

AGENDA
PUBLIC SAFETY & WELFARE COMMITTEE MEETING
Kenosha Municipal Building - Room 204
Monday, November 10, 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 meetings held on October 27, 2014 and October 29, 2014.

1. Request for Special Exception from the 840-Square-Foot Size Limitation to Construct a 994-Square-Foot Accessory Structure at 7306 22nd Avenue *(Property Owner/Petitioner: Steve Casey; Zoning: RS-3). (District #8) (Referred from Council on 11/3/14)*
2. 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 meetings on 9/29/14 & 10/27/14)*
3. 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 meetings on 9/29/14 & 10/27/14)*

**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 27, 2014

A meeting of the Public Safety & Welfare Committee was held on Monday, October 27, 2014 in Room 204 of the Kenosha Municipal Building. The meeting was called to order at 5:31 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; Jeff Warnock, Superintendent of Parks; Police Chief John Morrissey and Alderperson Curt Wilson.

It was moved by Alderperson Rosenberg, seconded by Alderperson Rose, to approve the minutes from the meeting held on Monday, October 13, 2014. Motion carried unanimously.

1. Ordinance by Alderperson 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)*
Staff: Police Chief John Morrissey spoke.
It was moved by Alderperson Gordon, seconded by Alderperson Rosenberg, to defer for two weeks. Motion carried unanimously.
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)*
Staff: Shelly Billingsley spoke and Michael Lemens answered questions.
It was moved by Alderperson Rosenberg, seconded by Alderperson Gordon, to defer for two weeks. Motion carried unanimously.
3. Police Request to Discontinue the Crossing Guard at the Corner of 43rd Street and 22nd Avenue.
Staff: Michael Lemens and Police Chief John Morrissey spoke.
It was moved by Alderperson Gordon, seconded by Alderperson Rosenberg, to approve with an effective date of November 24, 2014. Motion carried unanimously.

CITIZEN COMMENTS: Police Chief John Morrissey said Wednesday night is the Budget meeting. If you have anything specific in the Police area, meet or call him to discuss so that he can have the information prior to the meeting.

ALDERPERSON COMMENTS: Chairman LaMacchia agreed with the Police Chief's comment and says that it makes the meeting smoother so call and ask questions prior to the meeting.

ADJOURNMENT - There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 5:44 pm.

CITY OF KENOSHA – PUBLIC SAFETY & WELFARE COMMITTEE
-MINUTES-
Wednesday, October 29, 2014

A meeting of the Public Safety & Welfare Committee was held on Wednesday, October 29, 2014, at the Kenosha Municipal Building Room 202. The meeting was called to order at 6:30 pm. The following Committee members were present: Chairman LaMacchia, Vice Chairman Rose, Alderpersons Wicklund, Gordon and Rosenberg. Staff members in attendance were Mayor Bosman, City Administrator Frank Pacetti, Finance Director Carol Stancato, Chief Morrissey, Deputy Chief Miskinis, Chief Thomsen, Deputy Chief Poltrock, Community Development & Inspections Director Jeff LaBahn, Rich Schroeder, Tony Geliche, Human Resources Director Steve Stanczak, Sue Clouthier, and Joint Services Director Genthner.

1. Department of Community Development & Inspections 2015 Executive Budget and 2015-2019 CIP Budget

Staff/Alderpersons: Director LaBahn gave an overview. Chairman LaMacchia questioned if the addition of one inspector would be enough. Director LaBahn stated yes, but there were also funds in other professional services if needed. Alderperson Rosenberg commended the department for promptly dealing with issues. Alderperson Wicklund stated that he strongly backed the new position.

It was moved by Vice Chairman Rose, seconded by Alderperson Wicklund to change CD-00-001 Housing and Neighborhood Reinvestment line item CDBG to from \$100,000 to \$75,429 and line item Demolition from \$200,000 to \$175,429 for a total project cost of \$315,429. Motion passed 5-0.

It was then moved by Vice Chairman Rose, seconded by Alderperson Rosenberg to approve the 2015 Community Development and Inspection Executive Budget as presented and the 2015-2019 CIP as amended. Motion passed 5-0.

2. Police Department 2015 Executive Budget and 2015-2019 CIP Budget

Staff/Alderpersons: Chief Morrissey gave an overview including additional positions and notable budget changes. Chairman LaMacchia asked the Chief if staffing was sufficient. Chief Morrissey stated yes, new staff will have staggered start dates and that training will be available several times in the next year. Chairman LaMacchia also asked about the technology issues at Joint Services. The Chief said that the Joint Services budget had been approved the prior evening, and that all divisions were running good. City Administrator Pacetti noted that he agreed with the Chief and that the addition of the Chief to the Joint Services Board was a driving force. Joint Services Director Genthner spoke regarding the detailed process of implementing the technology changes. Alderperson Gordon questioned the Chief about an Officer being deployed in the military. The Chief stated, the Officer was a recent hire and was Administrative.

The Chief explained items included in the CIP budget. Chairman LaMacchia asked the Chief about body cameras. The Chief stated that he was opposed to them, and that it would be very costly to outfit the department and that there should be court rulings and guidelines first before outfitting Officers. Chairman LaMacchia questioned the need for a mobile command center.

The Chief said that this would be more of a mobile substation than a command unit. Alderperson Gordon questioned the protective vests. The Chief said the department would need to change to a mandatory wear policy. The department would then also be able to apply for grant funds for additional vests.

It was moved by Alderperson Gordon, seconded by Vice Chairman Rose to approve the 2015 Police Department Executive budget as presented. Motion passed 5-0.

It was then moved by Vice Chairman Rose, seconded by Alderperson Gordon to approve the 2015-2019 CIP as presented. Motion passed 5-0.

3. Fire Department & Emergency Medical Services 2015 Executive Budgets and 2015-2019 CIP Budget

Staff/Alderspersons: Chief Thomsen gave an overview noting the department was going through a cycle of high turnover due to retirements and explained Apparatus Operator educational enhancements. City Administrator Pacetti explained the cyclical nature of the turnovers. Chairman LaMacchia questioned any additional personnel. The Chief stated there were no new positions, but that any vacancies would be filled. Chairman LaMacchia also questioned why there were no additional positions. The Chief stated that the station and staffing study was in the evaluation process and the it would not be prudent to hire anyone now. The Mayor stated that the call volumes and response times were within approved standards. Chairman LaMacchia asked about the change in overtime. The Chief stated that he anticipated a drop, but that there are driving factors that will affect overtime, but that the department would control, monitor and contain it. City Administrator Pacetti stated that the department was budgeted for full staff and that if vacancies happen, the funds could be moved to overtime as needed. Alderperson Rosenberg stated that it was right to wait for the study results.

The Chief explained the scheduled replacement of vehicles in the CIP. Chairman LaMacchia questioned the year of the ambulances being replaced over the course of the CIP and for an explanation of a medium-duty ambulance. The Chief explained the item. Alderperson Wicklund asked about the aerial truck.

It was moved by Alderperson Gordon, seconded by Alderperson Rosenberg to approve the 2015 Fire Department and Emergency Medical Services budgets as presented. Motion passed 5-0.

It was then moved by Vice Chairman Rose, seconded by Alderperson Rosenberg to approve the 2015-2019 CIP as presented. Motion passed 5-0.

4. Health Department 2015 Executive Budget

Staff/Alderspersons: City Administrator Pacetti gave an overview. Alderperson Wicklund commented that the animal control costs remained flat.

It was moved by Alderperson Gordon, seconded by Vice Chairman Rose to approve as presented. Motion passed 5-0.

Citizen Comments: No one spoke.

Aldersperson Comments: No one spoke.

There being no further business to come before the Public Safety & Welfare Committee, it was moved by Aldersperson Gordon, seconded by Aldersperson Rosenberg to adjourn at 7:38 pm. Motion passed 5-0.

Planning & Zoning

Community Development

262.653.4030
262.653.4045 FAX
Room 308



Building Inspections

Property Maintenance

262.653.4263
262.653.4254 FAX
Room 100

DEPARTMENT OF COMMUNITY DEVELOPMENT & INSPECTIONS

Municipal Building · 625 52nd Street · Kenosha, WI 53140
www.kenosha.org

Jeffrey B. Labahn, Director

Richard Schroeder, Deputy Director

TO: Members of the City of Kenosha Public Safety and Welfare Committee
Members of the City of Kenosha Common Council

FROM: Brian R. Wilke, Development Coordinator *BLW*
Department of Community Development and Inspections

SUBJECT: Special Exception from the 840-square-foot Size Limitation in Order to Construct a 994-square-foot Accessory Structure at 7306 22nd Avenue; Property Owner/Petitioner: Steve Casey; Zoning Designation: RS-3 (District #8)

DATE: November , 2014

The property owner is requesting a Special Exception to Section 3.03 D(4)d of the Zoning Ordinance which states that the total square-footage of all accessory buildings on one- and two-family residential properties cannot exceed 840 square feet or fifteen percent (15%) of the lot size (whichever is less). In this case, the 840 square feet is more restrictive. (15% of the 14,374 square-foot lot is 2,156.1 square feet.) The property owner is requesting to build a 994 square-foot detached garage. All other accessory buildings on the site will be or have been removed to allow for the new garage.

Section 3.03 F of the Zoning Ordinance allows the property owner to request a Special Exception from the Common Council upon review and recommendation of the Public Safety and Welfare Committee (PSW). The Common Council may grant a Special Exception for an accessory building up to 1,000 square feet in size. The standards for the Special Exception are as follows:

- a. The architectural appearance of the proposed structure shall be harmonious with the existing structure. (The new garage will be sided in vinyl in a color and trim to match the existing house.)
- b. Relief cannot be contrary to covenants associated with the subject property. (There are no known covenant restrictions associated with the property.)
- c. A maximum of two (2) accessory buildings and/or structures are allowed. (All of the existing accessory structures on the site will be razed, and the proposed garage will be the only accessory building on the site.)
- d. Accessory structures shall not exceed the height of the principal dwelling, or twenty-five feet (25') in height in residential districts. (The height of the proposed garage will be fourteen feet (14'), which complies with the Zoning Ordinance; therefore, no Special Exception is required.)

- e. The accessory structure shall not exceed eighty percent (80%) of the building footprint of the principal structure. (The footprint of the proposed garage is 994 square feet. According to the Assessor's records, the ground floor of the house is 1,410 square feet. The proposed accessory structure would be 70.5% of the principal building footprint.)
- f. The doors shall not exceed the maximum height of nine feet (9'). (The proposed doors do not exceed nine feet (9') in height.)
- g. The applicant will ensure that the drainage and/or stormwater runoff conforms with local and state standards.
- h. The owners of property within 100' are to be notified of the application. (Notices were sent to the owners, as required.)

Recommendation:

Staff recommends approval of the Special Exception.

BRW:saz
Attachments

SPECIAL EXCEPTION
FROM 840 SQ. FT. LIMITATION
AND/OR BUILDING OR STRUCTURE HEIGHT
FOR
RESIDENTIAL ACCESSORY BUILDING OR STRUCTURES

INSTRUCTIONS

All applicants are required to complete an application form and affidavit. Other documents and information may be required by the Zoning Administrator based on the nature of the application. Your application will be scheduled for hearing when all of the following are submitted to the Zoning Office.

Submittal Checklist

- Completed application form
- \$500.00 filing fee
- One (1) plat of survey prepared by a Professional Land Surveyor, licensed by the State of Wisconsin. The survey must show all existing buildings, proposed accessory building, setbacks from property lines, distances from all accessory structures, proposed drainage patterns, and proposed changes to existing yard grade
- Accessory Building Permit Application
- One (1) additional set of plans, with survey in pdf format; forward to bwilke@kenosha.org
- A narrative which includes a description of your request and its compliance with relevant ordinance requirements.

APPLICATION
SPECIAL EXCEPTION
FROM 840 SQ. FT. LIMITATION
AND/OR BUILDING OR STRUCTURE HEIGHT
FOR
RESIDENTIAL ACCESSORY BUILDING OR STRUCTURES

7306 22ND AVENUE, KENOSHA, WI 53143
Location of Special Exception Request

I/We STEVE CASEY of 7306 22ND AVE
(Property Owner / Applicant) (Address / parcel # of subject property)

hereby apply for a Special Exception pursuant to Section 3.03F of the City of Kenosha Zoning Ordinance to allow building of an 1000 ft.² garage.
(describe request)

I hereby authorize City of Kenosha staff and elected officials to inspect the premises of the above-described property. I hereby affirm that all statements contained herein are true and correct to the best of my knowledge and belief.

Applicant's signature: [Signature]

If the applicant is other than the property owner, a notarized signature of the property owner authorizing the applicant to act on his/her behalf is required.

OWNER/APPLICANT STEVE CASEY ADDRESS 7306 22ND AVE

PHONE 262-945-9582 E-MAIL scserenity@aol.com

FOR OFFICE USE ONLY

Proposal filed: _____ Received by: _____

Fee Paid: _____ Receipt #: _____

City of Kenosha
Department of Community Development and Inspections
625 52nd Street, Room 100, Kenosha, WI 53140

CRITERIA CHECKLIST
SPECIAL EXCEPTION
FROM 840 SQ. FT. LIMITATION
AND/OR BUILDING OR STRUCTURE HEIGHT
FOR
RESIDENTIAL ACCESSORY BUILDING OR STRUCTURES

7306 22ND AVENUE, KENOSHA
Location of Special Exception Request

Adherence to the following criteria shall be required to process the Special Exception request. A signifies that your project complies with the criteria, as indicated. If you cannot adhere to the following criteria, DO NOT PROCEED - please contact the Zoning Administrator to discuss this issue.

- The special exception request will not conflict with or be contrary to covenants associated with subject property.
- The architectural appearance and functional design of the building or structure and site shall not be so dissimilar to the existing principal buildings and area so as to cause impairment of property values or a blighting influence. All sides of the principal and accessory buildings or structures are to have essentially the same, or coordinated, harmonious exterior-finish materials and treatment.
- No more than two accessory buildings, structures, or combination building and structure shall be constructed.
- No accessory building or structure shall exceed the height of the principal building, or exceed twenty-five feet (25') in height, whichever is less.
- The maximum square footage of all accessory buildings or structures cannot exceed one thousand square feet (1,000 sq. ft.).
- The total square footage of all detached covered accessory buildings and/or structures shall not have a footprint larger than 80% of the footprint of the principal building's first floor livable space.
- Doors shall not exceed nine feet (9') in height.
- No negative impacts on stormwater runoff shall be created. A grading plan may be required.

October 9th 2014

To Whom It May Concern:

I, Stephen P. Casey and my wife Jennifer L. Casey are owners of 7306-22nd Avenue in Kenosha. We have owned this property for 17 years, and it was also the home that I was raised in.

I represented this neighborhood on the Kenosha City Council for 22 years and have always supported property improvement.

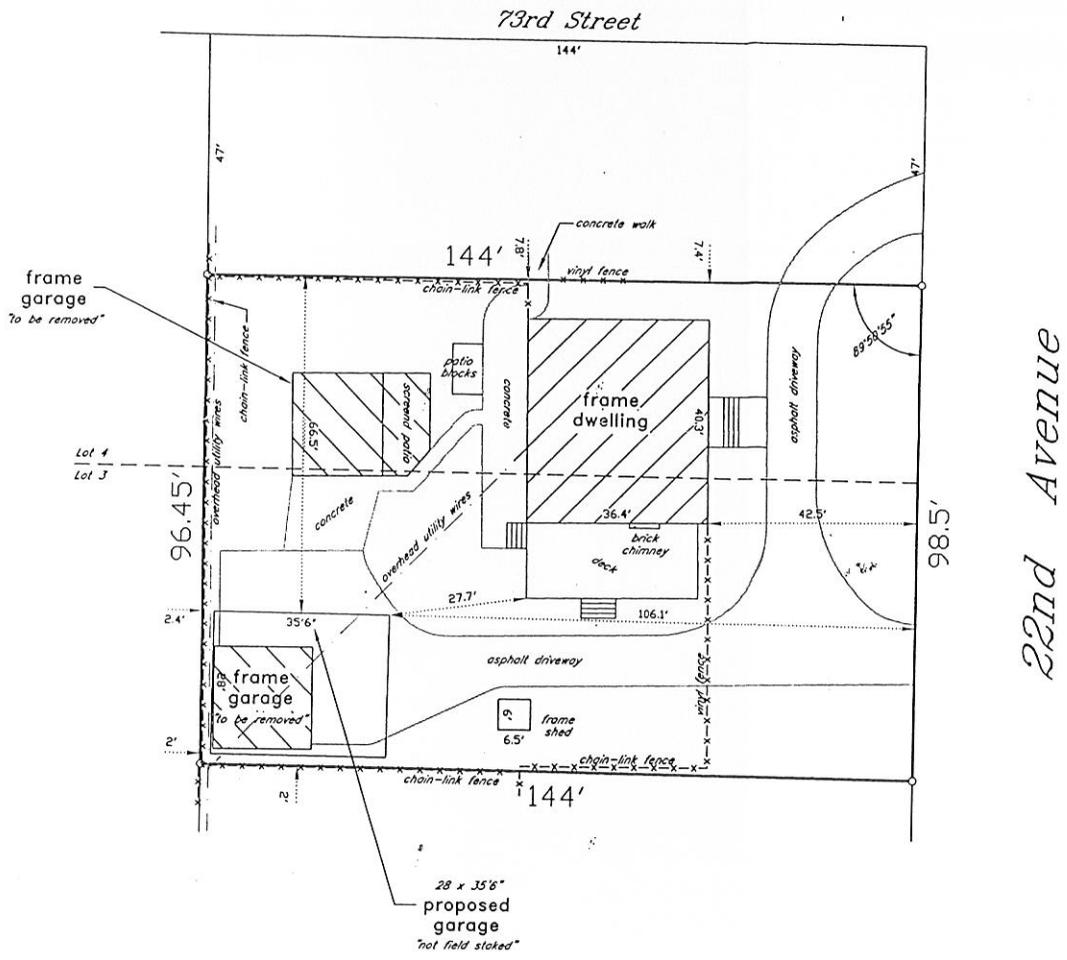
I believe the garage we wish to construct will be an improvement to this property. It will replace two existing garages that will be in need of improvement over the years to come.

This structure will also increase green space on our property. Also, great consideration was given not to disrupt the beautiful 200 year old oak trees we have on this property.

We urge approval of this plan and are very comfortable with Lowell Bros. as our contractor.

Very sincerely,

Stephen P. and Jennifer L. Casey



address: 7306 - 22nd Avenue

Scale
1" = 30'



denotes iron pipe
maker found

This plat is a retracement of a
prior survey by former County
Surveyor, R.L. Smith (S-190), dated
October, 1980.

tax key parcel no. 01-122-01-482-031

Refer to a current title report for a complete legal description and for easements or restrictions which may affect this site; specifically those not shown on the recorded subdivision plat.

MARESCALCO COUNTYWIDE SURVEYING, INC.
1120 80TH STREET KENOSHA, WI 53143
(262) 654 6809 FAX (262) 654 1120

Plat of Survey of
PART OF LOTS 3 & 4
F. TANK'S SUBDIVISION



I hereby certify that
this property was
surveyed under my
direction. This
plat is a true re-
presentation thereof.

[Signature]

Wisconsin Registered
Land Surveyor
October 19, 2014

in SE 1/4 Section 1-1-22
CITY OF KENOSHA
KENOSHA COUNTY, WIS.

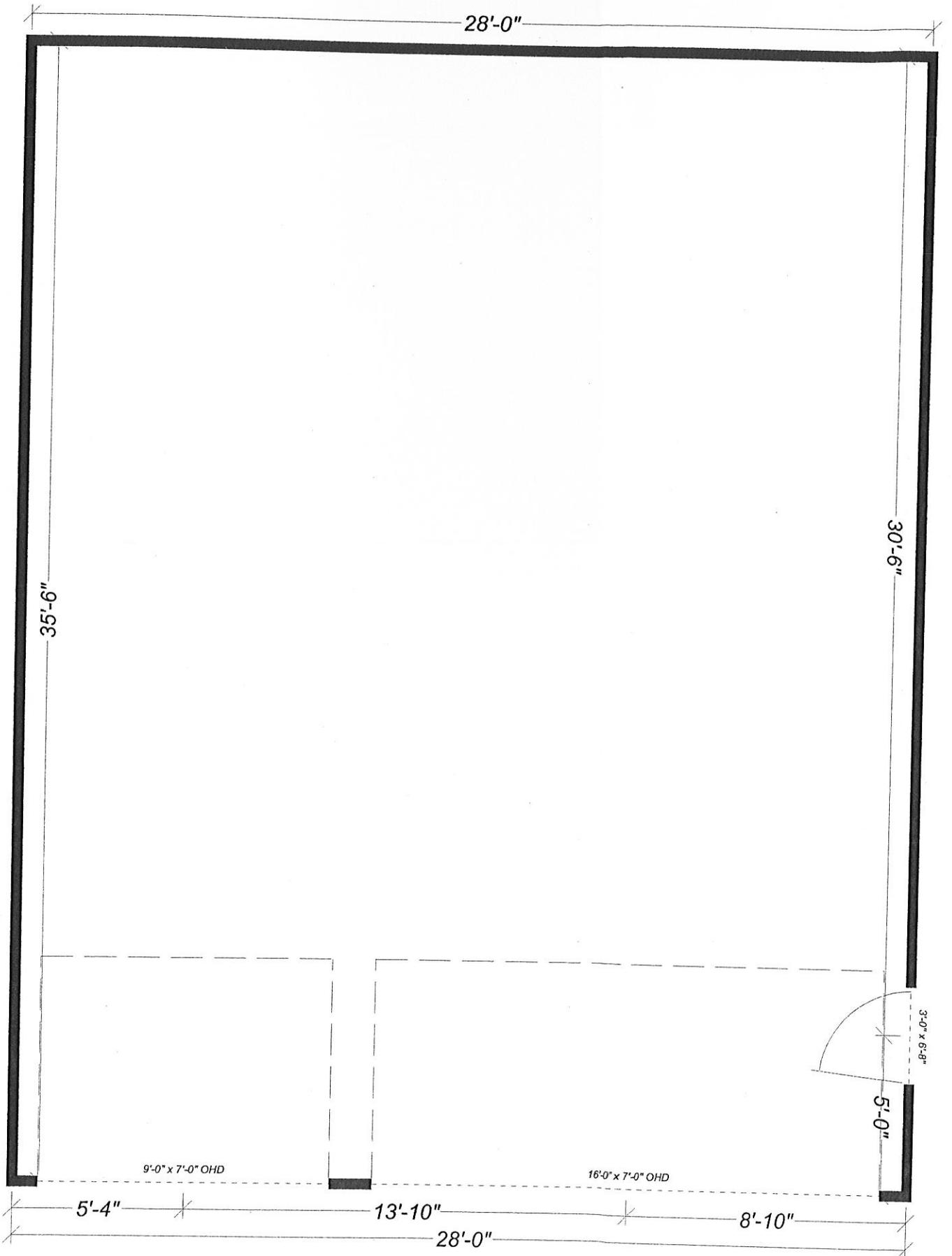
-for-
Lowell Bros. Construction

Casey - Accessory Building Special Exception Request

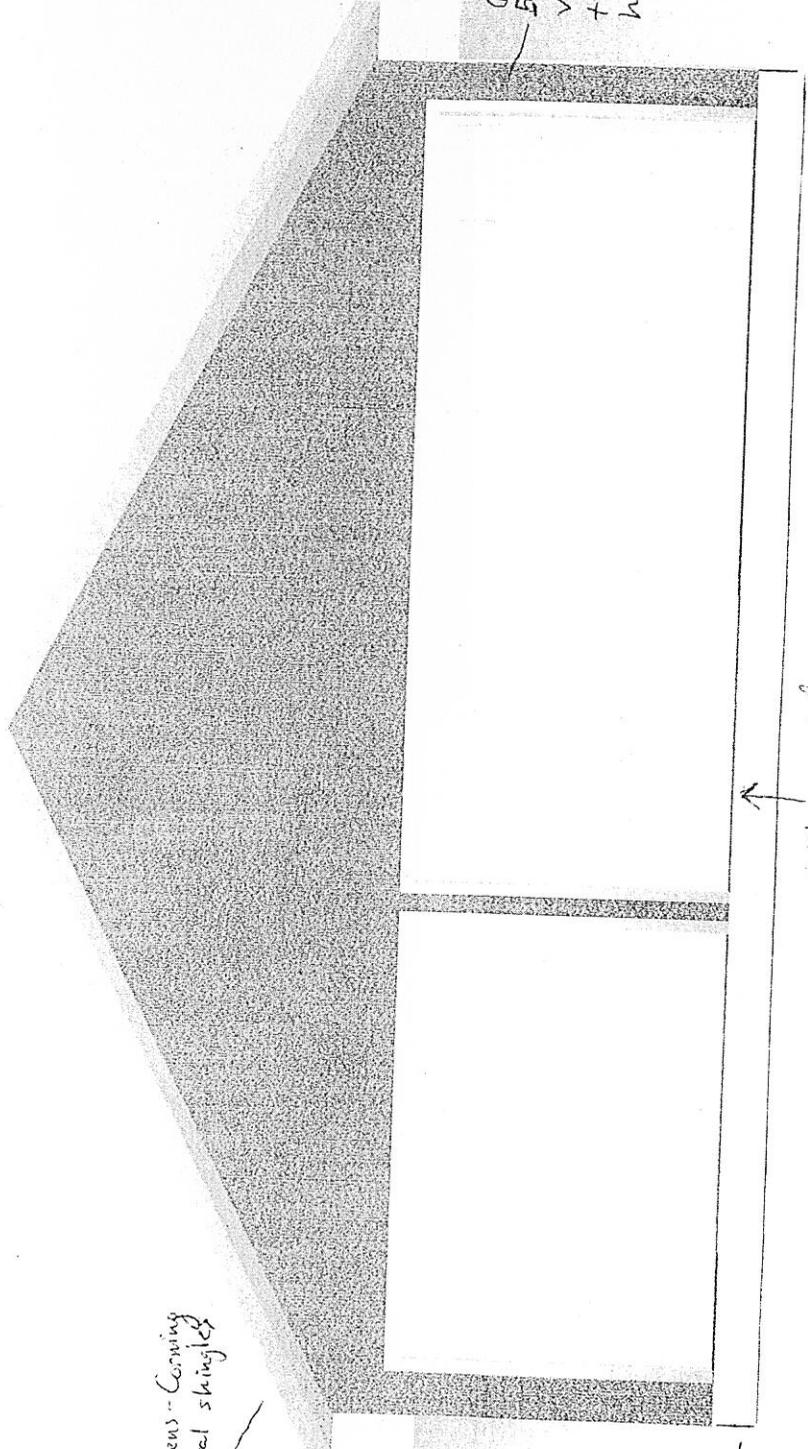


Subject Property - 7306 22nd Avenue





STEVE CASEY GARAGE PROJECT - 7306 22ND AVE, KEENSAH



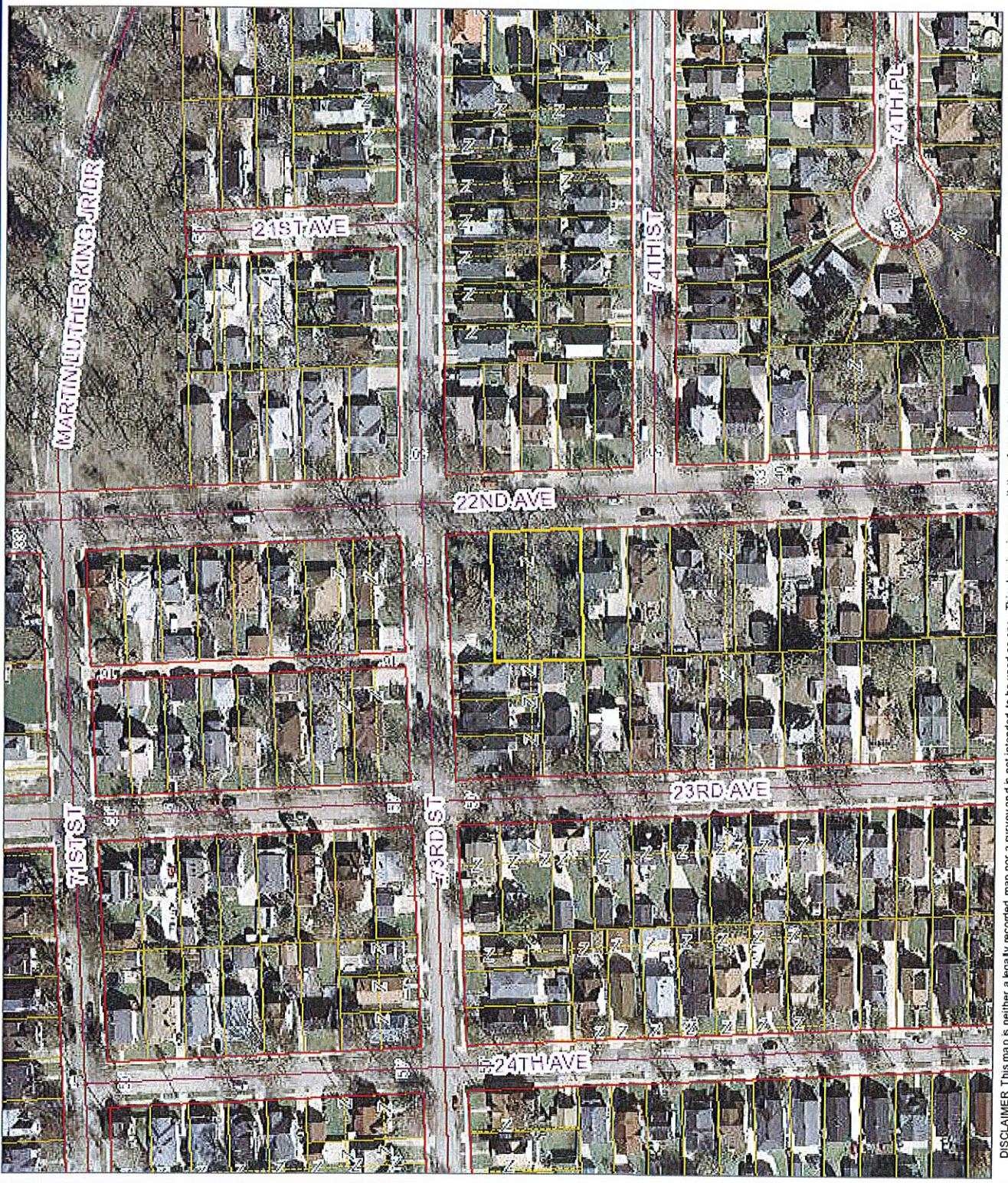
Black Owens-Corning architectural shingles to match house

White aluminum soffit and fascia to match house

Thickened 4" concrete slab with 4" gravel

Gray 5" lap vinyl siding to match house

White, paneled over-head doors



1 inch = 162 feet

DISCLAIMER This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.



Existing House – 7306 22nd Avenue

This garage to be razed.



Driveway leading to proposed garage.



- 1) Proposed garage
- 2) Shed to be razed



City of Kenosha
Department of Community Development and Inspections
625 52nd Street, Room 100, Kenosha, WI 53140
Phone: 262.653.4263, Fax: 262.653.4254

**APPLICATION PACKET
FOR
ACCESSORY BUILDING PERMIT**

Project Address 7306 22ND AVENUE, KENOSHA 53143

The following items must be completed and submitted as a packet:

1. Accessory Building permit application
2. One (1) plat of survey prepared by a Professional Land Surveyor, licensed by the State of Wisconsin (see attachment). The survey must show all existing buildings, proposed accessory building, setbacks from property lines, distances from all accessory structures, proposed drainage patterns, and proposed changes to existing yard grade
3. For Residential Only: Cautionary Statement (required if the property owner is listed as the contractor); OR State Licensing (required if a contractor is listed)
4. One (1) set of plans (size 8 1/2" x 11" or 11" x 17", drawn at 1/4" scale)
5. Will the grading of the property change as a result of constructing an accessory building?

Yes No

If yes, please contact the Soil Erosion Specialist at 262.653.4050 prior to permit application submittal.

Note: Upon plan review or as a result of a field inspection, the Soil Erosion Specialist or Code Official may determine that an erosion control permit and/or installation of erosion control measures are required.

6. NA Community Development and Inspections Authorization, Room 308 (required for commercial or multi-family properties: _____)

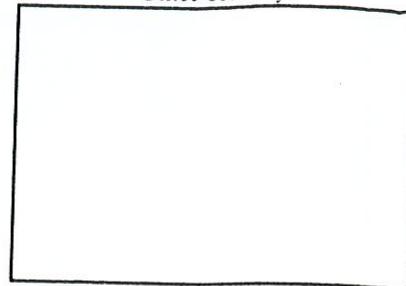
After Approval/Processing of this Permit Application:

If you do not intend to proceed with this project, please contact our office at 262.653.4263 to avoid paying the entire cost of the permit. Administrative and/or plan review fees will be charged. Any/all unpaid permit fees, along with an additional \$100.00 Administrative Fee, will be processed as a special assessment against the real estate upon which the service was performed.



City of Kenosha
 Department of Community Development and Inspections
 625 52nd Street, Room 100, Kenosha, WI 53140
 Phone: 262.653.4263, Fax: 262.653.4254

Office Use Only:



APPLICATION FOR ACCESSORY BUILDING PERMIT

Permit Fees:

New Construction: \$180.00 (\$60.00 Building Permit Fee, \$60.00 Building Plan Review Fee, and \$60.00 Zoning Plan Review Fee)
 Repair to Existing: \$60.00

You will be notified when your permit is ready; please do not submit payment with permit application.

Project Address 7306 22ND AVENUE

Property Owner Steve Casey

Mailing Address 7306 22ND AVENUE

City KENOSHA State WI Zip 53143

Phone (262) 945-9582

*Contractor LOWELL BROS. CONSTRUCTION LLC

Mailing Address 1701 69TH STREET

City KENOSHA State WI Zip 53143

Phone (262) 945-8811

Contractor e-mail sales@lowell-bros.com

*Note to Contractor: Please see attached "State Licensing Requirements."

Estimated Cost \$ 36,900.00 Project Name (if commercial or multi-family property): _____

Corner Lot: Yes _____ No X Square Footage of Accessory Building 1,000 ft.²

Accessory Building Size: 28' wide by 35.5' deep Height 14'

Setbacks in feet from property lines: Front _____ Rear 2' Left 2' Right _____

CHECK ONE: One-family Two-family Multi-family Commercial

Indicate type of accessory building: Garage Shed Gazebo Greenhouse Pavilion
 Other _____ Tent - (Specify dates for tent: From _____ To _____)

Is an existing garage or shed being torn down? Yes No (If garage or shed is 500 sq. ft. or greater, a raze permit application must be completed and submitted with this permit application)

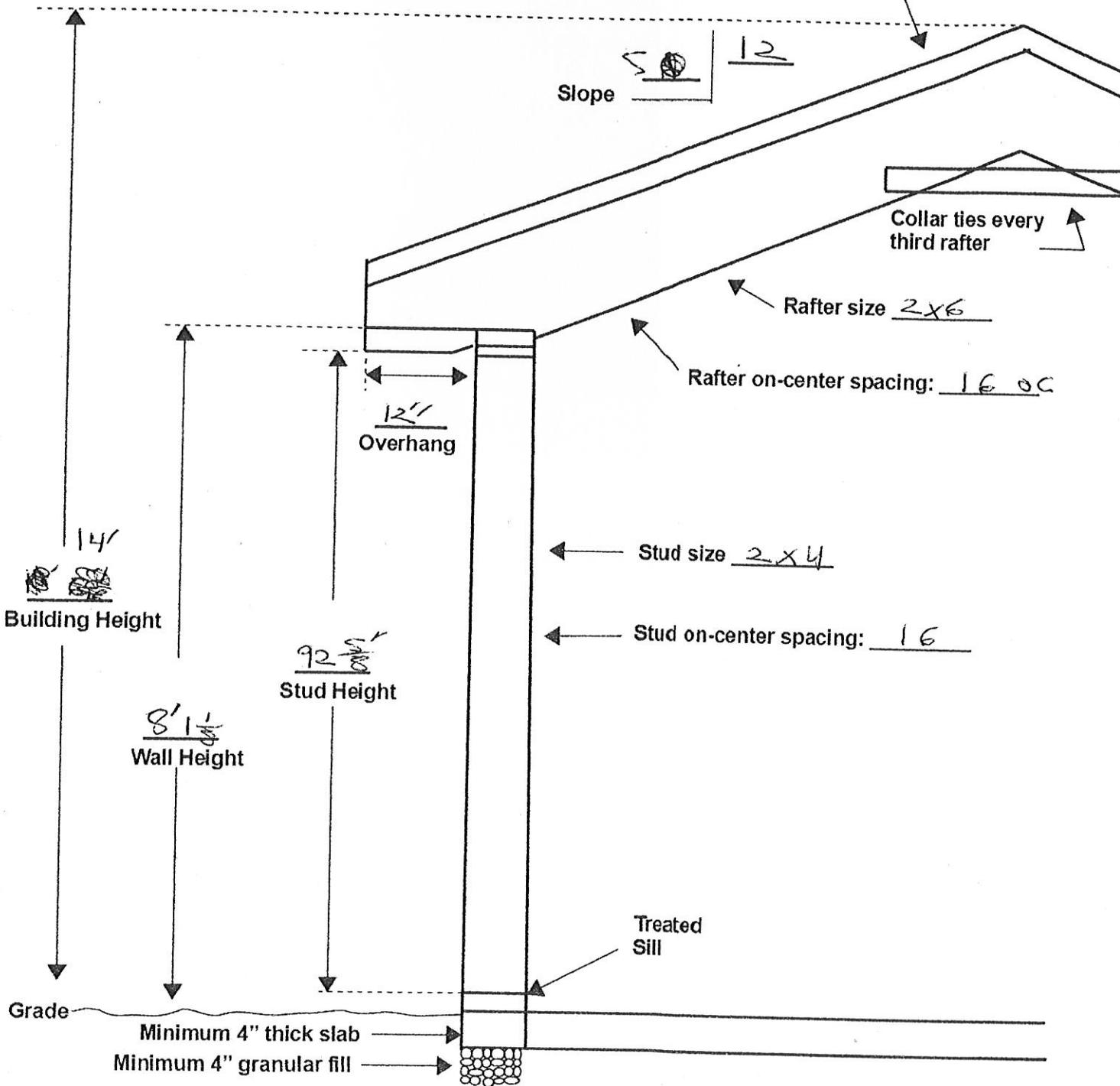
This Box for Office Use Only: Zoning _____ Zoning Review/Approval _____

I agree to comply with all applicable codes, statutes, and ordinances, and with the conditions of this permit; understand that the issuance of the permit creates no legal liability, express or implied, on the state or municipality; and, certify that all of the permit information herein is accurate. I expressly grant the building inspector, or the inspector's authorized agent, permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done.

Applicant Signature: [Signature] Date: 14-October 2014

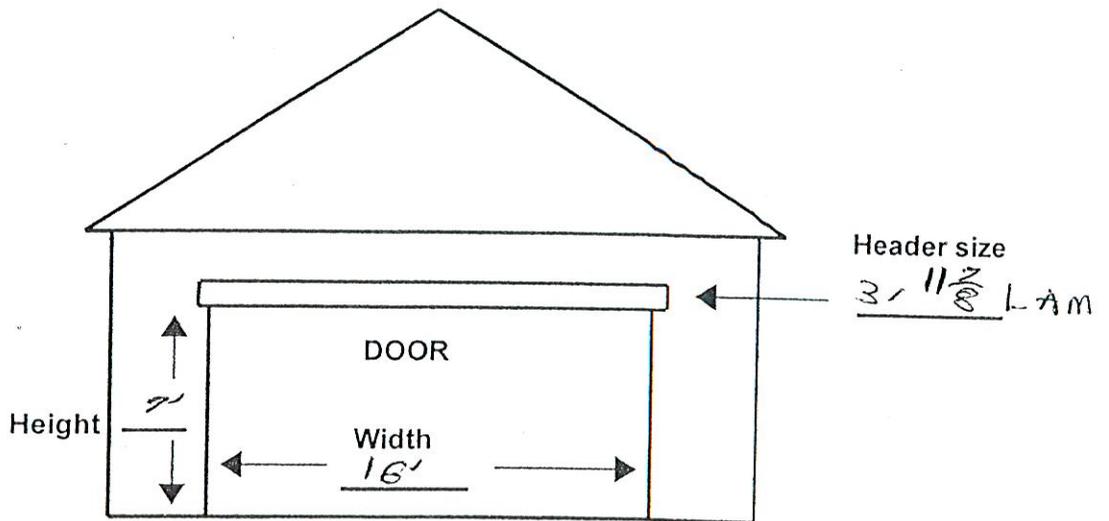
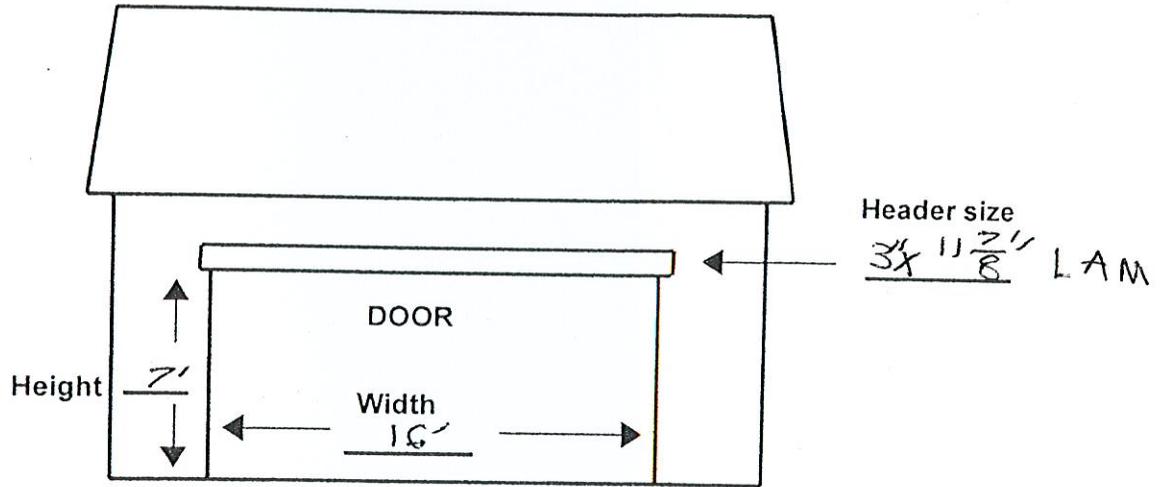
APPLICATION FOR
ACCESSORY PERMIT
Page Three

Check One:
 Trusses
 Rafters



City of Kenosha

APPLICATION FOR
ACCESSORY PERMIT
Page Four



Planning & Zoning
Community Development
262.653.4030
262.653.4045 FAX
Room 308



Building Inspections
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DEPARTMENT OF COMMUNITY DEVELOPMENT & INSPECTIONS

Municipal Building · 625 52nd Street · Kenosha, WI 53140
www.kenosha.org

Jeffrey B. Labahn, Director

Richard Schroeder, Deputy Director

NOTIFICATION OF PUBLIC HEARING

Request for Special Exception from the 840-square-foot Size Limitation to Construct a 994-square-foot Accessory Structure at 7306 22nd Avenue; Property Owner/ Petitioner: Steve Casey; Zoning: RS-3 (District #8)

A public hearing is scheduled before the Common Council in order to deliberate and render a decision on the above request.

When and where will the meeting be held?

Public Safety and Welfare:

Date: Monday, November 10, 2014; Time: 5:00 p.m.
Location: Municipal Office Building, 625 52nd Street, Room 204

Common Council:

Date: Monday, November 17, 2014; Time: 7:00 p.m.
Location: Municipal Office Building, 625 52nd Street, Room 200

What is a special exception?

An approval authorizing the construction or maintenance of a building or structure inconsistent with zoning ordinance standards. Approval of a special exception is an authority granted by the City of Kenosha Common Council. A special exception may be granted in cases whereby circumstances exist that justify approvals which are not detrimental to the public interest.

Why am I being notified?

The purpose of this notice is to inform you of the request. In accordance with the City of Kenosha Zoning Ordinance, all property owners located within 100' of the property shall be notified.

Must I attend?

It is not necessary for you to attend unless the following conditions apply and you would like to advise the Common Council of your concerns.

- a) You will be negatively affected by an approval of the special exception;
- b) You have concerns related to the request that you would like to have taken into consideration by the Committee

If you cannot attend the meeting and would like to voice your concerns on this matter, please contact me at 262.653.4049, and information will be provided on your behalf at the meeting.

Handwritten signature of Brian Wilke in blue ink.

Brian Wilke
Development Coordinator

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

2. Antennas. Television and radio receiving antennas, used exclusively for a residence, may be erected to a height which exceeds the height limit established for any residential district, but in no instance may exceed forty-five (45') feet in height.

3. Secondary Religious Facilities. Accessory secondary religious facilities servicing a religious institution located in a residential district may be erected to a height which exceeds the accessory building height limit established for the district, but shall not exceed the principal building height limit established for the district.

F. Special Exceptions - Residential Accessory Building or Structures. A Special Exception from the eight hundred forty square foot limitation of Subparagraph 3.03 D.4.d. or the height restrictions for an accessory building or structure may be granted where such Special Exception(s) will not be contrary to the spirit and purpose of this Ordinance.

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

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

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

c. For all residential districts, a maximum of two accessory buildings, structures or combination building and structure shall be permitted.

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

e. Accessory buildings or structures may be permitted as accessory uses in residential areas subject to the following: in residential districts, the maximum square footage of all accessory buildings or structures cannot exceed one thousand square feet (1,000 sq. ft.). In no case shall the total square footage of all detached covered accessory buildings and/or structures have a footprint larger than 80% of the footprint of the principal building's first floor livable space.

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

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

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

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

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

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

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

d. Require the accessory building(s) or structure(s) be reasonably compatible with the architectural detail of the principal structure. The applicant holds the burden of proving the proposed building(s) or structure(s) are reasonably compatible with the architectural detail of the principal structure.

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

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

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

3. Application Procedure. Any application for a Special Exception shall be submitted on forms provided by the Administrator. The application must be filed with the Administrator. In order to be accepted for filing, the application must be accompanied by a receipt from the Department of Community Development and Inspections indicating payment of the \$500.00 application fee. The Administrator or designee thereof, shall prepare a written report and make a recommendation to the Committee on Public Safety and Welfare, said report and recommendation shall be submitted within thirty (30) days of receipt of the application. At its next regularly scheduled meeting, the Committee shall recommend to the Common Council either the granting or denial of the application. The Common Council, within sixty (60) days of receipt of the application, shall grant or deny a Special Exception after conducting a public hearing.

G. Home Occupations.

1. Purpose. It is the intent of this Section to permit home occupations in any residential dwelling, provided such uses conform to the standards and conditions set forth in this Section. Custom and tradition are intentionally excluded as criteria. In general, a home occupation is an accessory use so located and conducted that the average neighbor would not be aware of said use other than for a name plate as herein permitted. The standards and conditions for home occupations in this Section are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood.

2. Definition. "Home Occupation" means any business profession, trade or employment conducted in a person's residential dwelling which may involve that person's immediate family and/or household who reside in that residential dwelling and a maximum of one (1) other unrelated person at any one (1) time, but does not include a business involving:

- a. Explosives, fireworks, or repair of motor vehicles; or,
- b. More than twenty-five (25%) percent of the habitable floor area of the dwelling.

3. Standards for Home Occupations. Home occupations are permitted accessory uses in a residential dwelling only when said use:

- a. Is not detrimental to the public health, safety and welfare;
- b. Will not impair the basic character of the residential district;
- c. Will not cause, create, or result in noxious or unpleasant loud noises;
- d. Will not create greater risk of disease, fire, explosion, or other hazard than that which is common to a residential neighborhood;
- e. Will not involve the permanent or temporary piling or storing of any goods, merchandise, filled or empty containers, tools, or equipment about the exterior of said premises;
- f. Will not involve the parking of construction equipment on or about the property; and,
- g. Will not cause parking or traffic congestion in the vicinity.

4. Necessary Conditions. Home occupations are permitted accessory uses in residential districts only so long as all of the following conditions are observed:

- a. The occupation is conducted in accordance with the Zoning Ordinance and Code of General Ordinances;
- b. The occupation is clearly incidental and secondary to the principal use of the residential building for residential purposes;
- c. The Home Occupation shall not require internal or external alterations, or involve construction features not customary in a residential building in a residential district;
- d. No mechanical or electrical equipment shall be employed in a home occupation other than machinery or equipment ordinarily designed for use in a residence in a residential district, or associated with a home hobby or avocation not conducted for gain or profit;
- e. No storage of flammable, toxic or hazardous substances other than such substances customarily used in the conduct of a residence in a residential district or associated with a home hobby not conducted for gain or profit. Other substances customarily used in the occupation may be stored on the premises if

RECEIPT NO. 005032

CITY OF KENOSHA
DEPARTMENT OF COMMUNITY DEVELOPMENT & INSPECTIONS
625-52ND STREET, ROOM 100 KENOSHA, WI 53140

RECEIVED FROM: LOWELL BROS. CONSTRUCTION
DATE RECEIVED: OCTOBER 15, 2014
AMOUNT RECEIVED: \$500.00
OPERATOR ID.: HTEMP3

RECEIPT TYPE: MISCELLANEOUS
PAYMENT METHOD: CHECK NO.: 3739

DESCRIPTION	AMOUNT
SPECIAL EXCEPTION - GARAGE 7306 22ND AVENUE/CASEY	\$500.00



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

November 6, 2014

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

From: Michael M. Lemens, P.E. 
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

11/05/14 Amendments

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, and the Police Chief, or designee thereof, shall have share 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 each Department to investigate complaints when the Department has enforcement authority. Further 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, and the Police Chief, or designee thereof, shall have share the responsibility of investigating complaints and/or activities 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**) and Property Maintenance (**Chapter XVI**) 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 ~~Traffic Regulations (Chapter VII)~~, 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 and welfare or to preserve evidence of noncompliance with this Ordinance. The unreasonable failure to permit inspections shall be 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



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.