

*** * * NOTE CHANGE IN ROOM * * ***

AGENDA

PUBLIC SAFETY & WELFARE COMMITTEE MEETING

Kenosha Municipal Building - Room 204

Monday, November 8, 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 October 11, 2010.

B. DEFERRED

B-1. Proposed Resolution To Removal of No Parking, Standing, Stopping Restrictions on East Side of 8th Avenue North of 49th Street (To Remove the Existing "No Parking, Standing or Stopping, 7:30a.m. - 4:30p.m., on School Days", Restriction on the East Side of 8th Avenue North of 49th Street Approximately 160 feet) (Referred back from Common Council meeting of November 1, 2010)

C. REFERRED TO COMMITTEE

C-1. Aldermanic request to Add Exception to No Parking Restrictions North Side 60th Street 3200 block.
(District 11) (Staff recommends approval)

C-2. Aldermanic request to Remove Existing No Parking East side 5th Avenue 5700 block.
(District 2) (Staff recommends approval)

C-3. Application request for On Street Handicapped Parking in Front of 4025 8th Avenue (One space).
(District 2) (Staff recommends approval)

C-4. Proposed Ordinance To Repeal and Recreate Section 11.026B Entitled "Prohibiting the Drinking of Intoxicants on Public Streets and Sidewalks, or Within any Parked Motor Vehicle"; to Create Section 11.026D Entitled "Underage Persons Under the Influence Prohibited".

C-5. Proposed Ordinance To Create Subsection 11.148C Entitled "Enforcement" (Rummage Sales).

- C-6. Proposed Ordinance To Create Section 13.0112 Entitled Non-Structural Demolition.
- C-7. Proposed Ordinance To Repeal and Recreate Various Sections of Chapter 15 Related to Off-Premises Signs.
- C-8. Review of the Fire Inspection Fee Schedule.

**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, October 11, 2010

The regular meeting of the Public Safety & Welfare Committee was held on Monday, October 11, 2010 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 5:37 pm. The following members were present: Vice Chairman Kennedy, Alderman Orth, Green, and LaMacchia. Chairman Downing was previously excused. Staff members in attendance were Kevin Risch and Jim Schultz.

It was moved by Alderman Green, seconded by Alderman Orth, to approve the minutes of the meeting held on Monday, September 27, 2010. Motion passed 4-0.

- 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 manner 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.)*

Public Hearing: The following people spoke: Joyce Pavlina, 7987 100th Avenue; Ken Winkle, 4414 68th Street; Carol Woosley, 5102 28th Avenue; April Thomas, 1019 56th Street #2; Bob Waldron, 25910 103rd Street; Dorothy Smith, 1927 17th Avenue, Charles Fonder, 1335 Sheridan Rd 9B; Joan Hawbaker, 8125 40th Avenue 3B; and Christine Sheldon, 1335 Sheridan Rd 9B. Alderman Ruffalo, 2nd District, was present to answer any questions.

It was moved by Alderman Orth, seconded by Alderman LaMacchia, to reconsider. Motion passed 4-0. It was moved by Alderman Orth, seconded by Alderman LaMacchia, to amend K2c to one (1) member. Motion passed 4-0. It was moved by Alderman Orth, seconded by Alderman Green to approve as amended. Motion passed 4-0.

It was moved by Alderman LaMacchia, seconded by Alderman Green, to approve items C-1 and C-2 after being read. Motion passed 4-0.

- C-1. Application request for On Street Handicapped Parking in front of 6602 42nd Avenue (1 space). *(District 15)*
- C-2. Application request for On Street Handicapped Parking in front of 6346 24th Avenue (1 space). *(District 12)*

ALDERMEN COMMENTS: Alderman Orth spoke on street work signage, that on 51st Avenue one side says road closed and the other side says road closed local traffic only.

ADJOURNMENT - *There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:49 pm.*



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

B-1

DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

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

DATE: November 3, 2010

TO: Jesse L. Downing, Chairman

FROM: Ronald L. Bursek, P.E. 
Director of Public Works

CC: Alderman Theodore A. Ruffalo

SUBJECT: Chronology for removal of No Parking 8th Avenue north of 49th Street

BACKGROUND INFORMATION

April 7, 2010 there was a request from Harborside Academy to remove the No Parking Standing Stopping 7:30am-4:30pm On School Days east side of 8th Avenue north of 49th Street about 160 feet. At the time of the request Alderman Moldenhauer was the alderman. Public Safety & Welfare Committee approved a 90 day trial on April 12, 2010. On September 27, 2010 it was approved by Public Safety & Welfare Committee to approve the removal of the No Parking. It was then sent to Common Council on October 18, 2010 as a resolution and there it was deferred two weeks. On November 1, 2010 Common Council referred it back to Public Safety & Welfare Committee.



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Director/City Engineer
Fleet Maintenance
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DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

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

DATE: April 12, 2010

TO: Public Safety and Welfare Committee

FROM: Kevin Risch, P.E., Assistant City Engineer KKR 4-7-10

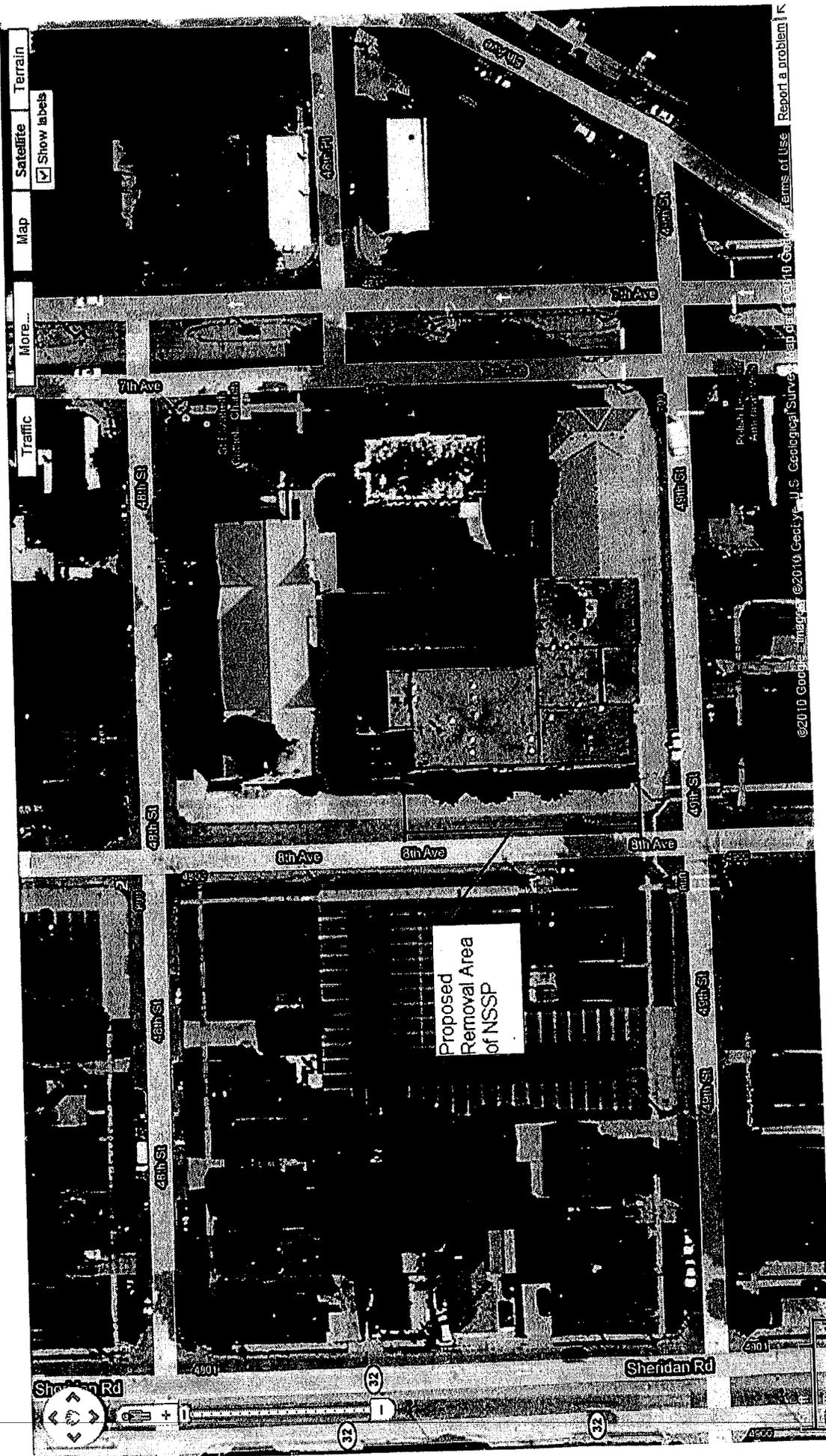
SUBJECT: Request for Remove No Parking Standing Stopping Restriction East Side of 8th Avenue
- north of 49th Street. (District 2)

Harborside Academy is requesting the removal of the existing No Parking Standing Stopping 7:30am - 4:30pm On School Days on the east side of 8th Avenue north of 49th Street about 160 feet.

Staff has reviewed and discussed this request with the high school. Staff recommends approval for a trial.

KKR:dt

cc: Jonathan Henningfield - KUSD - w/a
Alderman Don Moldenhauer—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



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Show labels

Traffic

Terrain

Proposed
Removal Area
of NSSP

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Sheridan Rd

Sheridan Rd





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C-2

DEPARTMENT OF PUBLIC WORKS
Ronald L. Bursek, P.E., Director

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

Date: September 27, 2010
To: Public Safety and Welfare Committee
From: Kevin Risch, P.E., Assistant City Engineer KKR 9-22-10
Subject: Previous Trial for the Removal of No Parking Standing Stopping Restriction East Side of 8th Avenue north of 49th Street. (District 2)

This request has been on trial as indicated with no complaints or problems reported.

Staff recommends approval for the removal of parking restriction as indicated at the above location.

The following resolution is suggested:

Be it resolved by Kenosha Common Council the No Parking Standing Stopping 7:30am-4:30pm on School Days restriction on the East Side of 8th Avenue north of 49th Street approximately 160 feet is hereby removed and recinded.

KKR: dt

cc Alderman Theodore A. Ruffalo - w/a
Ronald Bursek, Director of Public Works - w/a
Michael Lemens, Director of Engineering - w/a
Randy LeClaire - w/a
File - w/a

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 23rd Avenue, 31st Street - 32nd Street.
- C-2. Previous Trial for the Removal of No Parking Standing Stopping Restrictions East Side of 8th Avenue north of 49th Street.
- C-3. Previous Trial for 1HR Parking on 56th Street from Sheridan Road to 11th Avenue and 10th Avenue from 57th Street to approximately 80 feet north of 56th 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.

RESOLUTION NO. _____

BY: COMMITTEE ON PUBLIC
SAFETY AND WELFARE

**TO REMOVE THE EXISTING "NO PARKING, STANDING
OR STOPPING, 7:30 A.M. - 4:30 P.M., ON SCHOOL DAYS",
RESTRICTION ON THE EAST SIDE OF 8TH AVENUE NORTH
OF 49th STREET APPROXIMATELY ONE HUNDRED SIXTY FEET.**

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin,
that the existing "NO PARKING STANDING OR STOPPING 7:30 a.m. - 4:30 p.m. on School
Days " restriction on the East side of 8th Avenue north of 49th Street approximately one-hundred
sixty feet (160'), be and hereby is removed and rescinded.

Adopted this ____ day of _____, 2010.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____
 Keith G. Bosman

Drafted By:
MATTHEW A. KNIGHT,
Deputy City Attorney

**COMMON COUNCIL
OFFICIAL PROCEEDINGS
October 18, 2010**

Keith G. Bosman, Mayor

Michael K. Higgins, City Clerk

Against Parcel No. Parcel No. 05-123-06-201-008 (6025 14th Avenue), Kenosha, Wisconsin

WHEREAS, on September 20, 2010, the Common Council of the City of Kenosha, Wisconsin, adapted Resolution No. 139-10 levying special assessments for property maintenance reinspection fees for various buildings within the City of Kenosha, Wisconsin, at the request of the Department of Neighborhood Services and Inspections; and,

WHEREAS, the Department of Neighborhood Services and Inspections has determined to rescind the administrative fee for the assessment on one (1) of those parcels; to wit: Parcel No. 05-123-06-201-008 (6025 14th Avenue), Kenosha, Wisconsin.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that one (1) administrative fee in the total amount of \$100.00 levied by Resolution No. against Parcel No. Parcel No. 05-123-06-201-008 (6025 14th Avenue) Kenosha, Wisconsin be and hereby is rescinded.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

H.3. It was moved by Alderperson Nudo, seconded by Alderperson LaMacchia to adopt the proposed resolution by Committee on Public Safety and Welfare – Removal of No Parking, Standing, Stopping Restrictions on East Side of 8th Avenue North of 49th Street (To Remove the Existing "No Parking, Standing or Stopping, 7:30 a.m. - 4:30 p.m., on School Days", Restriction on the East Side of 8th Avenue North of 49th Street Approximately One Hundred Sixty Feet).

H.3.1. It was then moved by Alderperson Nudo, seconded by Alderperson LaMacchia to defer. On a voice vote, motion carried.

It was moved by Alderperson Nudo, seconded by Alderperson Green to adopt Resolutions 158-10 and 159-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.4. RESOLUTION NO. 158-10

**BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO DESIGNATE AS "ONE HOUR PARKING 8 A.M. - 6:00 P.M., MON. - SAT., EXCEPT HOLIDAYS", BOTH SIDES OF 56TH STREET ALONG THE MEDIAN FROM SHERIDAN ROAD TO 11TH AVENUE AND TO DESIGNATE "ONE HOUR PARKING 8 A.M. - 6:00 P.M., MON. - SAT., EXCEPT HOLIDAYS", AT THE EAST SIDE OF 10TH AVENUE, FROM 57TH STREET TO APPROXIMATELY EIGHTY FEET (80') NORTH OF 56TH STREET**

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that both sides of 56th Street along the median from Sheridan Road to 11th Avenue, be and hereby is designated as "ONE HOUR PARKING 8 A.M. - 6:00 P.M., MON. - SAT., EXCEPT HOLIDAYS".

BE IT FURTHER RESOLVED that the East side of 10th Avenue from 57th Street to approximately eighty feet (80') North of 56th Street, be and hereby is designated as "ONE HOUR PARKING 8 A.M. - 6:00 P.M., MON. - SAT., EXCEPT HOLIDAYS".

Adopted this 18th day of October, 2010.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

H.5. RESOLUTION NO: 159 - 10

**BY: THE MAYOR
TO APPROVE A THREE-LOT CERTIFIED SURVEY MAP
Property located at 6435 Green Bay Road (T Properties)**

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to three parcels located at 6435 Green Bay Road is herein and hereby approved subject to the following conditions:



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

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C-1

DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

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

DATE: November 8, 2010

TO: Public Safety and Welfare Committee

FROM: Kevin Risch, P.E., Assistant City Engineer KKR 10-26-10

SUBJECT: Aldermanic Request to Add Exception to No Parking Restrictions North Side 60th Street
- 3200 block.

Alderman Nudo is requesting to add an exception to the existing No Parking/6am – 8am/2:30pm – 4:30pm/Ex. Sun & Holidays, to also include Saturday.

This area also has a 2 HR Parking Restriction daily.

Staff has reviewed and has no objection to adding the Saturday exception to the No Parking restriction. A trial is suggested to revise the existing No Parking as follows: No Parking/6am-8pm/2:30pm-4:30/Ex. Sat, Sun, & Holidays.

KKR:dt

cc: Alderman Anthony Nudo—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



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C-2

DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

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Telephone (262) 653-4050 - Fax (262) 653-4056

DATE: November 8, 2010
TO: Public Safety and Welfare Committee
FROM: Kevin Risch, P.E., Assistant City Engineer KKR dt 11-3-10
SUBJECT: Aldermanic Request to Remove Existing No Parking East Side 5th Avenue 5700 Block.
(District 2)

Alderman Ted Ruffalo is requesting the removal of referenced no parking restrictions on East side 5th Avenue 5700 Block.

Staff has reviewed and recommends approval for a trial to remove No Parking East side of 5th Avenue 5700 block.

KKR:dt

cc: Alderman Ted Ruffalo - 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



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C-3

DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

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

DATE: November 8, 2010

TO: Public Safety and Welfare Committee

FROM: Kevin Risch, P.E., Assistant City Engineer KKR dt 11-3-10

SUBJECT: Application Request for On Street Handicapped Parking in Front of 4025 8th Avenue (1 space). (*District 2*)

Nellie F. Schend is requesting one (1) on street handicapped parking space in front of 4025 8th 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 4025 8th Avenue.

KKR:dt

cc: Alderman Ted Ruffalo - 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

PA 10/26/10
check # 6579
rec # 159606

Name of Handicapped: Nellie F. Schend

Address: 4025-8th Ave.

Kenosha WI 53140

Phone: 262 652-6712

Date: 10-25-10

Handicapped Designation Card #: 688974

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: Nellie F. Schend

ORDINANCE NO. _____

DRAFT 10.25.10

BY: ALDERPERSON ANTHONY KENNEDY
ALDERPERSON MICHAEL ORTH

TO REPEAL AND RECREATE SECTION 11.026 B.
ENTITLED “PROHIBITING THE DRINKING OF
INTOXICANTS ON PUBLIC STREETS AND SIDEWALKS,
OR WITHIN ANY PARKED MOTOR VEHICLE”; TO
CREATE SECTION 11.026 D. OF THE CODE OF GENERAL
ORDINANCES ENTITLED “UNDERAGE PERSONS UNDER
THE INFLUENCE PROHIBITED”

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

Section One: Section 11.026 B. of the Code of General Ordinances for the City of

Kenosha, Wisconsin, is hereby repealed and recreated as follows:

B. It shall be unlawful for any person to consume any fermented malt beverage or intoxicating liquor or to possess the same in other than a sealed container while upon any public walk, street, public park, other public place in the City or over which the City has any lease or jurisdiction, on any parking lot open to and available to the public, or sidewalk or within a parked vehicle located on any street within the City of Kenosha.

However, the sale, service, giving away and consumption of fermented malt beverages, where authorized under City and State law, is permitted upon City streets and sidewalks where said areas are blocked off and in use for a street party authorized under **§5.04 B.**, Ordinances, or where said activity is associated with a community event and where a Special Class "B" Fermented Malt Beverage License has been granted and issued, and where a permit therefor is reviewed by the Finance Committee on Licensing/Permits and approved by the Common Council. Any permit issued must particularly describe the area in which said activity will be permitted and temporary signs must be posted within the permit area informing the public of the terms and limitations of the permit.

Section Two: Section 11.026 D. of the Code of General Ordinances for the City

of Kenosha, Wisconsin, is hereby created as follows:

D. Underage Persons Under The Influence Prohibited.

1. No underage person as defined in Section 125.02(20m), Wisconsin Statutes, shall be under the influence of alcohol in the City of Kenosha. Such prohibition is subject to the exceptions in Section 125.07(4)(b), Wisconsin Statutes.

2. For the purpose of this section “under the influence” shall mean any underage person who exhibits one or more of the following indicators:

- (a) odor of intoxicants on the breath;
- (b) bloodshot eyes;
- (c) dilated pupils;
- (d) unstable balance;
- (e) slurred speech;
- (f) failure of Standard Field Sobriety Test; and
- (g) admission to consumption of alcohol within the City of Kenosha.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

ORDINANCE NO. _____

DRAFT 10/26/10

BY: ALDERPERSON NUDO

**TO CREATE SUBSECTION 11.148 C. OF THE
CODE OF GENERAL ORDINANCES ENTITLED
“ENFORCEMENT”**

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

Section One: Section 11.148 C. of the Code of General Ordinances for the City of

Kenosha, Wisconsin, is hereby created as follows:

C. Enforcement. This City Departments of Neighborhood Services and Inspection and Police shall have the authority to enforce the provisions of this section.

Section Two: This Ordinance shall become effective upon passage and

publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

ORDINANCE NO. _____

DRAFT 11/03/10

BY: MAYOR

TO CREATE SECTION 13.0112 OF THE CODE OF GENERAL ORDINANCES ENTITLED NON-STRUCTURAL DEMOLITION

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

Section One: Section 13.0112 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

13.0112 Non-Structural Demolition

A. Definitions.

Code Official. The Director of Neighborhood Services and Inspections Department or his/her designee.

Salvage. To remove salvageable material from a vacated building for other than personal re-use by the owner of the real estate from which it was removed.

Salvageable Material. Real or tangible personal property that:

- 1. was man-made;
- 2. was affixed with respect to real property;
- 3. is detachable from real property; and
- 4. has a resale value, either for re-use or as scrap.

Vacated Building. A building or structure that had a principal industrial use which principal or industrial use has ceased.

B. Permit.

No person may salvage from a Vacated Building without first obtaining a permit therefor from the Common Council.

C. Permit Application.

1. Form. Application for a permit, whether initial or renewal, shall be filed with the City Clerk on forms created by the Code Official and provided by the City. The application for a permit shall at a minimum comply with Section 9.05 of the Code of General Ordinances for the City of Kenosha. The Code Official may require additional information of a specific applicant.

2. Fees. A permit fee must accompany the application. Permit fees shall be established by the Kenosha Common Council by resolution.

D. Permit Grant

The Common Council may consider the permit application only after receiving the recommendation of the Public Safety and Welfare Committee.

Prior to making its recommendation to grant or deny the application, the Public Safety and Welfare Committee shall consider: the application; the report, if any, of the Code Official; the expertise of the applicant; the effect of the proposed operation on the surrounding neighborhood; the effect on the City of having a stripped structure remain if the structure is not proposed to be immediately razed or immediately renovated; the presentation, if any, of the applicant; the comments of the public; and such other matters germane to the decision.

In making a recommendation to grant, the Public Safety and Welfare Committee shall address the following matters: the amount of the Irrevocable Letter of Credit to be required by the Common Council of the permittee as a condition of issuance of the permit and as a requirement of operation; other State or local permits as required by law, rule, or regulation that must be obtained as a condition of issuance of the permit or as a

condition of operation; reasonable special operating requirements to be required of the permittee in addition to those listed in subsection D, herein; and such other matters or limitations as the Public Safety and Welfare Committee determines is necessary to protect the public interest.

E. Irrevocable Letter of Credit.

As a condition of issuance by the City Clerk of the permit, the permittee shall post a Irrevocable Letter of Credit with the City in an amount required by the Common Council and in a form approved by the City Attorney. The Irrevocable Letter of Credit shall guarantee of performance by permittee. The Irrevocable Letter of Credit must be issued by a financial institution certified by the state to conduct such business within the state of Wisconsin, allowing for direct draw by the City on demand without court action and without approval by permittee, to complete work or to repair damage that was the obligation of the permittee. The Irrevocable Letter of Credit must contain as a part of its provisions that it remains as an obligation to the City for no less than one year after completion of the last act by permittee of salvage or after the expiration of a permit issued under this section to the permittee, whichever is later. In considering the amount of the Irrevocable Letter of Credit, the Common Council shall consider: the recommendation, if any, of the Code Official; the expertise of the applicant; the longevity of the applicant; the capitalization of the applicant; the scope of the proposed project; the possible environmental hazards that could be created; the effect of the proposed operation on the surrounding neighborhood; the cost of remediation on the City should the City have to address any matter due to the unwillingness or inability of the permittee to complete its obligations.

F. Permit Term.

1. Initial term. The initial term for permits issued under this section shall be valid for a period of one hundred eighty (180) days from the date of issue.

2. Renewal term. A permit issued to the applicant is personal to the applicant and limited to the term granted. The permittee may not have an expectation in the renewal of the permit. The permits may be renewed at the discretion of the Common Council upon application of a permit holder, filed with the City Clerk prior to expiration of the initial term or any renewal terms. Each renewal may be granted for up to sixty (60) additional days.

G. General Operating Requirements. The following general operating requirements shall apply to all permit holders in accordance with the provisions of the ordinance.

1. The permit issued pursuant to this ordinance shall be plainly displayed on the premises upon which the building is located.

2. The building and premises shall, at all times be maintained in as clean, neat, and sanitary of a condition as such premises will reasonably permit.

3. 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 Code Official or the Health Administrator, rodent-proof, and removed from the premises as often as is necessary to provide a sanitary environment.

4. Work done under this permit is subject to inspection by the Code Official.

5. An applicant for a permit shall maintain proof of insurance policies in the following minimum amounts, naming the City as additional insured:

a. Automobile Liability (Owned, non-owned, leased)

(1) Bodily Injury:

\$2,000,000.00 each occurrence

(2) Property Damage:

\$2,000,000.00 each occurrence.

b. Pollution Legal Liability:

\$5,000,000.00 each loss where asbestos removal, environmental process, abatement, remediation, or dumping/disposal in a Federal or State regulated facility is required.

c. Workers' Compensation: Statutory Limits

(1) Employer's Liability

- \$500,000.00 Each Accident
- \$500,000.00 Disease, Each Employee
- \$1,000,000.00 Disease, Policy Limit

d. Umbrella Liability

\$2,000,000.00 over the primary insurance coverages listed above.

6. No scrap salvage or debris which is temporarily stored on the premises shall be allowed to rest or protrude over any public street, walkway, or curb or become scattered about or blown off the premises.
7. No mechanized process whatsoever shall be utilized on premises to reduce salvageable material or debris in volume. Such prohibited mechanized processes include, but are not limited to, crushers or shredders.
8. There shall be strict compliance with Chapter XXII of the Code of General Ordinances, "Noise Control".
9. No premises or building subject to a permit shall be allowed to become a public nuisance or be operated in such a manner as to adversely affect the public health, safety, or welfare.
10. There shall be full compliance with City Building, Fire and Health Codes and with all other City, County, State and Federal laws, rules or regulations which may be applicable.
11. The permit holder shall, during the salvage process, maintain the work site in a safe and secure condition.
12. The permit holder shall dispose of building debris in a licensed landfill, except for salvaged materials. At any time, the permit holder shall produce to the Code Official receipts and/or an itemized list of debris disposed of by dumping or salvage.
13. The permit holder shall be responsible for disconnections of utilities, including plumbing and electrical, necessary for the salvaging process, and shall provide evidence that the necessary disconnections have been accomplished.
14. The Irrevocable Letter of Credit imposed as a condition of issuance of the permit shall be maintained.
15. Permittee shall comply with all orders of the Common Council imposed at the granting of the permit or at any other time.

H. Inspections. Permit holders and property owners shall permit authorized representatives of any Department of the City having enforcement powers to inspect the premises proposed to be permitted, 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 in the absence of emergency circumstances which require prompt action to protect the public health, safety and welfare or to preserve evidence of noncompliance with this ordinance. The unreasonable failure to permit inspections shall be grounds for permit denial, suspension or revocation.

I. Summary Suspension.

If in the opinion of the Code Official, the public is subject to imminent danger due to the violation by the permittee of any one or combination of more than one of the General Operating Requirements, the Code Official shall issue an order to the permittee requiring immediate cessation of those operations implicating the imminent danger. Pursuant to such order, the permittee shall cause such operations to cease as directed by the Code Official. Failure to maintain insurance as required, to maintain the Irrevocable Letter of Credit as required, or to permit inspection as required are each per se violations implicating imminent danger to the public necessitating an order to cease all operations.

In the event that an order to the permittee requiring immediate cessation is issued by the Code Official, such order shall be considered by the Public Safety and Welfare Committee of the Common Council no later than at its next regular meeting. The Public Safety and Welfare Committee, after hearing from the Code Official, the permittee, and the public, shall affirm the order, reverse the order, or modify the order. The decision of the Public Safety and Welfare Committee may be appealed to the Common Council by either the Code Official or the permittee.

J. Non-renewal or Revocation Disciplinary Hearings. Disciplinary hearings, including nonrenewal, suspension and revocation hearings, shall be held before the Public Safety and Welfare Committee, which 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 Permit. The Public Safety and Welfare Committee shall provide the Code Official and the Permittee with a copy of the report. Either the Code Official or Permittee may make an objection, orally or in writing, 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 the Code Official and Permittee, finds the complaint to be true, or if there is no objection to a report recommending a suspension, revocation or nonrenewal, the Permittee 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, revocation or nonrenewal to the party whose Permit is affected.

K. Transferability. Permits issued hereunder are personal to the applicant and are not transferable from person to person. Permits issued hereunder are issued to a particular site and are not transferable from place to place.

L. Enforcement. The Director of the Department of Neighborhood Services and Inspections shall have the primary responsibility to enforce this ordinance.

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

ORDINANCE NO. _____

DRAFT 11.04.10

BY: MAYOR

**TO REPEAL AND RECREATE VARIOUS SECTIONS OF
CHAPTER 15 OF THE CODE OF GENERAL ORDINANCES
RELATED TO OFF-PREMISE SIGNS.**

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

Section One: Repeal definitions of “off premise” and “on-premise” in Section 15.02 of the Code of General Ordinances for the City of Kenosha, Wisconsin.

Section Two: Definitions of “on-premise commercial sign” and “off-premise commercial sign” in Section 15.02 of the Code of General Ordinances for the City of Kenosha, Wisconsin are hereby created as follows:

Off-Premise Commercial Sign. A Sign identifying or advertising a business, owner, operator, product, service or commercial activity not located or available on the Premise where the Sign is located or directing persons to a different location from where the Sign is located.

On-Premise Commercial Sign. A Sign identifying or advertising a business, owner, operator, product, service or commercial activity located or available on the Premise where the Sign is located.

Section Three: Section 15.03 of the Code of General Ordinances for the City of Kenosha, Wisconsin is hereby repealed and recreated as follows:

15.03 PROHIBITION/PERMIT AND LICENSE REQUIREMENT

A. Sign Permit/License Requirement. It shall be unlawful for any person to erect, place, replace, move, establish, originally paint, construct, install, convert, substantially alter, rebuild, enlarge, remodel, relocate, illuminate, or maintain any Sign defined in this Ordinance in the City contrary to the applicable provisions, standards and requirements of this Ordinance, ~~without first obtaining a permit and/or license, where required by this Ordinance. A Sign Permit and/or license may be issued with reasonable conditions consistent with the purpose of this Ordinance.~~

B. Kenosha Water Utility Water Tower Signs Exempt. Signs placed or allowed on elevated water towers owned and maintained by the Kenosha Water Utility shall be exempt from the requirements and prohibitions proscribed in this Chapter.

Section Four: Section 15.04 of the Code of General Ordinances for the City of

Kenosha, Wisconsin is hereby repealed and recreated as follows:

15.04 PERMITTED AND PROHIBITED SIGNS

Signs shall be permitted or prohibited (not permitted) in the City in certain Zoning Districts in accordance with Table 1, attached hereto and incorporated herein. See Section 15.12 for Prohibited Signs and ~~Section 15.15 I. for Prohibited Off-Premise Signs.~~

Section Five: Section 15.07 of the Code of General Ordinances for the City of

Kenosha, Wisconsin is hereby repealed and recreated as follows:

15.07 SIGN PERMIT

A. Sign Permit Required. A Sign Permit from the Administrator shall be required for any Person to erect, place, replace, move, establish, originally paint, construct, install, convert, substantially alter, rebuild, enlarge, remodel, relocate, or illuminate any ~~On-Premise or Off-Premise~~ Sign upon private property, whether a Permanent or Portable Sign, unless exempted from this requirement by this Ordinance.

B. Exemptions.

1. Noncommercial signs that are:

a. less than 16 square feet

b. not permanent

2. Table 1 of this Ordinance identifies Signs which require or do not require a permit.

3. The repair, routine maintenance or repainting of any existing Sign shall not be considered a substantial alteration or other activity requiring a permit hereunder.

BC. Application. A Sign Permit for a Permanent or Portable Sign, except as otherwise provided in this Ordinance, shall not be granted or issued until after a fully completed application form has been filed with the Administrator by a licensed Sign erector showing the plans and specifications, dimensions, material, setback, elevation, projections, and details of the proposed Sign nor until all provisions of this Ordinance relating to such Sign shall be complied with, nor until after the payment of the prescribed fee for every such permit. The Administrator may prescribe the form of all applications for the various forms of permits herein required.

CD. Fees. The Common Council shall, from time to time, establish the permit fees. Permit fees shall be waived for any permit under this Chapter applied for by the City of Kenosha, City of Kenosha Redevelopment Authority, Library, or Museum.

DE. Portable Sign Permits. Portable Signs shall be permitted only upon the issuance of a Portable Sign Permit granted and issued by the Administrator subject to the following conditions and restrictions:

1. A Portable Sign Permit shall allow the use of a Portable Sign for a specified period of time, not to exceed thirty (30) consecutive days.

2. Only two (2) Portable Sign Permits shall be issued with respect to the same Premise in any calendar year.

3. All Portable Signs shall be anchored and supported in a manner which reasonably prevents the possibility of Signs becoming hazards to public health and safety. Any Portable Sign weighing in excess of fifty (50) pounds must conform to the requirements of the City Building Code.

4. Portable Signs shall not exceed thirty-two (32) square feet of Sign Face area per side.

F. Off-Premise Commercial Signs

Subject to the provisions of Wisconsin Statutes §§ 62.23 (7) (h) and (hc) no sign permit may be issued to erect, place, replace, move, establish, originally paint, construct, install, convert, substantially alter, rebuild, enlarge, remodel, or relocate any off-premise commercial sign.

Section Six

Section 15.12 of the Code of General Ordinances for the City of

Kenosha, Wisconsin is hereby repealed and recreated as follows:

15.12 PROHIBITED SIGNS

All Signs not expressly permitted are prohibited in any location in the City. The following Signs are specifically prohibited:

1. Signs containing statements, words or pictures of an obscene or pornographic nature.
2. A Sign, handbill, notice or poster affixed to a tree, fence, pole, Street Sign, Traffic Sign or other structure not constructed or intended for use as a Sign base, which is not authorized by this Ordinance.
3. Revolving Signs.
4. Roof Signs.
5. Signs which are structurally dangerous, or unsafe.
6. Abandoned/Obsolete Signs.
7. Flashing and Animated Signs.
8. Deteriorated Signs.
9. Signs used beyond time limits provided in this Ordinance.
10. Off-premise commercial signs.

Section Seven

Section 15.15 of the Code of General Ordinances for the City of

Kenosha, Wisconsin is hereby repealed and recreated as follows:

15.15 OFF-PREMISE SIGNS

A. Purpose. This Section is intended to protect the public health, safety and welfare by regulating the construction, materials, ~~placement/location~~, size, height, spacing and maintenance of Off-Premise Commercial Signs. This Section is designed to ensure that Off-Premise Commercial Signs are

compatible with other Signs and land uses, and are not detrimental to the aesthetic quality of the community. All Off-Premise Commercial Signs ~~permitted-existing~~ in the City shall be maintained in accordance with the following conditions and restrictions:

B. Illumination. The light rays from any Off-Premise Commercial Sign which is externally illuminated shall be cast directly upon the Sign Face surface and shall not be visible to motor vehicle operators, except as may be reflected from the Sign Face. The illumination of Off-Premise Commercial Signs will not be permitted between 12:00 A.M. and 5:00 A.M. No Off-Premise Commercial Sign shall contain flashing elements or video displays.

C. Wind Load Requirement. Off-Premise Commercial Signs shall be maintained so as to withstand a wind load/pressure of not less than thirty (30) pounds to the square foot.

D. Nonconforming Off-Premise Commercial Signs. Any existing Off-Premise Commercial Sign constructed, erected and installed in accordance with applicable State and local laws, rules and regulations established on the effective date of this Ordinance and which Sign becomes Nonconforming by the provisions herein, shall be a Nonconforming use and any Sign which, as a result of subsequent amendments hereto becomes Nonconforming, shall also be a Nonconforming use and is to be subject to Section 7.0 of the Zoning Ordinance.

No Nonconforming Off-Premise Commercial Sign structure shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of Section 7.0 of the Zoning Ordinance. For the purpose of this Section only, the term "altered or reconstructed" shall not include painting, rustproofing or changing of advertising message.

Nonconforming Off-Premise Commercial Signs may continue in use only when in compliance with the following:

1. The Sign must have been actually in existence as of the effective date of this Ordinance.
2. The Sign may be sold, leased, or otherwise transferred without affecting its Nonconforming status, but its location may not be changed. ~~A Nonconforming Sign removed as a result of a Street Right-of-Way taking or for any other reason may be relocated only if the Sign is made to conform to this Ordinance.~~
3. The Sign must have been constructed, erected, and installed in accordance with applicable State and local laws, rules and regulations that were in effect at the time this Ordinance was enacted, and must continue to be maintained in accordance with this Ordinance. Failure to adhere to rules and regulations associated with construction, erection and installation of Off-Premise Signs, including failure to obtain permit approvals, shall render the Sign illegal.
4. In accordance with Section 62.23(7)(h), Wisconsin Statutes, the Sign must remain substantially the same as it was on the effective date of this Ordinance and may not be enlarged or expanded. Any extension, enlargement, rebuilding, changing the materials of the Sign structure, changing the size of the Sign structure materials, adding catwalks, adding guys or struts for stabilization of the Sign or structure, adding lights to a non illuminated Sign, changing the height of the Sign above ground or re-erection of the Sign is prohibited. The Sign may not be structurally altered so as to prolong the life of the Sign.
5. The Sign may continue in use as long as it is not destroyed, extended, expanded, abandoned, or discontinued. A Sign is deemed destroyed when it is rendered any or all of the following descriptions: dismantled, ~~blown down~~, removed or modified from its original state. A Sign shall be deemed expanded if any or all of the following standards are met: increase in size, mass, volume or scope in any direction;

provide greater detail; to spread out; to increase or grow in extent; or, to increase in width or circumference. A Sign is deemed abandoned or discontinued if for a period of twelve (12) months or longer, it is composed of obsolete advertising matter, or is without advertising matter, or is in need of substantial repair provided that any period of involuntary discontinuance which occurs during the period a street is closed shall not be considered. A Sign is deemed abandoned or discontinued if the name of the owner does not appear thereon and if the name and address of the current owner is not readily ascertainable from records on file with the Department of Neighborhood Services and Inspections.

An unsafe to abandoned Sign is declared a public nuisance, which shall be abated by the owner within sixty (60) days of receiving notice from the Department. After sixty (60) days, the Sign may be removed by the Department, and the cost thereof shall be placed on the tax roll as a special assessment and become a lien against the benefited property, unless paid sooner.

E. Identification of Sign Erector. On every Off-Premise Sign erected, the erector shall, in a permanent manner, state the name and address of the Sign erector that erected the Sign, the permit number, and the date of its erection. Such information must be readable from a distance of at least one (1) foot.

F. Off-Premise Sign License.

1. License Required. An annual Off-Premise Sign License for each Off-Premise Sign Face.

2. Fees. The fee for such License shall be calculated for each Sign Face. License fees are not proratable. License fees shall be deposited in a special revenue fund, which shall be used to offset the City's cost associated with the annual inspection and licensing of each Sign Face. The Common Council shall, from time to time, establish the License Fees.

3. Term. Every License issued hereunder shall expire on the first (1st) day of July of the year following the date of issuance.

G. Replacement Sign Credits. Off-Premise Signs constructed as a result of Replacement Sign Credits granted prior to June 16, 2008, shall be subject to the Ordinance standards enacted March 6, 1995. An Off-Premise Sign Permit shall be obtained prior to the expiration of subject credits.

H. Off-Premise Signs in City Parks or Recreation Areas. This section does not apply to off-premise signs placed in City parks or recreational areas pursuant to authorization for non-permanent placement, from the Parks Commission.

Section Eight: To repeal and recreate the line pertaining to off-premises in Table 1

of Chapter 15 of the Code of General Ordinances for the City of Kenosha, Wisconsin as follows:

SIGN DESCRIPTIONS	B-1/B2-/B-3	IP	M-1/M-2	RG/RS/RD/RR	RM
Off-Premise <u>Commercial Signs</u> [Refer to Section 15.15]	PERMITTED ONLY IN B-2 <u>NOT PERMITTED</u>	NOT PERMITTED	<u>NOT PERMITTED</u>	NOT PERMITTED	NOT PERMITTED

Section Nine:

This Ordinance shall become effective upon passage and

publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney