

AGENDA  
PUBLIC SAFETY & WELFARE COMMITTEE MEETING  
Monday, July 27, 2011  
Kenosha Municipal Building Room 202  
5:00 pm

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

Call to Order  
Roll Call

**A. APPROVAL OF MINUTES**

A-1. Approval of minutes of regular meeting held on July 11, 2011.

**B. DEFERRED**

B-1. Proposed Ordinance To Renumber Section 4.08 Regarding Penalties as Section 4.09 and To Create Section 4.08 Regarding Disclosure of Health Care Costs. *(No recommendation at the April 11, 2011 meeting and Deferred from the April 27, 2011 and June 27, 2011 meetings)*

B-2. Proposed Ordinance To Create Section 1.06 T To Establish a Mayor's Commission on the Arts. *(Also referred to Public Works Committee, Stormwater Committee, Finance Committee, Licensing/Permit Committee) (Deferred from the June 27, 2011 meeting)*

B-3. Proposed Ordinance To Renumber Sections 3.03 F., 3.03 G., and 3.03 H as Sections 3.03 G., 3.03 H., and 3.03 I and To Create Section 3.03 F Entitled Accessory Building Exemptions for Residential Property. *(Deferred from the June 27, 2011 meeting) PC deferred: 6AYES; 1 NO Kennedy*

B-4. Proposed Ordinance To Repeal and Recreate Section 8.04 B. Regarding Certificate of Occupancy Prohibitions, To Create Subsection 8.04 B.2 Regarding Owner's Failure to Obtain a Required Certificate of Occupancy and To Create Subsection 8.04 G. Entitled Penalties. *(Also referred to City Plan) (Deferred from June 13 & 27, 2011 & July 11, 2011 meetings) PC APPROVED: 7 AYES; 0 NOES*

Discussion Item

1. Committee may go into closed session to discuss personnel issues.

**CITIZEN COMMENTS/ALDERMEN COMMENTS/OTHER BUSINESS AUTHORIZED BY LAW**

IF YOU ARE DISABLED AND NEED ASSISTANCE PLEASE CALL 653-4052 BEFORE THIS MEETING  
NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND  
ALTHOUGH THIS MAY CONSTITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS  
MEETING.

PUBLIC SAFETY & WELFARE COMMITTEE  
MINUTES  
Monday, July 11, 2011

The regular meeting of the Public Safety & Welfare Committee was held on Monday, July 11, 2011 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 5:56 pm by Vice Chair, Alderman Green. The following members were present: Aldermen Green, Orth, Kennedy and LaMacchia. Alderman Downing was excused. Staff members in attendance were Kevin Risch and Chief Morrissey.

*It was moved by Alderman Kennedy, seconded by Alderman Orth, to approve minutes of regular meeting held on Monday, June 27, 2011. Motion passed 4-0.*

B-1 Proposed Ordinance To Renumber Sections 7.201, 7.21, 7.22 and 7.23 as 7.23, 7.26, 7.25, and 7.24 Respectively and To Create 7.22 Entitled "Cell Phone use While Driving". *(Deferred from the meeting held on June 6, 2011.)*

*It was moved by Alderman Orth to approve, failed for lack of a second. It was moved by Alderman Kennedy and seconded by Alderman LaMacchia to allow ordinance to move forward with no recommendations. Motion passed 3-1 with Alderman Orth voting nay.*

B-2 Proposed Ordinance To Repeal and Recreate Section 8.04 B. Regarding Certificate of Occupancy Prohibitions, To Create Subsection 8.04 B.2 Regarding Owner's Failure to Obtain a Required Certificate of Occupancy and To Create Subsection 8.04 G. Entitled Penalties. *(Also referred to City Plan.) (Deferred from June 13 & 27, 2011 meetings.)*

*It was moved by Alderman LaMacchia, seconded by Alderman Kennedy, to defer to next meeting. Motion passed 3-1 with Alderman Orth voting nay.*

C-1 Staff Request to Install 4-Way Stop 71<sup>st</sup> Street and 122<sup>nd</sup> Avenue.  
*(District 17) (Staff recommends approval 90 day trial)*

*It was moved by Alderman Orth, seconded by Alderman Kennedy, to approve. Motion passed 4-0.*

C-2 BJA FY 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Intergovernmental Agreement by and between the City of Kenosha and the County of Kenosha. Staff Comments: Chief Morrissey was present to give an explanation and answer questions. *(Also referred to the Finance and City Council)*

*It was moved by Alderman Orth, seconded by Alderman Kennedy, to approve. Motion passed 3-0.*

CITIZEN COMMENTS: Chief Morrissey spoke about new hires for the police department. Kevin Risch spoke about lengthening the trial time for C-1.

ALDERMAN COMMENTS: Alderman Orth discussed the new hires for the police department and the power outage at the safety building due to the recent storms. Alderman Kennedy discussed what were the critical needs for operations during storm situations and B-1. Alderman LaMacchia discussed the electrical priorities during storm operations.

ADJOURNMENT – *There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:29 pm.*

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

BY: ALDERPERSON ANTHONY NUDO  
ALDERPERSON MICHAEL J. ORTH  
ALDERPERSON STEVE BOSTROM

TO RENUMBER SECTION 4.08 REGARDING PENALTIES AS  
SECTION 4.09 AND TO CREATE SECTION 4.08 OF THE CODE  
OF GENERAL ORDINANCES REGARDING DISCLOSURE OF  
HEALTH CARE COSTS

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

**Section One:** Section 4.08 of the Code of General Ordinances for the City of Kenosha,

Wisconsin, is hereby renumbered as Section 4.09.

**4.09 PENALTIES**

**Section Two:** Section 4.08 of the Code of General Ordinances for the City of Kenosha,

Wisconsin is hereby created as follows:

**4.08 DISCLOSURE OF HEALTH CARE COSTS**

The purpose of this section is to reduce the cost of Health Care by encouraging Consumer choice and business competition through the requirement of disclosing the cost of services and products offered by Health Care Providers to Consumers.

**A. Definitions.** Except as otherwise provided, the definitions of the terms in this section are as follows:

- 1. **City** means the City of Kenosha, Wisconsin.
- 2. **Consumer** means a person that receives Health Care from a Health Care Provider.
- 3. **Health Care** means the activity of identifying, preventing, and/or treating illness or disability, whether mental or physical.
- 4. **Health Care Provider** means a person, organization, company, party, firm, corporation, or other entity which engages in providing Health Care to Consumers for a fee.
- 5. **Medical Emergency** means a sudden, urgent, unexpected occurrence requiring immediate medical attention including, but not limited to severe bleeding, severe pain, temporary incapacitation, or any instance where severe bodily harm or death could result in the absence of immediate medical attention.

**B. Disclosure of cost required.** Health Care Providers shall disclose, in writing, the cost of services or products offered to Consumers prior to administering Health Care, and shall disclose any variations of cost to different Consumers or others that pay on behalf of Consumers without request or demand whatsoever from the Consumer. A posted menu of the various Health Care services or products offered

shall be sufficient for compliance with this provision provided that said menu is conspicuously posted at the point of sale and a copy of such can be provided to the Consumer on demand.

**C. Exemption.** Medical Emergencies are exempt from the regulations of this section.

**D. Inspection and Enforcement.** The City Police Department and City Fire Department shall have the authority to enforce the provisions of this section, including the power to enter locations to ensure compliance with this ordinance. Consumers may deliver written or verbal complaints of violations of this section to the City Police Department.

**E. Penalties.** Any person, organization, company, party, firm, corporation, or other entity violating any provision of this section shall, upon conviction thereof, be punished by payment of a forfeiture not less than One Thousand Dollars (\$1,000), nor more than Ten Thousand Dollars (\$10,000) per occurrence, and in default of such payment of forfeiture and costs, shall be committed to the County Jail for a period of not more than one hundred eighty (180) days.

**Section Three:** This Ordinance shall become effective on November 1, 2011 after passage and publication.

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

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

Passed:

Published:

Drafted By:  
ANTHONY NUDO  
11<sup>TH</sup> DISTRICT ALDERMAN  
CITY OF KENOSHA, STATE OF WISCONSIN

C-1  
B-2

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

BY: MAYOR

**TO CREATE SECTION 1.06 T. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA TO ESTABLISH A MAYOR'S COMMISSION ON THE ARTS**

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

**Section One:** Section 1.06 T. of the Code of General Ordinances for the City of

Kenosha, Wisconsin, is hereby created as follows:

**T. Mayor's Commission on the Arts.**

**1. Title.** There is hereby created a "Mayor's Commission on the Arts."

**2. Purpose.** The purpose of this Commission is to support economic development of creative and expressive endeavors by developing collaborative relationships between artists, musicians, businesses, and government.

**3. Members.** There shall be eleven (11) members who shall be appointed by the Mayor and confirmed by the Common Council. In making appointments, the Mayor shall strive to appoint representatives to the Commission from: Carthage College, University of Wisconsin Parkside, Gateway Technical College, Kenosha Unified School District, Kenosha Area Convention and Visitors Bureau, Kenosha Area Business Alliance (KABA), and Kenosha Area Chamber of Commerce. In addition to the representatives appointed from some or all of the same institutions listed in the prior sentence, the Mayor shall appoint the remainder of the Commissioners from the public at large, who has a demonstrable interest in the fine arts.

**4. Term.** The term of the members shall be two (2) years commencing on November 1. The terms shall be staggered and the initial term shall be as follows: Six (6) members shall serve for two (2) years and five (5) members shall serve for one (1) year.

**5. Officers.** The Commission will elect a chairperson and a vice-chairperson from among its members. The Mayor may appoint a City employee to act as secretary for the Commission at no additional compensation to be paid to said employee other than compensatory time off unless such compensation is authorized in advance by the Common Council.

**6. By-Laws.** The Commission may, from time to time, adopt bylaws and rules of procedure fixing the time and place of meeting, prescribing the manner of keeping records and treating other matters.

**7. Duties.** The Commission shall have the following duties: The Commission brings together representatives from the arts, music, businesses, and government in the City of Kenosha for the purpose of networking and encouraging the most effective use of existing resources. The Commission streamlines processes and alleviates barriers for artists and venues. It makes recommendations to Common Council for the adoption of ordinances in support of a creative community. It serves as liaison on behalf of the City to encourage and support artists, organizations and programs for cultural enrichment within the City.

The Arts Commission acts in an advisory capacity to the Mayor and the Common Council.

**8. Gifts/Grants.** The Commission may apply for grants from the United States, the State of Wisconsin, and their agencies, and accept the donations from any person, firm, party or corporation, of services, equipment, supplies, materials or funds and utilize said donations to effectuate the purpose of the Commission.

**9. Appropriation and Allotment of Funds.** The Common Council may from time to time, allocate such funds as said Council deems necessary and appropriate for the use of the Commission in the performance of duties herein relevant. Out-of-City trips must be approved, in writing, in advance, by the Mayor, and all expense receipts furnished when available.

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

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

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

Passed:

Published:

Drafted By:  
EDWARD R. ANTARAMIAN  
City Attorney

E-2  
B-3

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

BY: ALDERPERSON ERIC HAUGAARD

**TO RENUMBER SECTIONS 3.03 F., 3.03 G., AND 3.03 H. OF THE ZONING ORDINANCE FOR THE CITY OF KENOSHA AS SECTIONS 3.03 G., 3.03 H., AND 3.03 I AND TO CREATE SECTION 3.03 F. ENTITLED ACCESSORY BUILDING EXEMPTIONS FOR RESIDENTIAL PROPERTY.**

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

**Section One:** Sections 3.03 F., 3.03 G., and 3.03 H. of the Zoning Ordinance for the City of Kenosha, Wisconsin, are hereby renumbered as 3.03 G., 3.03 H., and 3.03 I.

**Section Two:** Section 3.03 F. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

**F. Special Exceptions – Residential Accessory Building or Structures.** A Special Exception from the terms of Section 3.03 D.4.d and the accessory building or structure size requirements of this ordinance, where such Special Exception will not be contrary to the spirit and purpose of this Ordinance, may be granted.

**1. Exemption Criteria – A Special Exception shall meet the following criteria:**

**a.** The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing principal buildings and area so as to cause impairment of property values or a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

**b.** Relief cannot be contrary to covenants associated with the subject property.

**c.** For all residential districts, a maximum of two accessory buildings shall be permitted.

**d.** No accessory building shall exceed the height of the principal building. However, in no case shall such accessory building exceed twenty-five feet (25') in height in any residential district.

**e. Residential Area Restrictions.** Accessory buildings shall be permitted as accessory uses in residential areas subject to the following: in residential districts, the maximum square footage of one accessory building cannot exceed one thousand square feet (1,000 sq. ft.) The maximum square footage for two accessory building combined cannot exceed one thousand six hundred eighty square feet (1,680 sq. ft.)

**f. Doors.** Doors shall not exceed nine feet (9') in height.

**g. Drainage.** No negative impacts on stormwater runoff. A grading plan may be required.

**h. Notification of Surrounding Property Owners.** Utilizing the list of surrounding property owners, within one hundred feet (100') of subject property, the Administrator shall mail to all such listed property owners, by regular mail, a copy of the public notice for the proposed appeal or application. It shall be sufficient that such written notice is addressed to such owner at the address stated on said roll. If no owner is stated on the tax roll, or no address appears thereon, the written notice to such property shall not be required. Failure of a property owner to receive said notice shall not invalidate any action taken by the Common Council.

**2.** Additionally, in consideration of a Special Exception request, the City may impose additional conditions to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Section and Ordinance. Additional conditions imposed may include, but are not limited to the following:

a. Require the use of trim, lighting or other additional architectural detail to soften the impact of the bulk and height of the proposed structure(s).

b. Require the structure be designed and placed on a lot so as to reasonably maintain a scale/size difference between the principal and accessory structure with the accessory structure being clearly subordinate to the principal structure.

c. Require the visibility of the accessory structure be minimized as viewed from adjacent lots and rights of way through the use of topography, increased setbacks, fencing, or existing or proposed vegetative landscaping.

d. Require garage door openings are placed so as to reduce their visibility from adjacent lots and rights-of-way.

e. Require the accessory structure be reasonably compatible with the architectural detail of the principal structure. The applicant holds the burden of proving the proposed structure is reasonably compatible with the architectural detail of the principal structure.

f. Require the use of the same or similar window and exterior door proportion and type, as the principal building, to soften the impact of the bulk and height of the proposed structure(s).

g. Require general compatibility with adjacent and other property in the district.

**3. Application Procedure.** Any application for a Special Exception shall be submitted on forms provided by the Zoning Administrator. The application must be filed with the Zoning Administrator. In order to be accepted for filing, the application must be accompanied by a receipt from the Department of Neighborhood Services and Inspections indicating payment of the fee established therefore by the Common Council, from time to time, by resolution. The Zoning Administrator or designee thereof, shall prepare a written report and make a recommendation to the Committee on Public Safety and Welfare, said report and recommendation shall be submitted within thirty (30) days of receipt of the application. At its next regularly scheduled meeting, the Committee shall recommend to the Common Council either the granting or denial of the application. The Common Council, within sixty (60) days of receipt of the application, shall grant or deny a Special Exception after conducting a public hearing.

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

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

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

Passed:

Published:

Drafted By:  
MATTHEW A. KNIGHT  
Deputy City Attorney

City Plan Division 625 52 <sup>nd</sup> Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission  <b>FACT SHEET</b>	July 21, 2011	Item 7
<b>To Repeal and Recreate Section 8.04 B. regarding Certificate of Occupancy Prohibitions, To Create Subsection 8.04 B.2 regarding owner's failure to obtain a required Certificate of Occupancy and to To Create Subsection 8.04 G. of the Zoning Code for the City of Kenosha entitled Penalties. PUBLIC HEARING</b>			

**LOCATION/SURROUNDINGS:**

City-Wide

**NOTIFICATIONS/PROCEDURES:**

This item will also be reviewed by the Public Safety & Welfare Committee before final approval by the Common Council.

**ANALYSIS:**

Section 1

- The proposed Ordinance makes minor clerical corrections to the existing Ordinance
- The proposed Ordinance states the owner of the building is responsible to require any tenants occupying the building to obtain an Occupancy Permit.

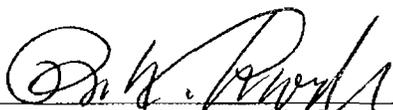
Section 2

- The proposed Ordinance establishes penalties for not obtaining an Occupancy Permit.

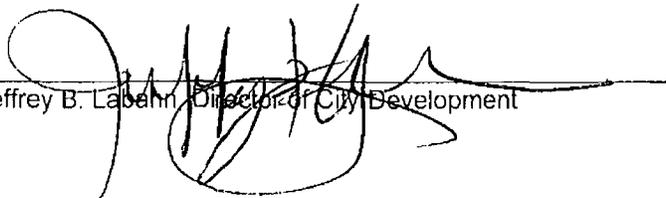
The Commission deferred action on this Ordinance at the June 9th and July 7th meetings because they had questions on the impacts of the Ordinance. Additional City Staff will be present at the meeting to answer questions on the Occupancy Permit process.

**RECOMMENDATION:**

For Commission review and recommendation.



Rich Schroeder, Assistant City Planner



Jeffrey B. Labahn, Director of City Development

**DRAFT 05.25.11**

BY: ALDERPERSON RAY MISNER  
ALDERPERSON STEVE BOSTROM

**TO REPEAL AND RECREATE SECTION 8.04 B. REGARDING  
CERTIFICATE OF OCCUPANCY PROHIBITIONS , TO CREATE  
SUBSECTION 8.04 B.2 REGARDING OWNER'S FAILURE TO OBTAIN  
A REQUIRED CERTIFICATE OF OCCUPANCY AND TO CREATE  
SUBSECTION 8.04 G. OF THE ZONING CODE FOR THE CITY OF  
KENOSHA ENTITLED PENALTIES.**

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

**Section One:** Section 8.04 B. of the Zoning Code for the City of Kenosha is hereby

repealed and recreated as follows:

**B. Prohibitions.**

1. It shall be unlawful for any person to occupy a building, parcel of land, or portion thereof ~~without:~~  
a1. ~~Without H~~having first obtained a Certificate of Occupancy where required, except where having  
obtained a Temporary Certificate of Occupancy which has not expired or been terminated.

b2. Following the expiration or revocation of a Certificate of Occupancy.

c3. Following the expiration of a Temporary Certificate of Occupancy.

d4. Contrary to the terms, conditions and limitations of a Certificate of Occupancy, ~~or Temporary~~  
~~Certificate of Occupancy.~~

e5. Contrary to the terms, conditions and limitations of a Temporary Certificate of Occupancy.

2. ~~It shall be unlawful for the owner of any building, parcel of land, or portion thereof for which  
a Certificate of Occupancy is required to permit any person to occupy said building, parcel of land, or  
portion thereof without having first required that the person obtain a Certificate of Occupancy as required  
herein.~~

**Section Two:** Section 8.04 G. of the Zoning Code for the City of Kenosha is hereby

created as follows:

**G. PENALTIES**

Any person, party, firm or corporation who violates any of the provisions of this Section shall upon conviction be subject to a forfeiture of not less than One Hundred Fifty (\$150.00) Dollars, nor more than Five Thousand (\$5,000.00) Dollars for each offense, plus the cost of prosecution. In default of payment thereof, the violator may be imprisoned in the Kenosha County Jail for a term not to exceed ninety (90) days or until such forfeiture and costs have been paid. Each day that a violation continues to exist shall constitute a separate offense. In cases where the above penalty conflicts with any other penalty established by this Ordinance, the most severe penalty shall apply.

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

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

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

Passed:

Published:

Drafted By:  
MATTHEW A. KNIGHT  
Deputy City Attorney

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

BY: ALDERPERSON RAY MISNER  
ALDERPERSON STEVE BOSTROM

**TO REPEAL AND RECREATE SECTION 8.04 B. REGARDING  
CERTIFICATE OF OCCUPANCY PROHIBITIONS , TO CREATE  
SUBSECTION 8.04 B.2 REGARDING OWNER'S FAILURE TO OBTAIN  
A REQUIRED CERTIFICATE OF OCCUPANCY AND TO CREATE  
SUBSECTION 8.04 G. OF THE ZONING CODE FOR THE CITY OF  
KENOSHA ENTITLED PENALTIES**

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

**Section One:** Section 8.04 B. of the Zoning Code for the City of Kenosha is hereby

repealed and recreated as follows:

**B. Prohibitions.**

1. It shall be unlawful for any person to occupy a building, parcel of land, or portion thereof :
  - a. Without having first obtained a Certificate of Occupancy where required, except where having obtained a Temporary Certificate of Occupancy which has not expired or been terminated.
  - b. Following the expiration or revocation of a Certificate of Occupancy.
  - c. Following the expiration of a Temporary Certificate of Occupancy.
  - d. Contrary to the terms, conditions and limitations of a Certificate of Occupancy.
  - e. Contrary to the terms, conditions and limitations of a Temporary Certificate of Occupancy.

2. It shall be unlawful for the owner of any building, parcel of land, or portion thereof for which a Certificate of Occupancy is required to permit any person to occupy said building, parcel of land, or portion thereof without having first required that the person obtain a Certificate of Occupancy as required herein.

**Section Two:** Section 8.04 G. of the Zoning Code for the City of Kenosha is hereby

created as follows:

**G. PENALTIES**

Any person, party, firm or corporation who violates any of the provisions of this Section shall upon conviction be subject to a forfeiture of not less than One Hundred Fifty (\$150.00) Dollars, nor more than Five Thousand (\$5,000.00) Dollars for each offense, plus the cost of prosecution. In default of payment thereof, the violator may be imprisoned in the Kenosha County Jail for a term not to exceed ninety (90) days or until such forfeiture and costs have been paid. Each day that a violation continues to exist shall constitute a separate offense. In cases where the above penalty conflicts with any other penalty established by this Ordinance, the most severe penalty shall apply.

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

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

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

Passed:

Published:

Drafted By:  
MATTHEW A. KNIGHT  
Deputy City Attorney