

AGENDA
PUBLIC SAFETY & WELFARE COMMITTEE MEETING
Kenosha Municipal Building - Room 202
Monday, July 26, 2010
5:00 PM

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

Call to Order
Roll Call

A. APPROVAL OF MINUTES

A-1. Approval of the minutes of the regular meeting held July 12, 2010.

C. REFERRED TO COMMITTEE

- C-1. Proposed Ordinance To Create Subsection 1.06 Y *(of the Code of General Ordinances)* Entitled "Aldermanic Notice". *(Also referred to Finance Committee, Public Works Committee, and Licensing/Permit Committee)*
- C-2. Proposed Ordinance To Create Subsection 1.05 Q *(of the Code of General Ordinances)* Entitled "Aldermanic Notice". *(Also referred to Finance Committee, Public Works Committee, and Licensing/Permit Committee)*
- C-3. Proposed Ordinance To Create Subsection 7.126 B 6 *(of the Code of General Ordinances)* Entitled "Owner" and to Repeal and Recreate Subsection 7.126 C *(of the Code of General Ordinances)* Regarding "Prohibition".
- C-4. Proposed Ordinance To Create Section 13.011 *(of the Code of General Ordinances)* Entitled "Recycling Center Activity License".
- C-5. Proposed Ordinance To Repeal and Create Section 4.05 *(of the Code of General Ordinances)* and to Rename Section 4.05 Smoking Prohibited, Adopting Statewide Smoking Prohibition.

**CITIZENS COMMENTS/ALDERMEN COMMENTS
OTHER BUSINESS AS AUTHORIZED BY LAW**

IF YOU ARE DISABLED AND IN NEED OF 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 -
Monday, July 12, 2010

The regular meeting of the Public Safety & Welfare Committee was held on Monday, July 12, 2010 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 5:22 pm. The following members were present: Chairman Downing, Alderman Orth, Green, and LaMacchia. Alderman Kennedy was excused. Staff members in attendance were Kevin Risch, Ron Bursek, and Chief Morrissey.

It was moved by Alderman Green, seconded by Alderman LaMacchia, to approve the minutes of the meeting held on Monday, June 28, 2010. Motion passed 4-0.

- B-1. Proposed Ordinance To Renumber Section 4.07 (of the Code of General Ordinances) Entitled "Penalties" as Section 4.08; and to Create Section 4.07 (of the Code of General Ordinances) Entitled "Artificial Light and Glare". (*Deferred from the meetings June 14, 2010 & June 28, 2010*)

PUBLIC HEARING: Alderman Michalski, 3rd District, was present to answer any questions. Alderman Haugaard, 1st District, was present in support of this ordinance.

It was moved by Alderman Orth, seconded by Alderman LaMacchia, to deny. Motion passed 4-0.

- C-1. Edward Byrne Memorial 2010 Justice Assistance Grant (JAG) Program Intergovernmental Agreement between the City of Kenosha and the County of Kenosha.

PUBLIC HEARING: Chief Morrissey handed out a new agreement and was present to answer any questions.

It was moved by Alderman Green, seconded by Alderman Orth, to deny. Motion passed 4-0.

INFORMATIONAL ITEM: "Safe Routes to Schools" Infrastructure Grant. Ron Bursek explained that this grant would allow the city to install permanent driver feedback speed signs to be placed in the right-of-way at 5 KUSD elementary schools.

ALDERMAN COMMENTS: Alderman Orth spoke on the new smoking law and cross walks that are zebra striped. Alderman LaMacchia has a copy of a propose ordinance change for the new smoking law. Chairman Downing mentioned that at the rotary tournament at Anderson Park, he saw several cars going the wrong way on the one way street. Chairman Downing informed Chief Morrissey that Joint Services is to report quarterly to this committee and it is already the start of the 3rd quarter and they have not seem anything to date.

ADJOURNMENT - *There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 5:53 pm.*

ORDINANCE NO. _____

DRAFT 05.14.10

BY: ALDERPERSON G. JOHN RUFFOLO

TO CREATE SUBSECTION 1.06 Y. OF THE CODE OF GENERAL ORDINANCES, ENTITLED "ALDERMANIC NOTICE"

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

Section One: Subsection 1.06 Y. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

1.06 Y. Aldermanic Notice. Whenever a City Board or Commission, or personnel authorized by the Board or Commission, has scheduled a public meeting, which is not a regularly scheduled meeting of the Board or Commission, separate aldermanic written notice shall be given by the Board or Commission to each alderperson at least 72 hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two (2) hours in advance of the meeting. The written notice may be on paper or in electronic (e-mail) format. Receipt shall be presumed upon delivery to the aldermanic mailbox located within City Hall or upon sending an electronic message to the alderperson's City issued e-mail account. The notice shall announce the time, place and subject matter of the meeting. "Public Meeting" means the convening of members of a City Board or Commission for the purpose of meeting with the public to discuss a topic which is subject to the responsibility, authority, or duties delegated to the Board or Commission for which a general invitation to unspecified attendees has been published or posted.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Passed:

Published:
Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

ORDINANCE NO. _____

DRAFT 05.14.10

ALDERPERSON G. JOHN RUFFOLO

TO CREATE SUBSECTION 1.05 Q. OF THE CODE OF GENERAL ORDINANCES, ENTITLED "ALDERMANIC NOTICE"

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

Section One: Subsection 1.05Q of the Code of General Ordinances for the City of

Kenosha, Wisconsin, is hereby created as follows:

1.05 Q. Aldermanic Notice. Whenever a City department, or personnel authorized by the department, has scheduled a public meeting, which is not a regularly scheduled meeting of the department, separate aldermanic written notice shall be given by the department to each alderperson at least 72 hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two (2) hours in advance of the meeting. The written notice may be on paper or in electronic (e-mail) format. Receipt shall be presumed upon delivery to the aldermanic mailbox located within City Hall or upon sending an electronic message to the alderperson's City issued e-mail account. The notice shall announce the time, place and subject matter of the meeting. "Public Meeting" means the convening of employees of a City department for the purpose of meeting with the public to discuss a topic which is subject to the responsibility, authority, or duties delegated to the department for which a general invitation to unspecified attendees has been published or posted.

Section Two: This Ordinance shall become effective upon passage and

publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

ORDINANCE NO. _____

DRAFT 06.14.10

BY: ALDERPERSON ANTHONY NUDO

TO CREATE SUBSECTION 7.126 B. 6. OF THE CODE OF GENERAL ORDINANCES ENTITLED "OWNER" AND TO REPEAL AND RECREATE SUBSECTION 7.126 C. OF THE CODE OF GENERAL ORDINANCES, REGARDING "PROHIBITION".

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

Section One: Subsection 7.126 B.6 of the Code of General Ordinances for the City of

Kenosha, Wisconsin, is hereby created as follows:

6. "Owner" shall mean a person who holds the legal title of a vehicle, except that if the legal title is held by a secured party with the immediate right of possession of the vehicle vested in the debtor, the debtor is the Owner. Notwithstanding the foregoing with respect to a vehicle that is leased for a period of one year or more, the lessee of the vehicle.

Section Two: Subsection 7.126 C. of the Code of General Ordinances for the City of

Kenosha, Wisconsin is hereby repealed and recreated as follows:

C. Prohibition. It shall be unlawful ~~for any person for the "owner" of a nuisance motor vehicle, party, firm or corporation~~ to keep, place or store any "nuisance motor vehicle" or to perform "repair work" or "street repairs" upon any public thoroughfare, street or highway or upon any private or public property within the City in a manner inconsistent with this Ordinance.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

ORDINANCE NO. _____

DRAFT 7.12.10

BY: ALDERPERSON STEVE BOSTROM

TO CREATE SECTION 13.011 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF KENOSHA, WISCONSIN, ENTITLED "RECYCLING CENTER ACTIVITY LICENSE"

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

Section One: Section 13.011 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created.

A. Definitions

- 1. **Hazardous Waste:** has the meaning of the term used in 40 CFR §261.3 unless excluded in §261.4.
- 2. **Person:** person, firm, partnership, association, corporation, company, or organization of any kind.
- 3. **Recycling Center:** Place upon which Recycling Center Activity conducted by a Licensee under this section takes place.
- 4. **Recycling Center Activity:** The commercial collecting of Recycling-Center Material, storing of Recycling-Center-Material, or engaging in Recycling-Center-Material Processing.
- 5. **Recycling-Center Material:** Recycling-Center Metals, ~~or batteries,~~ catalytic converters, electronic scrap or stainless steel.
- 6. **Recycling-Center-Material Processing:** The crushing of metal items or the reduction of the volume of metal items by shredding, chipping, melting, or any other means.
- 7. **Recycling-Center Metal:** Aluminum, copper, tin, and all alloys of aluminum, copper, or tin provided that said alloys do not include gold, silver, platinum, palladium, iridium, rhodium, ruthenium, iron, arsenic, mercury, lead, cadmium, antimony, barium, beryllium, osmium, thallium, vanadium, chromium (IV), or radioactive metals.
- 8. **Recycling-Center Yard:** The exterior portions of any building associated with a Recycling Center Activity where Recycling-Center Materials are stored.

B. License Required.

- 1. **Licenses.** It shall be unlawful for any person to conduct Recycling Center Activity within the City, whether personally, by agents or employees, singly, or along with some other business or enterprises without first having obtained a license therefor from the Common Council in accordance with the provisions of this ordinance.
- 2. **Other Licenses and Permits.** A license issued hereunder shall not exempt the holder thereof from obtaining such other licenses and permits as may otherwise be required by the City or by any other governmental agency.

C. Application. An applicant for a license under this Ordinance shall file with the City Clerk a written application, which is true, correct and complete, signed by himself, if an individual, by all partners if a partnership, and by the president or chief officer of a corporation or other organization, upon forms provided by the City Clerk, together with a fee as hereinafter prescribed. The application shall be sworn to by each of its signers before a notary public or other officer authorized by law to administer oaths and shall include the following information or material:

- a. Exact address or location of the place where the business is or is proposed to be carried on, plus a sketch of the actual premises to be used in connection with the business, giving distances in feet and showing fire lanes, property

lines, buildings, and abutting roads, particularly identifying the Recycling-Center Yard.

b. A description of the type of construction of any building and structure to be used in connection with the licensed business; a sketch showing the location of such buildings or structures on the business premises, with respect to their distance from roads and fire lanes and a diagram or plan giving distances and heights, showing floors, exits, entrances, windows, ventilators, and walls.

c. A description of any equipment or machinery which will be utilized to process Recycling Center Material and a description of motor vehicles which will be used to collect or haul Recycling Center Material in the operation of the licensed business, including their Vehicle Identification Number, and any D.M.V. or L.C. numbers, where applicable.

d. Such other information as is reasonably necessary to effectuate the purposes of this Ordinance and to arrive at a fair determination of whether the terms of this Ordinance have been complied with.

e. Proof of insurance/financial responsibility for all motor vehicles which will be utilized in the operation of the licensed business, in accordance with the requirements of State law.

f. Proof of current registration of all motor vehicles to be used in the course of performing licensed activities.

g. A list of all persons who will operate motor vehicles in the course of performing licensed activities and proof of their possessing a valid and appropriate Wisconsin Driver's License.

D. Application Review. Upon receipt of any application, the City Clerk shall send copies thereof to the Department of Neighborhood Services and Inspections, Fire Department, Health Department and Police Department. The Department of Neighborhood Services and Inspections, Fire Department and Health Department, either jointly or severally, within ten (10) days of receiving such copies, shall make a report, in writing, as to whether the premises meet the requirements hereof, along with any other pertinent information. The Police Department shall report in writing, to the City Attorney, as to any police record of applicant which may reflect upon their good moral character or business responsibility. The City Attorney shall examine said record and make a recommendation based thereon as to whether or not the license should be granted. Such reports shall be delivered to the City Clerk or clerk for the Committee on Licensing who, in turn, shall deliver them with the application, to the Committee on Licensing. Such Committee shall recommend to the Common Council either the granting or denial of the application or such other action as may be appropriate.

E. Fee

The annual fee for a Recycling Center Activity license is \$350, which shall not be pro-rated.

F. License Form. The Recycling Center Activity license shall bear the following language on its face:

"IMPORTANT - This license applies only to the described premises approved by the Common Council and authorizes the Licensee to operate a Recycling Center Activity in a lawful place and manner only; it is not a substitute for any Certificate of Occupancy, Building Permit, Conditional Use Permit, or other licenses, certificates, or permits that might be required by law of the Licensee, and it does not relieve the Licensee of the responsibility of having all such required licenses, permits, or certificates at all times and of complying with all other laws, rules and regulations affecting the business premises."

G. Term/Renewal

1. The term for a Recycling Center Activity licensee is one year, from May 1 or the date of first issue through the ensuing April 30.

2. License renewal applications shall be the same as new license applications, except that Licensee's report of police record need only be updated.

3. Renewal applications must be filed with the City Clerk by March 15th in order to provide for continuous licensing.

H. Non-Transferability. Licenses are not transferable or assignable.

I. Corrections. Applicants and Licensees shall have the duty to amend and correct their application within ten (10) days of such time as any information stated therein is known by Applicant/Licensee to be untrue, incorrect or incomplete. No material change in personnel, scope of operation, or site of operation shall be effective without the advance approval thereof by the Common Council based upon a specific request for such approval.

J. Exemption. The following are exempted from the provisions of this section:

1. Fund raising efforts by not-for-profit organizations;
2. Community clean up efforts by not-for-profit organizations;
3. Community clean up efforts conducted under the auspices of state Adopt-a-Highway program;
4. Licensed scrap salvage dealers or licensed scrap salvage collectors when operating within the operational limitations of the respective licenses; and
5. The City.

K. General Operating Requirements.

1. Recycling Center Activity licensees. The following general operating requirements shall apply to all Recycling Center Activity licensees licensed in accordance with the provisions of this Section:

- a. The license issued pursuant to this Section shall be plainly displayed on the business premises.
- b. The Recycling-Center Yard shall, at all times be maintained in as clean, sanitary and neat of a condition as such premises will reasonably permit.
- c. An area which is not described in the approved license application shall not be used in the conduct of licensed business.
- d. No water shall be allowed to stand on the premises in such manner as to, in the opinion of the Health Administrator, constitutes a breeding place for insects or disease that may endanger health.
- e. Grass and other ground cover on the premises shall be kept at a height of not more than eight (8) inches. The premises shall be substantially free of noxious weeds.
- f. No garbage, refuse or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, except for domestic garbage which shall be kept in containers which are, in the opinion of the Health Administrator, rodentproof, and removed from the premises as often as is necessary to provide a sanitary environment, but at no less an interval than on a weekly basis.
- g. No Recycling Center Material which is stored on the premises shall be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered about or blown off the premises.
- h. Recycling Center Material on the premises, which is not stored in racks or containers, shall be stored in piles not exceeding ten feet (10') in height, at an angle of forty degrees (40°) or less from the ground, and shall be arranged so as to permit access to all such Recycling Center Material for firefighting purposes. Recycling Center Material which is stored in racks or containers shall not be stored at a height in excess of ten feet (10').
- i. No combustible material of any kind not necessary for the operation of the licensed business, whether within or without a building or structure, shall be kept on the premises, except with the written permission of the Fire Department. The premises shall not be allowed to become a fire hazard.
- j. Recycling Center Material may not be reduced in volume on the premises through the use of a any apparatus, without Licensee first obtaining a permission therefor from the Common Council which may be granted and issued only upon a showing by Licensee that such activity will be conducted in a manner which is safe and lawful and which will not injure the public health, safety or welfare. Licensee may be requested, as part of the application process, to conduct or arrange for a demonstration, on site if possible, of the acts which are subject to this permit requirement before the Building Inspector or other designee of the Common Council who may make appropriate observations and cause noise, vibration and other tests to be conducted. The Common Council may place reasonable restrictions on the permitted volume-reducing activity, regulating the time, place and manner of operation.
- k. Licensee may not store or process any elemental metal or alloy of metal on a Recycling Center, unless it is a Recycling-center material.
 - l. Even if volume-reducing apparatus has been otherwise permitted by the Common Council, no process shall be utilized to reduce the volume of Recycling Center Material in a manner that causes vibrations which may damage the property of another or which may be injurious to the public health, safety and welfare. Complaints in this regard shall be processed by the Health Department, which may issue abatement orders, following notice and an opportunity to be heard.
 - m. Licensee shall not directly or indirectly purchase Recycling Center Material from any person that they know, or should know, cannot rightfully or lawfully sell it or deliver clear title thereto.
 - n. **Chapter XXIII** of the Code of General Ordinances, "Noise Control", shall be strictly complied with.
 - o. The open area of the premises whereupon Recycling Center Material is stored shall be enclosed with a solid, vertical wall or fence of a minimum height of six feet (6') measured from ground level, except where Recycling

Center Material is shielded from view by an earthen berm of a minimum height of six feet (6') in which event the required fence need not shield Recycling Center Material from view. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business. Fences must be sturdily constructed, safe vertical straight, well maintained and must shield Recycling Center Material from view. Fences must be protected with paint or other preservatives. Fences must not create an appearance of patchwork which is indicative of a state of disrepair. Fences shall be of uniform color which will not detract from the value of abutting and neighboring real estate. No signs may be painted on or attached to any fence, except for a sign of not more than eight square feet (8 ft²), located at an entranceway thereto which provides the name of the business. Fences must be constructed in such a fashion and of such materials and color as are approved by the Building Inspector prior to fence construction, repair or replacement. Chain link fencing shall be appropriate where opaque strips are inserted in the fence. No fence may be constructed or replaced without the approval of the Building Inspector, or designee thereof, which approval may be denied if the above standards have not been complied with or if the construction of a proposed new fence or replacement fence would violate any other provision of law. No Recycling Center Material may be stored outside of said fence or may be stored so as to rest against said fence, protrude through it, or hang over it. Fence gates shall be kept closed when not required to be open for ingress or egress, except where a buffer fence is constructed in the vicinity of fence gates within the Recycling-Center Yard which shields Recycling Center Material from view when the gates are open. In all other respects, fences shall be installed and constructed in accordance with City Ordinances.

p. No Recycling Center Activity licensee or his or her agent or employee shall, except for aluminum cans, purchase or receive any Recycling Center Material for use in the licensed business from any person under the age of eighteen (18) years without the written consent of a parent or guardian of such person. Such writing shall be held available for inspection by any member, or representative, of the Police Department for one (1) year.

q. Each acquisition of such Recycling Center Material as is capable of being used for its original and intended purpose without repair or alteration, including all motor vehicle parts, except for bulk purchases from industrial and commercial concerns, shall be recorded in English in a permanent type register kept on the business premises, giving the name and residence address of the person from whom the acquisition was made, a description of the Recycling Center Material acquired, any identification or serial number, and the date of the transaction. Such data shall be held available for inspection by any member, or representative, of the Police Department for one (1) year. The identification of each seller of a motor vehicle or motor vehicle part shall be checked and the type of identification checked noted, except where the purchase is from a licensed motor vehicle dealer, an insurance company, a City licensed tower or an auction.

r. No Recycling-Center Yard shall be allowed to become a public or attractive nuisance; nor shall any Recycling-Center Yard be operated in such manner as to adversely affect the public health, safety, or welfare.

s. There shall be full compliance with the City Building, Fire, and Health Codes and with all other City, County, State and Federal laws, rules or regulations which may be applicable.

t. The Fire Department may order Licensees to install fire lanes, following notice and opportunity to be heard, and upon providing a reasonable time for compliance.

u. The terms of a Conditional Use Permit which are not inconsistent with this Ordinance, shall be complied with at all times as a condition of license maintenance.

v. No Recycling Center Material shall be collected which is placed on a City right-of-way for City collection and no Recycling Center Material shall be deposited or sorted on a City right-of-way or removed from the property of any nonconsenting person or party.

w. The licensed premises must possess appropriate zoning for the licensed business or constitute a lawful nonconforming use.

x. Motor vehicles which are used in the licensed business shall hold and display an L.C. and M.V.D. number where such number is required by State law, rule or regulation, shall be insured or financially responsible in accordance with State law, shall be properly and currently registered with the State Motor Vehicle Department, and shall have the licensee's name conspicuously and legibly printed thereon.

y. Hazardous Waste may not be collected, stored, or processed on the business premises.

L. Licensees/Responsibility. Recycling Center Activity licensees shall, with respect to the conduct of their business, have a duty to supervise their agents and employees and shall be responsible for the acts thereof.

M. Suspected Stolen and Evidentiary Recycling Center Material. The Police Department may order any licensee hereunder to retain any Recycling Center Material upon the premises which is suspected to be stolen for a period not

to exceed thirty (30) days pending an investigation. The Police Department, at any time, may seize from the premises, as evidence, any Recycling Center Material which they have probable cause to believe is stolen, and may hold said Recycling Center Material for so long as it shall have evidentiary value. Any seized item shall be released within a reasonable time upon prosecution being denied by any prosecuting attorney. Any enforcing department may order a Licensee to retain Recycling Center Material upon the premises which is suspected of being held in violation of this Ordinance for a period not to exceed thirty (30) days during which an investigation can be conducted. Any enforcing department may take samples of Recycling Center Material for purposes of testing or arrange for any other governmental agency to do so.

N. Conditional Use Permits. Conditional Use Permits, as required by the Zoning Ordinance, shall be required prior to any unlicensed premises being licensed and prior to the expansion of any existing licensed premises, and each license shall be conditioned upon obtaining and complying with the provisions of a Conditional Use Permit, where required. A Conditional Use Permit may contain requirements over and above the requirements of this Ordinance, but may not negate any of the requirements of this Ordinance, and if it would do so, any conflicting provisions thereof shall be null and void.

O. Appeals From Orders. A Licensee, where the public health, safety and welfare is not in immediate jeopardy, may appeal to the Common Council any order issued by any enforcing Department under authority of this Ordinance by filing a written Notice of Appeal with said Department within ten (10) days of receipt of said order, or within the compliance period, whichever is shorter. The Common Council may direct that the appeal be heard by a Committee thereof.

P. Revocation and Suspension Of Licenses. The Common Council may, for just cause, suspend, revoke or not renew any license herein provided, upon serving such party written notice of the charges forming a basis for the proposed penalty, in the same manner as that for the service of a Summons in a civil action. Just cause shall include, but not be limited to:

1. Failing to maintain a status of good moral character and business responsibility.
2. Obtaining the license through fraud or misrepresentation.
3. Operating contrary to the terms of this Ordinance.
4. Failing to commence doing business within ninety (90) days of being granted a license or within ninety (90) days of the first day of the license term, whichever is longer, unless an extension of time is applied for and granted by the Committee on Licenses and Permits.
5. Suspending doing business for a period of ninety (90) consecutive days, unless permission is applied for and granted by the Committee on Licenses and Permits.

Q. Disciplinary Hearings. Disciplinary hearings, including nonrenewal, suspension and revocation hearings, may be held before the Common Council or before the Committee charged with license review responsibilities.

The Committee on Licenses and Permits, when it conducts a hearing, shall submit a report to the City Common Council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the City Common Council should take with respect to the license. Said Committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or Licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Common Council. The City Common Council shall determine whether the arguments shall be presented orally or in writing, or both. If the City Common Council, after considering the Committee's report and any arguments presented by complainant or Licensee, finds the complaint to be true, or if there is no objection to a report recommending a suspension, revocation or nonrenewal of the license, it shall be suspended, revoked or not renewed as provided by law. If the City Common Council finds the complaint untrue, the proceedings shall be dismissed without cost to the accused. The City Clerk shall give notice of each suspension, revocation or nonrenewal to the party whose license is affected. The Common Council may also order corrective action to be taken within a specified time as a condition of license maintenance, at any time, following notice and an opportunity to be heard.

R. Penalty. Any person who shall violate any of the terms and conditions of this Ordinance shall, upon conviction thereof, forfeit not more than Five Hundred (\$500) Dollars, plus the costs of prosecution, and in default of the timely payment thereof be confined in the County Jail for a period not to exceed (30) days.

S. Violations. Each day of a violation of this Ordinance shall be considered a separate offense.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN,
City Attorney

ORDINANCE NO. _____

BY: ALDERPERSON ROCCO LAMACCHIA, SR.

TO REPEAL AND RECREATE SECTION 4.05 OF THE CODE OF GENERAL ORDINANCES AND TO RENAME SECTION 4.05 SMOKING PROHIBITED, ADOPTING STATEWIDE SMOKING PROHIBITION

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

Section One: Section 4.05 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated in its entirety as follows:

4.5 SMOKING PROHIBITED

A. PROVISIONS OF STATE LAW ADOPTED BY REFERENCE. The provisions of Wisconsin Statute Section 101.123 and any future amendments, revisions or modifications of the Statute are incorporated and are adopted in their entirety.

B. PENALTIES. Penalties for violation of this section shall be in accordance with Wisconsin Statute Section 101.123. Statutory court costs, surcharges, fees and assessments shall be added to all forfeitures for such violations.

C. INSPECTION AND ENFORCEMENT. The County Health Department and City Departments of Neighborhood Services and Inspections, Police Department and 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.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT,
Deputy City Attorney