTRY

34.09	Injury To Trees Prohibited.....	\$298.00
◆ All Other Sections.....[25-1000].....		\$172.00

ZONING ORDINANCE

◆ All Sections.....	\$172.00
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For new Ordinances established after the approval of this Bond Schedule, pending the recreation of the Bond Schedule, the base bond for the violation of the new Ordinance shall be the minimum forfeiture or one-half (1/2) of the maximum forfeiture, whichever is greater.

Throughout this Bond Book the bonds include the base forfeiture, to which is included a penalty assessment mandated by the State (currently set at 26% of the forfeiture), a crime lab fee mandated by the State (currently \$8.00), a jail assessment mandated by the State (currently \$10.00), and court costs, which are set by Ordinance (currently \$28.00).

In the event that any said costs, fees or assessments increase, or if new costs, fees or assessments are added, pending recreation of this Bond Book, all such revised or created costs, fees or assessments shall be added to the amounts in this Bond Book.



Engineering Division
Michael M. Lemens, P.E.
Director/City Engineer

Street Division
John H. Prijic
Superintendent

Fleet Maintenance
Mauro Lenci
Superintendent

Waste Division
Rocky Bednar
Superintendent

Administrative Supervisor
Janice D. Schroeder

DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

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

Date: June 29, 2009

To: Public Safety and Welfare Committee

From: Kevin Risch, Deputy Director of Engineering *KKR 6-24-09*

Subject: Tremper High School Request to (1) Change 26th Avenue from 85th Street South to 1st Driveway One Way Northbound, (2) Install No Parking 7:30 – 4:30 On School Days North Side 87th Place from 30th Avenue to 26th Avenue and the West Side of 26th Avenue from 87th Place North to Existing No Parking.

The Tremper High School Safety Committee is recommending changing the traffic flow around the school in addition to increasing the no parking restrictions along 87th Place and 26th Avenue. See attached sketch.

Staff has met and discussed these issues with school officials and the aldermen of the area.

The reason to only partially make 26th Avenue a one way street is to allow parking lot exiting to flow north to 85th Street and south to 87th Place (two points of exiting).

Staff has concerns that there will be long backups southbound on 30th Avenue from 87th Place in the morning as this will be the only entrance for the student body. However this entrance is remote with lots of storage capacity and morning arrivals are spread over a longer time period.

Staff recommends a trial for changing 26th Avenue 8500 block to a one way northbound from 85th Street to the 1st driveway south of 85th Street and to designate the north side of 87th Place from 30th Avenue to 26th Avenue and the west side of 26th Avenue from 87th Place north to existing No Parking 7:30 – 4:30 on School Days. Also the south side of 87th Place from 30th Avenue east approximately 100 ft will be designated as No Parking Here to Corner.

KKR:kjb

cc Alderman Ruef – w/a
Alderman Misner – w/a
Ronald Bursek, Director of Public Works – w/a
Michael Lemens, Director of Engineering – w/a
Tremper High School – w/a
Randy LeClaire – w/a
File – w/a



Engineering Division
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DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

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

Date: June 29, 2009
To: Public Safety and Welfare Committee
From: Kevin Risch, Deputy Director of Engineering KKR 6-29-09
Subject: Alderman Request for No Parking North side of 65th Street from 12th Avenue to 13th Avenue

On behalf of Monarch Plastics, Alderman Moldenhauer is requesting an expansion of existing No Parking on the north side of 65th Street between 12th Avenue and 13th Avenue.

This request expands the existing No Parking restrictions about 65 ft. for a total of 160 ft. from 12th Avenue to 13th Avenue to aid truck access for Monarch Plastics.

Other off-street parking is available. Staff does not see any problem in granting this request for No Parking for the 1200 block.

Staff recommends a 90 day trial for No Parking North side of 65th Street from 12th Avenue to 13th Avenue.

KKR:kjb

cc Alderman Moldenhauer
Ronald Bursek, Director of Public Works
Michael Lemens, Director of Engineering
Randy LeClaire
File





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

STREET DIVISION
JOHN H. PRIJIC
SUPERINTENDENT

FLEET MAINTENANCE
MAURO LENCI
SUPERINTENDENT

WASTE DIVISION
ROCKY BEDNAR
SUPERINTENDENT

PARK DIVISION
JEFF WARNOCK
SUPERINTENDENT

ADMINISTRATION SUPERVISOR
JANICE D. SCHROEDER

5

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

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

TO: Jesse Downing, Chairman
Public Safety & Welfare Committee

FROM: Janice D. Schroeder 

SUBJ: Business Sign in Public Right-of-Way

DATE: 6/29/2009

Ruth Smith, owner of Naturally Delicious, LLC, 5115 7th Avenue, has completed the application form for Banners, Signs, Decorations & Obstructions in Public Right-of-Ways, as required by City of Kenosha Ordinance Ch. 5.045, and has also included the certificate of insurance requesting the approval for placement of a business sign in the public right-of-way.

This obstruction in city right-of-way is a sign which will be brought back inside the business on a daily basis. Per ordinance requirements, the obstruction is located at an area where the sidewalk width is twelve (12") feet wide from face of curb to building line. The business owner of Naturally Delicious will be responsible for properly securing and anchoring the sign during windy days.

RECOMMENDATION

Staff recommends the approval of the placement of this sign, providing ordinance requirements are met.

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

- Name of Applicant: Naturally Delicious, LLC
- Address of Applicant: 5115 7th Ave Kenosha WI 53140
- Is Applicant a partnership individual corporation group of individuals religious organization fraternal organization (check one). LLC
- Contact Person (Name, Title, Address, Phone Number): Ruth Smith owner
7723 38 Ave Kenosha WI 53142 694-0951
- Is banner, sign, decoration or obstruction permanent or temporary in nature?
- Will banner, sign, decoration or obstruction be lighted? NO YES If yes, attach electrical plans and specifications
- Location: 3 feet from business door - sandwich board
13 feet from curb type sign
- Size: 3' x 20" or will put on grass
- Construction (type of materials): wooden/melamine
- Height above public right-of-way: _____
- Is banner, sign, decoration or obstruction to be placed on property of another which infringes on a public right-of-way? No
- If banner, sign, decoration or obstruction is to be placed on property of another, such as on a railroad bridge or private walkway connecting two buildings, etc., signed permission from the property owner must be attached hereto.
- When will banner, sign, decoration or obstruction be put up? 6-13-09 Taken down? daily-brought in-doors.
- Attach a picture, diagram or sketch of banner, sign, decoration or obstruction on map to scale. OVER
- Attach Certificate of General Liability Insurance with *Contractual Liability Endorsement*, showing insurance coverage in force and effect. (\$1,000,000 single limits policy).
- Does the applicant understand that in the event of an unfavorable decision by the Department of Public Works, the applicant may appeal said denial to the Committee on Public Safety and Welfare? (See City of Kenosha Ordinance No. 5.045 for details)
 Yes No

INDEMNITY AND HOLD HARMLESS AGREEMENT

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

Dated at Kenosha, WI this 12th day of June, 2009

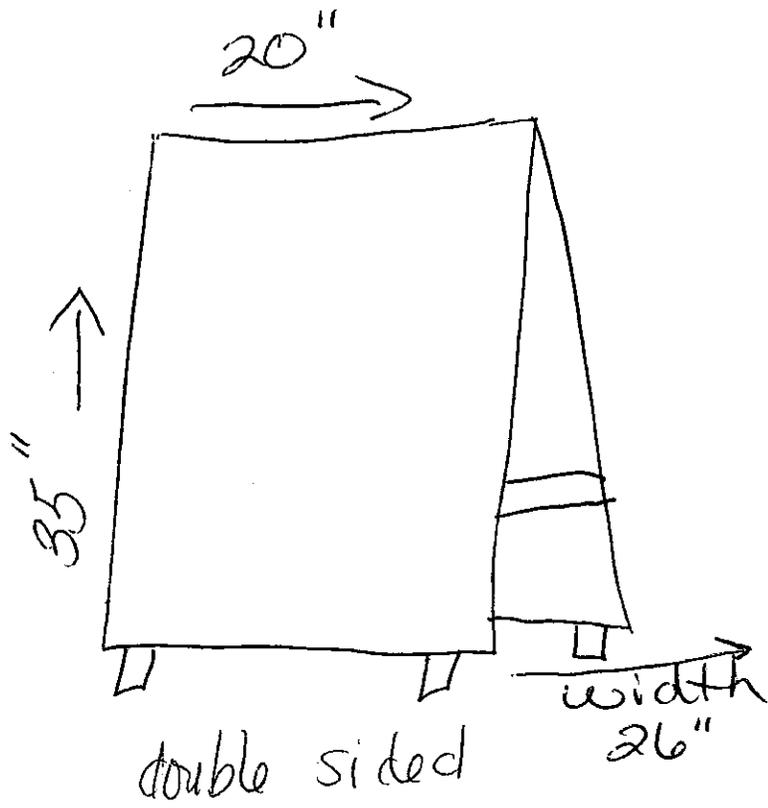
Ruth Smith Signature of Applicant

Title: owner of business Title: _____

CONDITIONS OF APPROVAL

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

- Placement of obstructions shall be limited to areas where the sidewalk width is twelve (12) feet wide from face of curb to building line.
- The obstruction shall be no closer than two (2) feet to the face of the curb.
- The obstruction shall occupy no more than five (5) of the area between the curb and building line.
- Non-permanent obstructions will be only permitted from May 1 through November 1.
- 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.
- Obstructions greater than three and one-half (3.5) feet in height shall be at least fifteen (15) feet from a corner sidewalk.
- Obstructions cannot extend beyond the limits of the applicant's property's street frontage.
- Aisle ways to building doors will be unobstructed so as to ensure a safe fire exit.
- 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.





CERTIFICATE OF INSURANCE

— THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY —

DATE (MM/DD/YY)

6/16/09

100 Erie Insurance Place • Erie, PA 16530

NAME AND ADDRESS OF AGENCY: **GREGORY J. DICELLO INS. SVCS.**
 6121 GREEN BAY RD., STE. 270
 KENOSHA, WI 53142-2926
 (262)764-5422

AGENT'S NO.: **WW1226**

COMPANY(IES) AFFORDING COVERAGE
Co.: C ERIE INSURANCE COMPANY
Co.: D ERIE INSURANCE PROPERTY & CASUALTY COMPANY
Co.: E ERIE INSURANCE EXCHANGE
Erie Indemnity Co., Attorney-in-Fact
Co.: F ERIE INSURANCE COMPANY OF NEW YORK
Co.: G FLAGSHIP CITY INSURANCE COMPANY

NAME AND MAILING ADDRESS OF INSURED:
Naturally Delicious
 5115 7th avenue
 Kenosha, WI 53142

This Certificate is issued for information purposes only. It does not list, amend, extend, or otherwise alter the terms and conditions of insurance coverage contained in the Policy(ies) indicated below issued by ERIE. The terms and conditions of the Policy(ies) govern the insurance coverage as applied to any given situation.
 Any party can request a policy and/or Declaration by asking the Insured or the Agent. Limits shown may have been reduced by claims paid.

This is to certify that policies, as indicated by the Policy Number below, are in force for the Named Insured at the time that the Certificate is being issued.

CO Add'l LTR Ins'd	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
<input checked="" type="checkbox"/>	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	Q37 0550637	1/5/09	1/5/10	EACH OCCURRENCE \$ 1,000,000 FIRE DAMAGE (Any One Fire) \$ 50,000 MED EXP (Any One Person) \$ 5,000 PERSONAL & ADV. INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS-COMP/OP AGG \$ 2,000,000
<input type="checkbox"/>	AUTOMOBILE LIABILITY <input type="checkbox"/> "ANY AUTO" (OWNED, HIRED, NON-OWNED) <input type="checkbox"/> OWNED <input type="checkbox"/> HIRED <input type="checkbox"/> NON-OWNED <input type="checkbox"/> GARAGE				BODILY INJURY (EACH PERSON) \$ BODILY INJURY (EACH ACCIDENT) \$ PROPERTY DAMAGE \$ BODILY INJURY AND PROPERTY DAMAGE COMBINED \$
<input type="checkbox"/>	EXCESS LIABILITY <input type="checkbox"/> OCCURRENCE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
<input type="checkbox"/>	WORKERS COMPENSATION & EMPLOYERS LIABILITY				STATUTORY BODILY INJURY BY ACCIDENT \$ EACH ACCIDENT DISEASE \$ POLICY LIMIT DISEASE \$ EACH EMPLOYEE
<input type="checkbox"/>	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

CANCELLATION FOR NON-PAYMENT, CAUSE OR NAMED INSURED'S REQUEST: When an automobile policy is cancelled, written notice will be mailed to the Certificate Holder. When any of the above described policies (other than automobile) are cancelled before the expiration date thereof, ERIE will endeavor to mail written notice to the Certificate Holder after the decision to cancel. Failure to mail such notice shall impose no obligation or liability of any kind upon ERIE, its Agents or representatives.

CANCELLATION FOR SPECIAL CONTRACTS: (If the box is checked, this Certificate involves a special contract and the following cancellation provisions apply.) When an automobile policy is cancelled, written notice will be mailed to the Certificate Holder. When any of the above described policies (other than automobile) are cancelled before the expiration date thereof, ERIE will endeavor to mail _____ days written notice to the Certificate Holder after the decision to cancel. Failure to mail such notice shall impose no obligation or liability of any kind upon ERIE, its Agents or representatives.

CERTIFICATE HOLDER

Public Works
 625 52nd street
 Kenosha, WI 53140

ATTENTION CERTIFICATE HOLDER

If your firm is a Certificate Holder for other policies of this Insured, Certificates of Insurance for these other policies will be forwarded to you as soon as they are processed.
 AUTHORIZED REPRESENTATIVE

EIG-6230 11/07

IMPORTANT

If the certificate is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the first page of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

CODE OF GENERAL ORDINANCES, 2009 - KENOSHA, WISCONSIN

Wisconsin Statutes. A partial vacation of an alley will be approved by the Common Council subject to the following:

1. Criteria.

a. The length of the alley remaining upon vacation of a portion of said alley shall not exceed one hundred (100') feet or abut more than four (4) properties.

b. The partial alley vacation shall not result in discontinuance of sole access to a developed property.

2. Exceptions.

a. A partial alley vacation of any length may be approved if the purpose is to reduce the length of an existing dead end alley.

b. A partial alley vacation of any length may be approved if the result is an alley with two or more access points on a public street.

3. Administrative Review. Notwithstanding compliance with **Section 5.04 D.1. and 2.**, a partial alley vacation shall be denied if in the opinion of the Chief of Police, Fire Chief, Director of Public Works or City Planner, the proposal will adversely impact the public health or safety of the immediate neighborhood.

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

CODE OF GENERAL ORDINANCES, 2009 - KENOSHA, WISCONSIN

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.
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 OR MAJOR STREET SETBACK AREA

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

1. "Alcohol Beverages" shall mean intoxicating liquor, wine and/or fermented malt beverages.