

AGENDA  
PUBLIC SAFETY & WELFARE COMMITTEE MEETING  
Kenosha Municipal Building - Room 202  
Monday, October 11, 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 minutes of regular meeting held on September 27, 2010.

**B. DEFERRED BY COMMITTEE**

B-1. Reconsideration of Proposed Ordinance To Renumber Section 13.13 Entitled "Fees" as Section 13.14 and To Create Section 13.13 Entitled "Refuge Centers". *(Since this matter was deferred at the September 27, 2010 meeting of the Public Safety & Welfare Committee for 30 days, in order to consider the matter at this meeting, a motion must first pass by two-thirds (2/3) of the members voting to consider it early.)*

**C. REFERRED TO COMMITTEE**

C-1. Application request for On Street Handicapped Parking in front of 6602 42<sup>nd</sup> Avenue (1 space).  
*(District 15) (Staff recommends approval)*

C-2. Application request for On Street Handicapped Parking in front of 6346 24<sup>th</sup> Avenue (1 space).  
*(District 12) (Staff recommends approval)*

**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, September 27, 2010

The regular meeting of the Public Safety & Welfare Committee was held on Monday, September 27, 2010 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 5:19 pm. The following members were present: Chairman Downing, Alderman Kennedy, Orth, Green, and LaMacchia. Staff members in attendance were Kevin Risch.

*It was moved by Alderman LaMacchia, seconded by Alderman Green, to approve the minutes of the meeting held on Monday, September 13, 2010. Motion passed 5-0.*

*It was moved by Alderman Kennedy, seconded by Alderman Green, to approve C-1, C-2 & C-3 after being read. Motion passed 5-0.*

- C-1. Aldermanic request to Remove No Parking Signs 6pm – 6am both sides 23<sup>rd</sup> Avenue, 31<sup>st</sup> Street - 32<sup>nd</sup> Street.
- C-2. Previous Trial for the Removal of No Parking Standing Stopping Restrictions East Side of 8<sup>th</sup> Avenue north of 49<sup>th</sup> Street.
- C-3. Previous Trial for 1HR Parking on 56<sup>th</sup> Street from Sheridan Road to 11<sup>th</sup> Avenue and 10<sup>th</sup> Avenue from 57<sup>th</sup> Street to approximately 80 feet north of 56<sup>th</sup> Street.
- C-4. Proposed Ordinance To Renumber Section 13.13 Entitled “Fees” as Section 13.14 and To Create Section 13.13 Entitled “Refuge Centers”.  
*It was moved by Alderman Kennedy, seconded by Alderman LaMacchia, to defer 30 days. 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 5:23 pm.*

To the Honorable Mayor and Common Council:

Your Committee on Public Safety & Welfare on September 27, 2010:

to whom was referred: Proposed Ordinance To Renumber Section 13.13 Entitled "Fees" as Section 13.14 and To Create Section 13.13 Entitled "Refuge Centers".

STAFF RECOMMENDS:

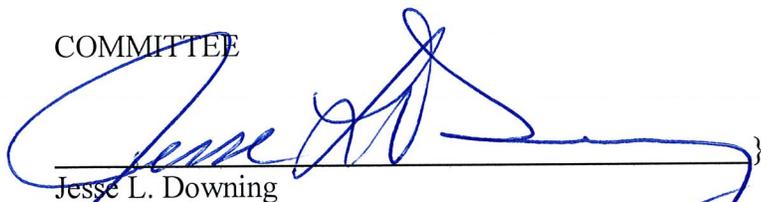
MOTION: Kennedy  
SECOND: LaMacchia

Respectfully report and recommend:

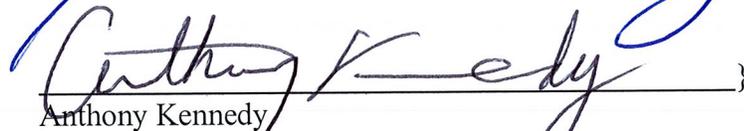
Defer 30 days  
5-0

COMMITTEE

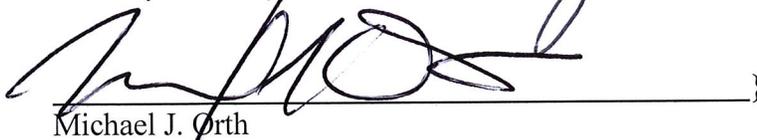
CIRCLE ONE

  
Jesse L. Downing

Aye      No

  
Anthony Kennedy

Aye      No

  
Michael J. Orth

Aye      No

  
Lawrence F. Green

Aye      No

  
Rocco J. LaMacchia, Sr.

Aye      No

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

BY: ALDERPERSON THEODORE RUFFALO

DRAFT 09.10.10

**TO RENUMBER SECTION 13.13 ENTITLED "FEES"  
AS SECTION 13.14 AND TO CREATE SECTION 13.13  
ENTITLED "REFUGE CENTERS"**

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

**Section One:** Section 13.13 of the Code of General Ordinances for the City of Kenosha, Wisconsin, entitled "Fees" is hereby renumbered as Section 13.14.

**Section Two:** Section 13.13 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

**13.13 REFUGE CENTERS**

**A. Purpose.**

The purpose of this ordinance is to insure that homeless persons in the City of Kenosha are able to obtain supportive services in safe and structured locations.

**AB. Definitions.**

1. Lodging: Accommodations at which persons are allowed to sleep on mattresses, cots, sleeping bags, or other furnishings primarily designed for the sleeping of persons.

2. Refuge Center: A facility that provides accommodation principally for homeless persons, where the accommodation may include the provision of food, clothing, employment, or other support services, but shall exclude lodging.

3. Staff: Persons, whether paid or unpaid, who regularly and directly assist in the operation of the Refuge Center. The term excludes volunteers who directly assist in the operation of the Refuge Center on an interim basis, but no more than any part of two days in any four-month period.

**BC. License Required.**

1. Unless exempted from the licensing requirement pursuant to paragraph B 2., herein, no person whether personally, by agents or employees, singly, or with another business or enterprise may operate a Refuge Center within the City of Kenosha, and no person whether personally, by agents or employees, singly, or with another business or enterprise may allow the operation of a Refuge Center, without a license therefore from the Common Council in accordance with the provisions of this Ordinance.

2. The following are exempt from the regulation of this Section 13.13: A facility otherwise within the definition of "Refuge Center" that satisfies all of the following conditions:

a. is operated as a Shelter Facility, as that term is defined in the the Zoning Ordinance for the City of Kenosha;

b. is subject to a conditional use permit as a Shelter Facility and is operating under the terms of that conditional use permit.

3. Separate Licenses. A licensee hereunder who operates more than one (1) "Refuge Center" within the City shall be required to have in effect a separate license for each "Refuge Center".

4. Other Licenses And Permits. A license issued hereunder shall not exempt the holder thereof from obtaining such other licenses and permits as may be relevant and otherwise required by the City or by any other governmental agency.

**CD. Transfer/Assignment.**

Licenses are not transferable or assignable from either person-to-person or from place-to-place.

**E. License Term.**

Licenses are for up to one year, expiring on the April 30<sup>th</sup> ensuing the grant of the license by the Common Council.

**EF. License Fee.**

The fee shall be three hundred dollars (\$300) per year. The fee must accompany the application in order for the application to be considered. The fee will not be pro-rated for partial years. In the event that the license application is denied, two hundred dollars (\$200) of the three hundred dollar application fee will be retained by the City as partial reimbursement for the costs associated with the application investigation.

**FG. License Application.**

1. Name, address, telephone number and e-mail address of Refuge Center license applicant, including all partners, if the applicant is a partnership.
2. Name, address, telephone number and e-mail address of Refuge Center manager, if different from the license applicant.
3. Current list of Board of Directors and Officers, if a corporation; current list of members if a limited liability company.
4. Organizational Chart listing supervisory personnel by name.
5. Complete list of the services and programs provided at the Refuge Center, whether delivered by agency personnel or by outside organizations.
6. Floor plan identifying size and location of all Refuge Center areas.
7. Hours of operation including any periodic or seasonal schedule modifications.
8. Code of Conduct Plan which addresses the expectations and accountability of the clientele, including while on both the Refuge Center premises and while off-site ~~locations~~.

**GH. Annual Inspection.**

Compliance monitoring by City departments shall occur annually, before action by the Common Council on the license application for each year.

**HI. Amendment/Correction.**

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.

**IJ. Recommendation.**

Upon receipt of an application for a license under this Section, 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 Licensing/Permit Committee who, in turn, shall deliver them with the application, to the Licensing/Permit Committee. Such Committee shall recommend to the Common Council either the granting or denial of the application or such other action as may be appropriate.

**JK. Conditions of Operation.**

1. All Full-time, trained supervision, whether paid or unpaid, must be trained in the requirements of this ordinance and in the policies of the Refuge Center.
- ~~2. must be actively providing on-premises supervision~~ 2. During all operating hours, trained supervisory staff must be on premises and actively providing supervision to other staff, volunteers, and clientele.
  - a. Staffing provided must be adequate to serve the program needs of the clientele. Adequate staffing shall be determined based upon the professionally accepted standards to address the mental, physical and social needs of the clientele.
  - b. ~~All staff, excluding directly supervised volunteers, shall~~ must be at least 18 years old. Volunteers who assist in the operation of the Refuge Center on an interim basis, but no more than any part of two days in any four-month period may be under 18 years of age.
  - c. At least two members of ~~All staff, excluding directly supervised volunteers, must holding~~ current certification from the American Heart Association or the American Red Cross in first aid must be on premises at all times that the Refuge Center is open for business. A copy of the certification card for each staff member shall be on file at the licensed Refuge Center and subject to inspection.
  - d. All staff must be trained in fire/emergency procedures including the proper use of fire extinguishers.
  - e. All staff must have orientation training for the special needs of individuals who are homeless, experience mental health issues, chemical abuse issues, or intimate partner/domestic violence issues.
3. The Refuge Center must operate in compliance with the Fire Prevention Code, the Property Maintenance Code, and all other City ordinances.
4. Provide restrooms in compliance with the federal Americans with Disabilities Act with an adequate number of fixtures for the number of occupants.
5. Allow clientele access for restroom privileges during all hours of operation.
6. If the clientele of the Refuge Center will include minors, all staff shall have a criminal background check conducted annually by the Refuge Center licensee which shall be subject to inspection.
7. If the clientele of the Refuge Center will include minors, the Refuge Center licensee must have procedures in place that assure that no individual minor will be alone in any enclosed space with any one adult who is not the minor's parent, guardian, spouse, or sibling.
8. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public right-of-way, and of an intensity compatible with the neighborhood. The light shall be positioned and maintained in a manner that does not unreasonably provide annoyance to residents of neighboring properties.

**KL. Enforcement.**

The Director of the Department of Neighborhood Services and Inspections, the Fire Chief, the Chief of Police, and the Director of Environmental Health for the County of Kenosha shall have the primary responsibility to enforce this Ordinance within their jurisdiction. In the event that any of the aforementioned directors or chiefs receive a complaint outside of their jurisdiction, they shall refer it to the Department having proper jurisdiction. After normal City Municipal Building working hours, all complaints shall be made to the Police Department, who, where the complaint is outside of its jurisdiction, shall take the complaint and refer it to the Department having proper jurisdiction. This Ordinance shall be enforced by the following City Departments (Enforcing Departments) as follows:

1. By the Director of the Department of Neighborhood Services and Inspections or designee thereof, with respect to the Building Code (Chapter IX of the Code of General Ordinances for the City of Kenosha) the Sign Code (Chapter XV), the Property Maintenance Code (Chapter XVI), the Zoning Ordinance, and other provisions of the Code of General Ordinances not otherwise enforced by other Enforcing Departments, along with the responsibility of investigating complaints to the effect that a person is engaged in an activity requiring a license hereunder without first having obtained said license.

2. By the Fire Chief, or designee thereof, with respect to the Fire Prevention Code (Chapter III).

3. By the Chief of Police or designee thereof, with respect to Good Order and Conduct Code (Chapter XI) and Noise Control Code (Chapter XXIII).

4. By the Health Director or designee thereof, with respect to the Health Code (Chapter IV) and Noise Control Code (Chapter XXIII).

#### **LM. Inspections.**

Applicants and Licensees shall permit authorized representatives of any Department of the City or County having enforcement powers hereunder to inspect the premises proposed to be licensed or licensed, with or without advanced notice, as often as may be required to permit said Departments to perform their duties and assure compliance with this Ordinance, without first obtaining a special inspection warrant. Inspections shall be made during normal hours of business operation unless emergency circumstances require prompt action to protect the public health, safety, or welfare, or to preserve evidence of noncompliance with this Ordinance. The unreasonable failure to permit inspections shall be grounds for license denial, suspension, or revocation. Upon notice of application by the City Clerk to the Enforcing Departments, they shall inspect the premises/equipment of each license applicant and licensee seeking license renewal, where they have duties with respect thereto, as part of the application/license renewal process and prior to application review. The Fire Chief, or designee thereof, shall make periodic inspections of Licensee premises/equipment during the license period and report apparent violations of this Ordinance over which it does not have jurisdiction to any Enforcing Department having jurisdiction thereover. Enforcing Departments may also inspect the premises/equipment of any Licensee upon a complaint being made with respect thereto by any person.

#### **MN. Orders.**

It shall be unlawful for any licensee to fail to obey any final order of any Enforcing Department which was issued under the authority hereof.

#### **NO. Appeals From Orders.**

A Licensee, where the public health, safety or welfare is not in immediate jeopardy, may appeal to the Common Council any order issued by any Enforcing Department under authority of this Ordinance. Orders issued pursuant to ordinances subject to specific appeal procedure must be appealed through that specific appeal procedure. All other orders issued pursuant to ordinances that are not subject to a specific appeal procedure, may be appealed to the Common Council by filing a written Notice of Appeal with the Enforcing Department that issued the order within ten (10) days of receipt of said order, or within the compliance period, whichever is shorter. The Common Council may direct that an appeal to it be heard by a Committee thereof.

#### **OP. Licensees/Responsibility.**

Licensee shall, with respect to the conduct of their operation, have a duty to supervise their employees and clientele, and for purposes of license discipline proceedings, shall be responsible for the acts thereof.

#### **PQ. Revocation and Suspension Of Licenses.**

The Common Council may, for just cause, suspend or revoke 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.

**QR. Disciplinary Hearings.**

Disciplinary hearings, including suspension and revocation hearings, may be held before the Common Council or before the Committee charged with license review responsibilities. The Licensing/Permit Committee, when it conducts a hearing, shall submit a report to the Common Council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the 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 Common Council shall determine whether the arguments shall be presented orally or in writing, or both. If the 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 or revocation of the license, it shall be suspended, revoked, or not renewed as provided by law. If the 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 or revocation 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.

**RS. 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, in addition to all applicable surcharges and assessments, and in default of the timely payment thereof be confined in the County Jail for a period not to exceed thirty (30) days.

**Section 3:** This Ordinance shall become effective upon passage and publication.

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

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

Passed:

Published:

Drafted By:  
EDWARD R. ANTARAMIAN  
City Attorney



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

**Fleet Maintenance**  
Mauro Lenci  
Superintendent  
**Administrative Supervisor**  
Janice D. Schroeder

**Street Division**  
John H. Prijic  
Superintendent  
**Waste Division**  
Rocky Bednar  
Superintendent  
**Park Division**  
Jeff Warnock  
Superintendent

C-1

## DEPARTMENT OF PUBLIC WORKS

**Ronald L. Bursek, P.E., Director**

Municipal Building - 625 - 52<sup>nd</sup> Street - RM 305 - Kenosha, WI 53140  
Telephone (262) 653-4050 - Fax (262) 653-4056

DATE: October 11, 2010

TO: Public Safety and Welfare Committee

FROM: Kevin Risch, P.E., Assistant City Engineer KKR 10-1-10

SUBJECT: Application Request for On Street Handicapped Parking in Front of 6602 42<sup>nd</sup> Avenue  
(1 space). (District 15)

Mr. Don Otto is requesting one (1) on street handicapped parking space in front of 6602 42<sup>nd</sup> Avenue (private residence).

Staff has reviewed the application and has determined that it is within guidelines.

Staff recommends approval for a trial to install one (1) 22 feet handicapped parking space in front of 6602 42<sup>nd</sup> Avenue.

KKR:dt

cc: Alderman Michael J. Orth - w/a  
Ronald L. Bursek, Director of Public Works - w/a  
Michael M. Lemens, Director of Engineering/City Engineer - w/a  
Randy LaClaire - w/a  
File - w/a

City of Kenosha  
Department of Public Works  
Application  
For  
On Street Handicapped Parking  
Private Residence

Name of Handicapped: DON G. OTTO

Address: 6602-42<sup>ND</sup> Avenue

KENOSHA, WI. 53142

Phone: 262-653-0887 alternate 652-8690

Date: Sept. 28<sup>th</sup>, 2010

Handicapped Designation Card #: 940374

Requested Location of Signage:

Front of House



Side of House



*Location Request over*  
→

Application is hereby requested with the following stipulations:

- \$100.00 fee for application & sign installation

- Only 1 space allowed per single family

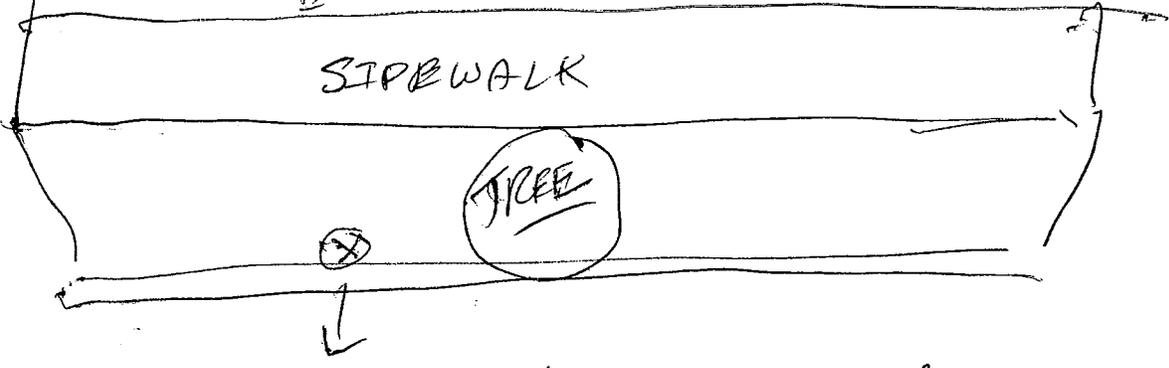
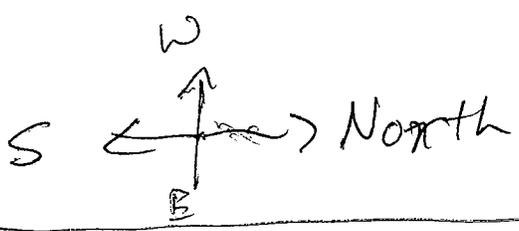
- Designated on street space shall be in accordance with other parking restrictions as designated by existing on street signage or other City Ordinances.

CK # 5843

Signature: Don G. Otto



DRIVEWAY



If possible, please locate sign just south of tree in park way.

Thank You  
Very Much

Don G. Allen

IMPORTANT: REMOVE  
BEFORE DRIVING VEHICLE

Disabled Parking Identification Permit

**940374**



EXPIRES

**MAY**

 **12**  
WIS

**WISCONSIN**



**Engineering Division**  
Michael M. Lemens, P.E.  
Director/City Engineer  
**Fleet Maintenance**  
Mauro Lenci  
Superintendent  
**Administrative Supervisor**  
Janice D. Schroeder

**Street Division** C-2  
John H. Prijic  
Superintendent  
**Waste Division**  
Rocky Bednar  
Superintendent  
**Park Division**  
Jeff Warnock  
Superintendent

## DEPARTMENT OF PUBLIC WORKS

**Ronald L. Bursek, P.E., Director**

Municipal Building - 625 - 52<sup>nd</sup> Street - RM 305 - Kenosha, WI 53140  
Telephone (262) 653-4050 - Fax (262) 653-4056

DATE: October 11, 2010  
TO: Public Safety and Welfare Committee  
FROM: Kevin Risch, P.E., Assistant City Engineer KKR 10-6-10  
SUBJECT: Application Request for On Street Handicapped Parking in Front of 6346 24<sup>th</sup> Avenue  
(1 space). (District 12)

Ms. Yvonne Henry is requesting one (1) on street handicapped parking space in front of 6346 24<sup>th</sup> Avenue (private residence).

Staff has reviewed the application and has determined that it is within guidelines.

Staff recommends approval for a trial to install one (1) 22 feet handicapped parking space in front of 6346 24<sup>th</sup> Avenue.

KKR:kb

cc: Alderman Steve Bostrom - w/a  
Ronald L. Bursek, Director of Public Works - w/a  
Michael M. Lemens, Director of Engineering/City Engineer - w/a  
Randy LaClaire - w/a  
File - w/a

Rec'd  
10-4-10

City of Kenosha  
Department of Public Works  
Application  
For  
On Street Handicapped Parking  
Private Residence

PAID

Name of Handicapped: Yvonne E. Kunt - Henry

Address: 6346 24th ave h5

Kenosha WI 53143

Phone: 262 6548258

Date: 10-4-10

Handicapped Designation Card #: 70098D

Requested Location of Signage:

Front of House

Side of House

Application is hereby requested with the following stipulations:

- \$100.00 fee for application & sign installation
- Only 1 space allowed per single family
- Designated on street space shall be in accordance with other parking restrictions as designated by existing on street signage or other City Ordinances.

Signature: Yvonne E. Kunt - Henry