

AGENDA
PUBLIC SAFETY & WELFARE COMMITTEE MEETING
Kenosha Municipal Building - Room 204
Monday, October 27, 2014 - 5:00 pm

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

Call to Order
Roll Call

Approval of the minutes of the meeting held on October 13, 2014.

1. Ordinance by Aldersperson Jan Michalski – To Repeal and Recreate Section 13.01 Regarding Scrap Salvage Dealers and Scrap Salvage Collectors. *(Referred from Council on 9/15/14) (Licensing/Permit-deferred from the meeting on 9/29/14) (Deferred from the meeting on 9/29/14)*
2. Request to Rescind and Rewrite the Resolution Governing the Parking Restrictions on 8900 Block of 29th Court During Soccer Events. *(District 9) (Deferred from the meeting on 9/29/14)*
3. Police Request to Discontinue the Crossing Guard at the Corner of 43rd Street and 22nd Avenue.

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

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 653-4050 BEFORE THIS MEETING

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND ALTHOUGH THIS MAY CONSTITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS MEETING.

PUBLIC SAFETY & WELFARE COMMITTEE
Minutes of Meeting held Monday, October 13, 2014

A meeting of the Public Safety & Welfare Committee was held on Monday, October 13, 2014 in Room 204 of the Kenosha Municipal Building. The meeting was called to order at 5:00 pm by Chairman LaMacchia.

At roll call, the following members were present: Alderpersons Wicklund, Rose, Gordon and Rosenberg. Staff members in attendance were: Michael Lemens, Director of Public Works; Shelly Billingsley, Deputy Director of Public Works/City Engineer; Deputy Police Chief Dan Miskinis; Alderperson Curt Wilson; Alderperson Bob Johnson; and Alderperson David Bogdala.

It was moved by Alderperson Rosenberg, seconded by Alderperson Rose, to approve the minutes from the meeting held on Monday, September 29, 2014. Motion carried unanimously.

Chairman LaMacchia took the agenda out of order by taking item 3 and item 5 before item 1.

1. Aldermanic Request for the installation of 4-Way Stop Signs at the intersection of 21st Avenue and 79th Street. *(District 13) (Staff recommends denial)*
Staff/Alderperson: Shelly Billingsley and Alderperson Curt Wilson spoke. Michael Lemens answered questions. Deputy Miskinis agreed with Michael Lemens.
It was moved by Alderperson Gordon, seconded by Alderperson Rosenberg, to approve a 90-day trial. Motion carried unanimously.
2. Aldermanic Request for the installation of 4-Way Stop Signs at the intersection of 3rd Avenue and 56th Street. *(District 2) (Staff recommends 90-day trial starting April 2015) (Deferred from the meeting on 9/29/14)*
Staff: Shelly Billingsley spoke.
It was moved by Alderperson Gordon, seconded by Alderperson Wicklund, to defer for 120 days. Motion carried unanimously.
3. Aldermanic Request for the installation of 4-Way Stop Signs at the intersection of 111th Avenue and 62nd Street. *(District 17) (Staff recommends 90-day trial)*
Staff/Alderperson: Shelly Billingsley and Alderperson David Bogdala spoke.
It was moved by Alderperson Gordon, seconded by Alderperson Rose, to approve.
Motion carried unanimously.
4. Previous trial for the Installation of a Westbound Stop Sign at the Intersection of 13th Avenue and 61st Street. *(District 3) (Staff recommends approval)*
Staff: Shelly Billingsley spoke.
It was moved by Alderperson Gordon, seconded by Alderperson Rosenberg, to approve.
Motion carried unanimously.
5. Resolution by Alderperson Bob Johnson - Resolution to Declare October 2014 Bullying Prevention Awareness Month as a Symbol of Our Commitment to The Year-Round Struggle Against Bullying. *(Referred from Council on 10/6/14)*
Alderperson/Public Hearing: Alderperson Bob Johnson, James Dean (Vice President & Media Relations of Generation Against Bullying spoke. Linda Lee Maria Gamez (Executive Directors of Generation Against Bullying) were present.
Alderperson Rose and Chairman LaMacchia requested to be added as Co-Sponsors.
It was moved by Alderperson Wicklund, seconded by Alderperson Gordon, to approve.
Motion carried unanimously.

DISCUSSION ITEM:

1. No Turn on Red for South-Eastbound Traffic Turning Southwest at the Intersection of STH 32 (*Alford Park Drive*) & 7th Avenue. - Michael Lemens spoke.

CITIZEN COMMENTS: John Fox spoke about a call to dispatch for an ambulance to his mother's house and it took them 11 minutes to get there because Station 6 doesn't have an ambulance and the next nearest one was at Carthage College before that. He says there should be an ambulance at Station 6 for the north side people.

ALDERPERSON COMMENTS: Alderperson Wicklund thanked Public Works for the Caution Children sign up on 23rd Ave.

ADJOURNMENT - There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 5:29 pm.



ENGINEERING DIVISION
SHELLY BILLINGSLEY, P.E.
CITY ENGINEER

PARK DIVISION
JEFF WARNOCK
SUPERINTENDENT

FLEET MAINTENANCE
MAURO LENCI
SUPERINTENDENT

STREET DIVISION
JOHN H. PRIJIC
SUPERINTENDENT

WASTE DIVISION
ROCKY BEDNAR.
SUPERINTENDENT

DEPARTMENT OF PUBLIC WORKS

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

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October 24, 2014

To: Rocco L. LaMacchia, Sr., Chairman,
Public Works Committee

From: Michael M. Lemens, P.E. *MML 10-24-14*
Director of Public Works/City Engineer

Subject: Ordinance by Alderperson Jan Michalski – To Repeal and Recreate Section 13.01
Regarding Scrap Salvage Dealers and Scrap Salvage Collectors.

BACKGROUND INFORMATION

As a request from Alderperson Jan Michalski, the Legal Department has prepared the following Resolution to Repeal and Recreate Section 13.01 Regarding Scrap Salvage Dealers and Scrap Salvage Collectors.

RECOMMENDATION

Staff has no recommendation at this time.

MML/dm

ORDINANCE NO. _____

SPONSOR: ALDERPERSON JAN MICHALSKI

**TO REPEAL AND RECREATE SECTION 13.01 REGARDING
SCRAP SALVAGE DEALERS AND SCRAP SALVAGE COLLECTORS**

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

Section One: Subsection 13.01 of the Code of General Ordinances for

the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

A. Purpose. The Common Council of the City of Kenosha, Wisconsin makes the following findings:

1. "**Scrap Salvage**", as defined herein, is, or in the future may be, stored in a dangerous or unsanitary manner in yards, open areas or in other places within the City; and,

2. The places in which "Scrap Salvage", as defined herein, is stored, or in the future may be stored, tend to become overgrown with weeds, littered with rubbish and debris; and infested with rats, mice, insects, reptiles, and other vermin; and,

3. Such conditions tend to attract children and endanger their lives and health; spread disease; invite plundering; attract vagrants; create fire hazards and other safety and health hazards; create, extend, and aggravate urban blight; interfere with the enjoyment of and reduce the value of private property; and interfere with the comfort and well-being of the public; and,

4. Thieves and receivers of stolen property frequently attempt to dispose of stolen property by representing it to be legitimately acquired "Scrap Salvage".

Based upon said findings, it is determined that adequate protection of the public health, safety, and welfare requires that the business of handling and dealing in "Scrap Salvage" be regulated and controlled, and such is the purpose of this Ordinance.

B. Definitions. Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Ordinance:

~~41.~~ "**Person**" ~~shall~~ means any person, firm, partnership, association, corporation, company, or organization of any kind.

~~52.~~ "**Scrap Salvage**" ~~shall~~ means any of the following or combination thereof: old iron, steel, brass, copper, tin, lead or other base metals; used lumber, used conveyor belts, used barrels, used appliances not intended for resale as such; old cordage, ropes, rags, fibers or fabrics; old tires or rubber; old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some other form; and motor vehicles, no longer used as such, to be used for scrap metal or for the stripping of parts. "Scrap Salvage" shall not include materials or objects accumulated by a manufacturer as by-products,

waste, or scraps from their own manufacturing process or used as an integral part of its own manufacturing process when stored upon manufacturer's premises, when "Scrap Salvage" is shielded from view by a fence meeting the requirements of Subsection K.1.o. of this Ordinance as to size and construction. "Scrap Salvage" shall not include used household furniture, used appliances taken in trade and held for less than thirty (30) days, used wearing apparel, railroad ties intended for landscaping purposes, used brick and tile which is stacked and bound, used plumbing fixtures, excluding pipes, used precious metal or metals, used jewelry, used tools and other used articles or personal property, which are bought and sold, without substantial alteration, as secondhand property to be used for the purpose for which originally manufactured or produced. "Scrap Salvage" shall not include aluminum cans collected for the purpose of recycling or returnable glass bottles collected for the purpose of refilling when either is stored in a wholly enclosed building or structure.

83. "Scrap Salvage Yard" ~~shall~~ means a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building or structure, containing "Scrap Salvage", as defined above, upon which occurs one or more acts of buying, keeping, dismantling, crushing, recycling, chipping, reducing, stripping, reusing, processing, selling, or offering for sale any "Scrap Salvage", in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charitable purposes.

74. "Scrap Salvage Dealer" ~~shall~~ means a person who operates a "Scrap Salvage Yard", as defined above, within the City.

65. "Scrap Salvage Collector" ~~shall~~ means a person who buys, sells, collects, or delivers "Scrap Salvage" which is acquired from another person as a business or employment within the City, but who is not an operator of a "Scrap Salvage Yard"—within the City or an employee of such an operator.

36. "Business Premises", "Licensed Premises" or "Premises" ~~shall~~ means the area of a "Scrap Salvage Yard" as described in a "Scrap Salvage Dealer's" license ~~or application for license, as provided for in this Ordinance, and granted~~ approved by the Common Council. The term "Licensed Premises" also means the area described in an application filed with the City Clerk for a Scrap Salvage Yard license before such application has been finally considered by the Common Council.

27. "Fire Lane" ~~shall~~ means a roadway ~~which~~ that is accessible year round and of sufficient size, configuration and location so as to permit firefighting and emergency equipment access to all acres of the "Scrap Salvage Yard".

1. "Exterior Premises" has the definition given to the term in Chapter 16.

C. License Requirements/ Prohibitions/ Exceptions.

1. License Required. It shall be unlawful for any person to act as a "Scrap Salvage Dealer" or "Scrap Salvage Collector" within the City whether personally, by agents or employees, singly, or along with some other business or enterprise, without first having obtained a license therefor from the Common Council in accordance with the provisions of this Ordinance.

2. Separate Licenses. A "Scrap Salvage Dealer" who operates more than one (1) "Scrap Salvage Yard" within the City shall be required to have in effect a separate license for each "Scrap Salvage Yard".

3. 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.

~~4. Aluminum Cans. No "Scrap Salvage Collector" or "Scrap Salvage Dealer" License is required~~

~~hereunder for the collection of aluminum cans for the purpose of recycling thereof, as authorized by the Zoning Ordinance, where they are stored in a wholly enclosed building or structure.~~

5. Compliance With License Requirements. It shall be unlawful for any licensee to perform a licensed activity contrary to the terms of this Ordinance.

~~**46. Compliance With Order Of City Enforcing Departments.** 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.~~

6. Exceptions to the Requirements of this Section

~~**a7. Returnable Glass Bottles.** No "Scrap Salvage Collector" or "Scrap Salvage Dealer" License is required for the collection of returnable glass bottles for the purpose of the refilling thereof, when they are stored in a wholly enclosed building or structure.~~

~~**b. Aluminum Cans.** No Scrap Salvage Collector or Scrap Salvage Dealer License is required hereunder for the collection of aluminum cans for the purpose of recycling thereof, as authorized by the Zoning Ordinance, where they are stored in a wholly enclosed building or structure.~~

~~**8c. City Licensed Towers.** No "Scrap Salvage Collector" or "Scrap Salvage Dealer" License is required for a Tower licensed under §13.12 of the Code of General Ordinances while engaged in a licensed activity thereunder.~~

~~**d. NonProfit And Charitable Entities.** Nonprofit and charitable entities and persons acting on behalf thereof need not obtain a license hereunder where old newspapers, cardboard, aluminum cans or returnable glass bottles are collected solely for the purpose of fund raising and sold directly to a Scrap Salvage Dealer or Scrap Salvage Collector, and where such activity is conducted for no more than thirty (30) days, individually or consecutively, within any calendar year, and where Scrap Salvage is stored within a building or enclosed structure, and secured so as not to become litter.~~

~~It shall be unlawful for any unlicensed nonprofit or charitable entities or persons acting on behalf thereof to act in the capacity of a Scrap Salvage Dealer or Scrap Salvage Collector, except within the limitations above provided.~~

~~**9e. City.** The City of Kenosha is excluded from the licensing requirements hereof.~~

D. Enforcement. The Director of the Department of Community Development and Inspections, or designee thereof, shall have the primary responsibility to enforce this Ordinance through the coordination of inspections and shall be responsible for submitting inspection reports of all enforcing departments to the Common Council and its licensing committee.

Citizens may file complaints with any Department having enforcement powers, and it shall be the duty of any Department receiving a complaint which is not within their jurisdiction to take the complaint and 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.

The Director of the Department of Community Development and Inspections, or designee thereof, shall have the responsibility of investigating complaints to the effect that some person is engaged in an activity requiring a license hereunder without first having obtained said license. Said investigation shall be sent to the City Attorney who shall make a final determination on said matter and issue cease and desist orders where

appropriate.

This Ordinance shall be enforced by the following City Departments (enforcing departments) as follows:

1. By the Director of the Department of Community Development and Inspections or designee thereof, with respect to the Building (**Chapter IX**) and Sign (**Chapter XV**) Codes, the Zoning Code, and with respect to provisions of this Ordinance regulating fences and height of "Scrap Salvage" piles.

2. By the Fire Chief, or designee thereof with respect to the Fire (**Chapter III**) Code and with respect to the provisions of this Ordinance related to "Fire Lanes" and fire control, fire prevention and fire fighting.

3. By the Police Chief, or designee thereof, with respect to Good Order and Conduct (**Chapter XI**) and with respect to the crime prevention and detection provisions of this Ordinance.

4. By the Health Administrator, or designee thereof, with respect to the Health (**Chapter IV**) and Noise (**Chapter XXIII**) Codes, and with respect to the health and sanitation provisions of this Ordinance.

E. Inspections.

1. Scrap Salvage Dealers. Applicants and Licensees shall permit authorized representatives of any Department of the City having enforcement powers hereunder to inspect the ~~premises proposed to be licensed or licensed~~ Licensed Premises, with or without advance 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 in the absence of emergency circumstances ~~that~~ which require prompt action to protect the public health, safety ~~or~~ and welfare or to preserve evidence of noncompliance with this Ordinance. The ~~unreasonable~~ failure to permit inspections ~~shall be~~ is grounds for license denial, nonrenewal, suspension or revocation.

Applicants and Licensees shall permit authorized representatives of any Department of the City having enforcement powers hereunder to inspect the equipment associated with the operations of the Scrap Salvage Dealer or proposed to be used by an applicant for a Scrap Salvage Dealer license, with or without advance notice, as often as may be required to permit said Departments to perform their duties and assure compliance with this Ordinance.

~~Upon notice of application by the City Clerk to the enforcing departments, they shall inspect the premises/equipment of each new 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 Licensees 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.~~

2. Scrap Salvage Collectors. Applicants and Licensees shall permit authorized representatives of any Department of the City having enforcement powers hereunder to inspect the portions of the Exterior Premises of the residence of the licensee/applicant to which the licensee/applicant has legal authority to enter, with or without advance notice, as often as may be required to permit said Departments to perform their duties and assure compliance with this Ordinance, without the necessity of the authorized representative first obtaining a special inspection warrant. Inspections shall be made during daylight in the absence of emergency circumstances that 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 is grounds for license denial, nonrenewal, suspension or revocation.

Applicants and Licensees shall permit authorized representatives of any Department of the City having enforcement powers hereunder to inspect the equipment associated with the operations of the Scrap Salvage Collector or proposed to be used by an applicant for a Scrap Salvage Collector license, with or without advance notice, as often as may be required to permit said Departments to perform their duties and assure compliance with this Ordinance.

F. 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:

1. With respect to "Scrap Salvage Dealers":

- 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.
- 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 "Scrap Salvage" and a description of motor vehicles which will be used to collect or haul "Scrap Salvage" in the operation of the licensed business, including their I.D., D.M.V. and 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 that licensee's name is conspicuously and legibly printed on all motor vehicles to be used in the operation of the licensed business.
- g. Proof of current registration of all motor vehicles to be used in the course of performing licensed activities.
- h. 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.

2. With respect to "Scrap Salvage Collectors":

- a. A photograph of all persons required to sign the application, taken within sixty (60) days immediately prior to the date of the filing of the application, which shall be at least 2" by 2", showing their head and shoulders in a clear and distinguishing manner.
- b. A description of motor vehicles which will be used to collect or haul "Scrap Salvage" in the operation of the licensed business, including I.D., M.V.D. and L.C. numbers, where applicable.
- c. 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.
- d. 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.
- e. Proof that licensee's name is conspicuously and legibly printed on all motor vehicles to be used in the operation of the licensed business.
- 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.

h. the address of the residence of the applicant.

G. Recommendation. Upon receipt of any application, the City Clerk shall send copies thereof to the Department of Community Development and Inspections, Fire Department, Health Department and Police Department. The Department of Community Development 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.

H. License.

1. Form. The "Scrap Salvage Dealer's" License as issued, 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 "Scrap Salvage Yard" 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 complying with all other laws, rules and regulations affecting the business premises".

2. Fee.

a. Scrap Salvage Dealer: \$350

b. Scrap Salvage Collector: ~~\$75~~^{\$50}

3. Term.

a. Scrap Salvage Dealer: May 1 through April 30.

b. Scrap Salvage Collector: May 1 through April 30.

4. Renewal. License renewal applications shall be the same as new license applications, except that Licensee's report of police record need only be updated, and except that renewal applications must be filed with the City Clerk by March 15th in order to provide for continuous licensing.

5. Transfer/Assignment. Licenses are not transferable or assignable, and may not be utilized and approved by the Common Council.

I. 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. However, 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. NonProfit And Charitable Entities. Nonprofit and charitable entities and persons acting on behalf thereof need not obtain a license hereunder where old newspapers, cardboard, aluminum cans or returnable glass bottles are collected solely for the purpose of fund raising and sold directly to a "Scrap~~

~~Salvage Dealer" or "Scrap Salvage Collector", and where such activity is conducted for no more than thirty (30) days, individually or consecutively, within any calendar year, and where "Scrap Salvage" is stored within a building or enclosed structure, and secured so as not to become litter.~~

~~————It shall be unlawful for any unlicensed nonprofit or charitable entities or persons acting on behalf thereof to act in the capacity of a "Scrap Salvage Dealer" or "Scrap Salvage Collector", except within the limitations above provided.~~

K. General Operating Requirements.

1. Scrap Salvage Dealers. The following general operating requirements shall apply to all "Scrap Salvage Dealers" licensed in accordance with the provisions of this Ordinance:

- a. The license issued pursuant to this Ordinance shall be plainly displayed on the business premises.
- b. The "Scrap Salvage 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 which 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 "Scrap Salvage" 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. "Scrap Salvage" on the premises, which is not stored in racks or containers, shall be stored in piles not exceeding thirty (30) feet in height, at an angle of forty (40°) degrees or less from the ground, and shall be arranged so as to permit access to all such "Scrap Salvage" for firefighting purposes. "Scrap Salvage" which is stored in racks or containers shall not be stored at a height in excess of twenty-five (25) feet.
- 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. "Scrap Salvage" may not be broken into smaller pieces on the premises through the use of a ball or object dropped from a crane or apparatus, without Licensee first obtaining a permit 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 activity, regulating the time, place and manner of operation.
- k. Licensee shall not directly or indirectly purchase "Scrap Salvage" from any person that they know, or should know, cannot rightfully or lawfully sell it or deliver clear title thereto.
- ~~l. Except for leaves and plant clippings which may be burned in accordance with §3.23 of the Fire Code, no "Scrap Salvage" or other material shall be burned on the premises.~~
- m. No process shall be utilized to reduce "Scrap Salvage" in size which 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.

n. Chapter XXIII of the Code of General Ordinances, "Noise Control", shall be strictly complied with.

o. The Exterior Premises of the Licensed Premises~~open area of the premises~~ whereupon "Scrap Salvage" is stored shall be enclosed with a solid, vertical wall or fence of a minimum height of six (6) feet measured from ground level, except where "Scrap Salvage" is shielded from view by an earthen berm of a minimum height of six (6) feet in which event the required fence need not shield "Scrap Salvage" 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 "Scrap Salvage" 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 (8) square feet, 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. Chainlink 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 "Scrap Salvage" 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 "Scrap Salvage Yard" which shields "Scrap Salvage" from view when the gates are open. In all other respects, fences shall be installed and constructed in accordance with City Ordinances.

p. No "Scrap Salvage Dealer" licensed hereunder or his agent or employee shall, except for aluminum cans, purchase or receive any "Scrap Salvage" 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 "Scrap Salvage" 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 "Scrap Salvage" 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 "Scrap Salvage Yard" shall be allowed to become a public or attractive nuisance; nor shall any "Scrap Salvage 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 "Scrap Salvage" shall be collected which is placed on a City right-of-way for City collection and no "Scrap Salvage" 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.

2. Scrap Salvage Collectors. The following general operating requirements shall apply to all "Scrap Salvage Collectors" licensed in accordance with this Ordinance:

a. Licensees shall have the license issued to them under this Ordinance in their immediate possession at all times when acting as a "Scrap Salvage Collector" in the City and shall exhibit it to any person upon request.

b. Licensee, except for aluminum cans, shall not purchase or receive any "Scrap Salvage" from any person under the age of eighteen (18) years without the written consent of a parent or guardian of such person. Licensee shall retain such writing for a period of at least one (1) year, and shall produce it within a reasonable time upon the request of any member, or representative of a member of the Police Department.

c. Licensee shall record in English, in a permanent type register, each acquisition of such "Scrap Salvage" as is capable of being used for its original and intended purpose, including all motor vehicle parts, except for bulk purchases from industrial and commercial concerns, within the City, giving the name and residence address of the person from whom the acquisition was made, a description of the "Scrap Salvage" acquired, any identification or serial number, and the date of the transaction. Licensee shall retain such data for a period of at least one (1) year, and shall produce them within a reasonable time upon the request of any member or representative of the Police Department. 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.

d. Licensee shall not directly or indirectly purchase "Scrap Salvage" from any person that they know, or should know, cannot rightfully or lawfully sell it or deliver clear title thereto.

e. No "Scrap Salvage" shall be collected which is placed on a City right-of-way for City collection and no "Scrap Salvage" shall be deposited or sorted on a City right-of-way or removed from the property of any nonconsenting person or party.

f. 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.

g. Scrap Salvage Collectors must notify the City Clerk in writing of any changes to the residence of the licensee or the equipment being used by the licensee, as soon as practicable

L. Licensees/Responsibility. "Scrap Salvage Dealers" and "Scrap Salvage Collectors" 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 Scrap Salvage. The Police Department may order any licensee hereunder to retain any "Scrap Salvage" ~~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 "Scrap Salvage" ~~that~~~~which~~ they have probable cause to believe is stolen, ~~and may hold said "Scrap Salvage" 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 "Scrap Salvage" 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 "Scrap Salvage" 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 Finance Committee.
5. Suspending doing business for a period of ninety (90) consecutive days, unless permission is applied for and granted by the Finance Committee.

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 Licensing, 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

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

Zimbra

dmiles@kenosha.org

FW: Scrap collector ordinance

From : Rocco LaMacchia Sr. <rocco_sr@hotmail.com>

Thu, Oct 23, 2014 08:51 AM

Subject : FW: Scrap collector ordinance**To** : Diane Hoff <dhoff@kenosha.org>

Good Morning Diane,
Please add this to our back-up.
Thank you Alderman LaMacchia

From: michalski@tds.net
To: district5@kenosha.org; district13@kenosha.org
CC: jlabahn@kenosha.org; jwm309@kenoshapolice.com; mknight@kenosha.org
Subject: Scrap collector ordinance
Date: Wed, 22 Oct 2014 14:21:36 -0500

Gentlemen:

My proposed ordinance concerning scrap collectors was deferred when it came up to your respective committees. This was because Police Chief Morrissey wished to confer on some changes. I was not able to get a meeting together until this morning. The meeting involved the Chief, Jeff LaBahn, Matt Knight, a City inspector and myself. Matt expressed a desire that to give him time to properly word the changes it should be deferred another two weeks. It's coming up on your Monday meeting agendas. Next week's meeting schedule is loaded and all thought this would be best. Please let me know if you have any questions or problems with a further two week deferral.

FYI: We also discussed the potential of a companion ordinance regulating and inspecting scrapper vehicles. Chief Morrissey thinks that too would be desirable. I said that it ought to originate from one of your committees, but I'd be happy to work with anyone who wishes to pursue it.

Jan Michalski



Engineering Division
Shelly Billingsley
Director of Engineering
Fleet Maintenance
Mauro Lenci
Superintendent
Park Division
Jeff Warnock
Superintendent

Street Division
John H. Prijic
Superintendent
Waste Division
Rocky Bednar
Superintendent

DEPARTMENT OF PUBLIC WORKS

Michael M. Lemens, P.E., Director
Shelly Billingsley, P.E., Deputy Director

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

Date: October 22, 2014

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

CC: John W. Morrissey
Chief of Police

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

Subject: ***Request to Rescind and Rewrite the Resolution Governing the Parking Restrictions on 8900 Block of 29th Court during Soccer Events (District 9) (Deferred from the meeting on 9/29/2014)***

BACKGROUND INFORMATION:

Public Works Engineering Staff has received a Police complaint regarding inconsistencies between the signed parking restrictions on 29th Court south of 89th Street. The existing signs on 29th Court and portions of 89th Street and 29th Avenue state "No Parking During Soccer Event" whereas Resolution 118-97 states the following:

"Both sides of 29th Court on the 8900 block, both sides of 89th Street from 30th Avenue to 31st Avenue; and, the south side of 89th Street from 30th Avenue to 29th Avenue be and are hereby designated as 'No Parking One Hour Before / After Soccer Events.'

Resolution 118-01 has since removed and rescinded the parking restrictions on the north side of 89th Street from 30th Avenue to 31st Avenue.

The parking restrictions on 29th Avenue are governed by Resolution 111-01 which states stating the following:

"The west side of 29th Avenue from 89th Street south approximately two hundred sixty (260') feet, be and hereby is designated as 'No Parking One Hour Before / After Soccer Event.'"

RECOMMENDATION:

To prevent confusion and to ensure the restriction of parking at the locations listed above, Public Works Engineering Staff recommends that resolutions 111-01 and 118-97 be rescinded and a new resolution be written stating the following:

RESOLUTION ___-14

By: Committee on Public Safety and Welfare

TO DESIGNATE AS "NO PARKING: 1-HOUR BEFORE, DURING, AND 1-HOUR AFTER SOCCER EVENT" BOTH SIDES OF 29TH COURT ON THE 8900 BLOCK, THE SOUTH SIDE OF 89TH STREET FROM 31ST AVENUE TO 29TH AVENUE, AND THE WEST SIDE OF 29TH AVENUE FROM 89TH STREET SOUTH APPROXIMATELY TWO HUNDRED SIXTY (260') FEET.

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin that both sides of 29th Court in the 8900 block, the south side of 89th Street from 31st Avenue to 29th Avenue, and the west side of 29th Avenue from 89th Street south approximately two hundred sixty (260') feet, be and are hereby designated as "NO PARKING: 1-HOUR BEFORE, DURING, AND 1-HOUR AFTER SOCCER EVENT".

New signs will need to be custom ordered to reflect this new resolution, if approved. The signs may take upwards of two months to be designed, ordered, printed, shipped, and installed.



ENGINEERING DIVISION
SHELLY BILLINGSLEY, P.E.
CITY ENGINEER
PARK DIVISION
JEFF WARNOCK
SUPERINTENDENT
FLEET MAINTENANCE
MAURO LENCI
SUPERINTENDENT

STREET DIVISION
JOHN H. PRIJIC
SUPERINTENDENT
WASTE DIVISION
ROCKY BEDNAR
SUPERINTENDENT

DEPARTMENT OF PUBLIC WORKS

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

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

October 24, 2014

To: Rocco L. LaMacchia, Sr., Chairman,
Public Works Committee

From: Michael M. Lemens, P.E. *[Signature]*
Director of Public Works/City Engineer

Subject: Police Request to Discontinue the Crossing Guard at the Corner of 43rd Street and 22nd Avenue.

BACKGROUND INFORMATION

A request from Officer Dennis Walsh for the discontinuation of a crossing guard at the corner of 43rd Street and 22nd Avenue and moved to a current open active location was received in the Public Works Office.

RECOMMENDATION

Staff recommends discontinuation of the crossing guard at the corner of 43rd Street and 22nd Avenue and moved to a current open active location

MML/dm

Kenosha Police Department
Public Safety Building
1000 – 55th Street
Kenosha, WI 53140-3794
(262) 605-5200



JOHN W. MORRISSEY
Chief of Police

DANIEL G. MISKINIS
Deputy Police Chief

Date: 10/08/2014
To: **Public Safety & Welfare Committee**
Chief of Police John Morrissey
City Clerk Debbie Salas
Director of Public Works Mike Lemens

Cc: Kay Gierl, Crossing Guards
From: Officer Dennis Walsh
RE: Crossing Guard Location Studies

During the month of September, I instructed the crossing guards to conduct a student count at their assigned corners.

They were to count both the morning and afternoon student usage.

The corner of 43rd Street & 22nd Avenue (Holy Rosary) has once again provided poor numbers of students crossing at this corner.

In the beginning of September, I spoke to the secretary at Holy Rosary and she stated no one should be crossing at this corner anymore. She further stated, that a family that had been crossing, no longer has those students attending Holy Rosary.

The following are the guard's counts for September:

17 Morning Crossings: Total 7 children Average .41 students per morning
17 Dismissal Crossings: Total 17 children Average 1 student per dismissal

I spoke to the guard at this corner and asked him who was crossing because I heard rumor it was a Jefferson student that lived west of 22nd Avenue. The guard confirmed it was a Jefferson student possibly a 1st or second grader that walks with their mother in the morning.



The mission of the Kenosha Police Department is to serve all people with respect, fairness and compassion. We are committed to preserving peace, order and safety; enforcing laws and ordinances; and safeguarding constitutional rights.

This student which is coming from west of 22nd Avenue is outside the boundary for Jefferson School. 22nd Avenue is the boundary line and no one west of 22nd Avenue should be going to Jefferson.

Now, even if this student is outside the boundary, this student and parent can cross at 45th Street & 22nd Avenue at the traffic light. Thus alleviating any need for the guard at 43rd Street & 22nd Avenue.

The guard also stated that there are two other students that use to walk, but they are now being given a ride to school because their mom just had another baby and can't walk her children to school anymore.

Reference the students crossing in the afternoon dismissal, the crossing guard stated that these two students only cross once in awhile.

The count for this corner has been in decline for years. In May of 2012 the counts were:

1.5 average for morning crossing

5.25 average for the dismissal crossing

Based on my findings and pursuant to Resolution 30-91 (D) (4) discontinuance of school crossing guard, I ask that you consider discontinuing this crossing which would allow me to move this guard to a current open active corner.

When approved for discontinuing, I ask for a two week grace period before final elimination, so the schools can notify the parents of any child this may affect.

A letter (email) of agreement is included from All Saints School North Campus (Holy Rosary).

Walsh, Dennis

From: Susan Wendorf <swendorf@allsaintskenosha.org>
Sent: Monday, October 13, 2014 3:01 PM
To: Walsh, Dennis
Cc: Dr. Jackie Lichter
Subject: Crossing Guard All Saints Catholic School-North campus

To Whom it May Concern,

We were recently made aware by Officer Walsh that the crossing guard that stands on the corner of 43rd Street and 22nd Avenue in the morning/afternoon on school days is rarely crossing students on a daily basis. Some days the guard will cross at most 1 student that may or may not even be from All Saints Catholic School. Because of the low count of students crossing at that intersection, on behalf of the principal of All Saints Catholic School, Dr. Jackie Lichter, we support the decision on the part of the Kenosha Police to discontinue the service if necessary.

We ask that you give us proper notice so that we may communicate this information in our newsletter to our families at the north campus.

If you have any questions, feel free to contact me.

Sincerely,
Sue Wendorf

--

Sue Wendorf
Secretary-North Campus

All Saints Catholic School
4400-22nd Ave.
Kenosha, Wi 53140

(262)652-2771 Ext. 225