

AGENDA  
PUBLIC SAFETY & WELFARE COMMITTEE MEETING  
Kenosha Municipal Building - Room 202  
Monday, December 13, 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 November 29, 2010.

**B. DEFERRED**

B-1. Proposed Ordinance To Repeal and Recreate Various Sections of Chapter 15 Related to Off-Premises Signs. *(Referred back from Common Council meeting of December 6, 2010)*

**C. REFERRED TO COMMITTEE**

C-1. Reconsideration of Proposed Ordinance To Renumber Sections 11.147 to 11.148; 11.148 to 11.149; 11.149 to 11.15; 11.15 to 11.16; 11.16 to 11.17 and To Create Section 11.147, Entitled "Synthetic Marijuana".

C-2. Proposed Ordinance To Amend Section 14.01.B.6, Entitled "Special Revenue Fund".

C-3. Aldermanic request for a 4 Way Stop for 62<sup>nd</sup> Place and 95<sup>th</sup> Avenue.  
*(District 17) (Staff recommends denial)*

**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, November 29, 2010

The regular meeting of the Public Safety & Welfare Committee was held on Monday, November 29, 2010 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 5:30 pm. The following members were present: Chairman Downing, Alderman Kennedy, Orth, Green, and LaMacchia. Staff members in attendance were Chief Morrissey.

*It was moved by Alderman LaMacchia, seconded by Alderman Green, to approve the minutes of the meeting held on Monday, November 8, 2010 and the special meeting held on Wednesday, November 3, 2010. Motion passed 5-0.*

C-1. Proposed Ordinance To Create Section 1.036, Entitled “Communications During Meetings of the Common Council and Committees of the Common Council”. *(Also refer to Public Works Committee, Finance Committee, Licensing/Permit Committee, and City Plan Commission)*  
*It was moved by Alderman LaMacchia, seconded by Alderman Kennedy, to defer to the meeting. Motion passed 5-0.*

C-2. Proposed Ordinance To Renumber Sections 11.147 to 11.148; 11.148 to 11.149; 11.149 to 11.15; 11.15 to 11.16; 11.16 to 11.17 and To Create Section 11.147, Entitled “Synthetic Marijuana”.  
Staff: Chief Morrissey was present to answer any questions. He would like this ordinance to mirror the states and list all the chemicals not just the name of the products.  
*It was moved by Alderman Orth, seconded by Alderman Kennedy, to approve. Motion passed 5-0. Alderman Orth would like to reconsider his vote at the next meeting.*

CITIZENS COMMENTS: Chief Morrissey spoke on the JAG grant for the internet services for 3 years.

ADJOURNMENT - *There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:09 pm.*

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]	<del>PERMITTED ONLY IN B-2</del> <u>NOT PERMITTED</u>	NOT PERMITTED	<u>NOT</u> PERMITTED	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

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

**DRAFT 11.10.10**

**BY: COMMON COUNCIL**

**TO RENUMBER SECTIONS 11.147 TO 11.148; 11.148 TO 11.149;  
11.149 TO 11.15; 11.15 TO 11.16; 11.16 TO 11.17 AND TO CREATE  
SECTION 11.147 OF THE CODE OF GENERAL ORDINANCES  
ENTITLED "SYNTHETIC MARIJUANA"**

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

**Section One:** The following Sections of the Code of General Ordinances for the City of Kenosha, Wisconsin are hereby renumbered as: Section 11.147 to 11.148; Section 11.148 to 11.149; Section 11.149 to 11.15; Section 11.15 to 11.16; and Section 11.16 to 11.17:

**Section Two:** Section 11.147 of the Code of General Ordinances for the City of Kenosha, Wisconsin is hereby created as follows:

**11.147 SYNTHETIC MARIJUANA – SYNTHETIC CANNABINOID**

**A. Possession, Sale and Use Prohibited.** No person shall possess, purchase, display for sale, attempt to sell, sell, give back or use any chemical derivative of marijuana, or any other substance, designed to mimic the physical, psychological, intoxicating, narcotic or other effects of marijuana. Common street or trade names of said substances which are prohibited include, but are not limited to, "Spice", "K-2", "Genie", "Yucatan Fire", "Blaze", "Red Dawn X", "Zohia", "Dancing Monkey", "Spike Diamond", "Route 69", "Smoke XXXX" and "fake" or "new" marijuana, or by any other name, label or description:

1. (6aR, 10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol - some trade or other names: HU-210;
2. 1-Pentyl-3-(1-naphthoyl) indole - some trade or other names: JWH-018\spice;
3. 1-Butyl-3-(1-naphthoyl) indole - some trade or other names: JWH-073;
4. 1-(3 {trifluoromethylphenyl}) piperazine - some trade or other names: TFMPP;
5. 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol - some trade or other names: CP 47, 497;
6. 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole – some trade or other names: JWH-200;
7. 1-hexyl-3-(1-naphthoyl)indole – some trade or other names: JWH-019;
8. 1-pentyl-3-(2-methoxyphenylacetyl)indole – some trade or other names: JWH-250;
9. 1-pentyl-3-(4-chloro-1-naphthoyl)indole – some trade or other names: JWH-398;
10. (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone – or some trade or other names: JWH-015;
11. Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol – or some trade or other names: HU-211;
12. or any similar structural analogs.

**B. Medical and Dental Use Allowed.** Acts prohibited under sub A. shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other health professional authorized to direct or prescribe such acts, provided use is permitted under state and federal laws.

**C. Penalties.** Persons violating this section shall forfeit not less than \$100.00 nor more than \$750.00 for each offense, plus the cost of prosecution, and upon default shall be imprisoned in the county jail or house of correction for a period not to exceed ninety (90) days.

**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 12.02.10**

**BY: ALDERPERSON ANTHONY NUDO  
ALDERPERSON DAVID BOGDALA**

**TO AMEND SECTION 14.01.B.6. OF THE CODE OF  
GENERAL ORDINANCES ENTITLED "SPECIAL  
REVENUE FUND"**

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

**Section One:** Section 14.01.B.6. of the Code of General Ordinances for the City

of Kenosha, Wisconsin, is hereby amended as follows:

**6. Special Revenue Fund.** The Finance Director shall create a special revenue fund for the purposes of depositing the licensing and/or late fees collected. The special revenue fund shall be used to further the purpose of this Chapter: and support the canine unit(s) of the Kenosha Police Department. Requests for funds shall be reviewed and approved by the Finance Committee.

**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



**ENGINEERING DIVISION**  
MICHAEL M. LEMENS, P.E.  
DIRECTOR OF ENGINEERING

**FLEET MAINTENANCE**  
MAURO LENCI  
SUPERINTENDENT

**PARK DIVISION**  
JEFF WARNOCK  
SUPERINTENDENT

**STREET DIVISION**  
JOHN H. PRIJIC  
SUPERINTENDENT

**WASTE DIVISION**  
ROCKY BEDNAR  
SUPERINTENDENT

**ADMINISTRATION SUPERVISOR**  
JANICE D. SCHROEDER

C-3

## DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

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

DATE: December 9, 2010

TO: Public Safety and Welfare Committee

FROM: Kevin Risch, P.E., Civil Engineer KKR 12-9-10

SUBJECT: Aldermanic Request for Traffic Study at 62<sup>nd</sup> Place and 95<sup>th</sup> Avenue. (District 17)

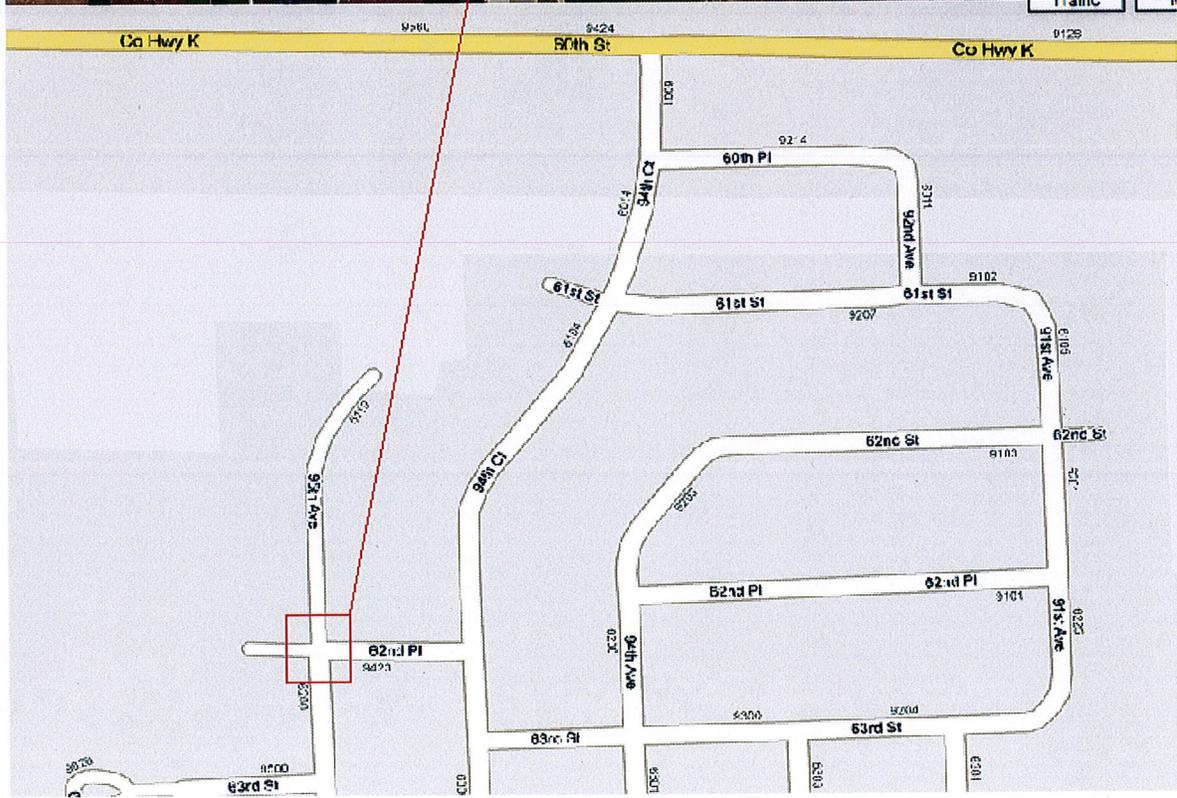
Alderman Bogdala has requested a traffic study be completed at the above intersection due to the perception that this intersection is confusing to those that are traveling through it. The current intersection has E/W Yield control on 62<sup>nd</sup> Place. Additionally, both the north Leg and the west leg of the intersection are dead end roadways.

A study was conducted at this intersection on Thursday, Nov. 18, 2010. The traffic count, as well as our field observations has concluded that the predominant movement at this intersection is an "L" movement where vehicles are either traveling WB to SB or NB to EB. (See attached map). Additionally, there is good sight distance at this intersection. During the time spent in the field, we did not observe anything unusual other than the normal hesitations that exist at Yield control intersections. An accident history obtained shows no accidents in the last 3 years.

At this time staff does not recommend making any changes to the signage at this intersection.

KKR:kk

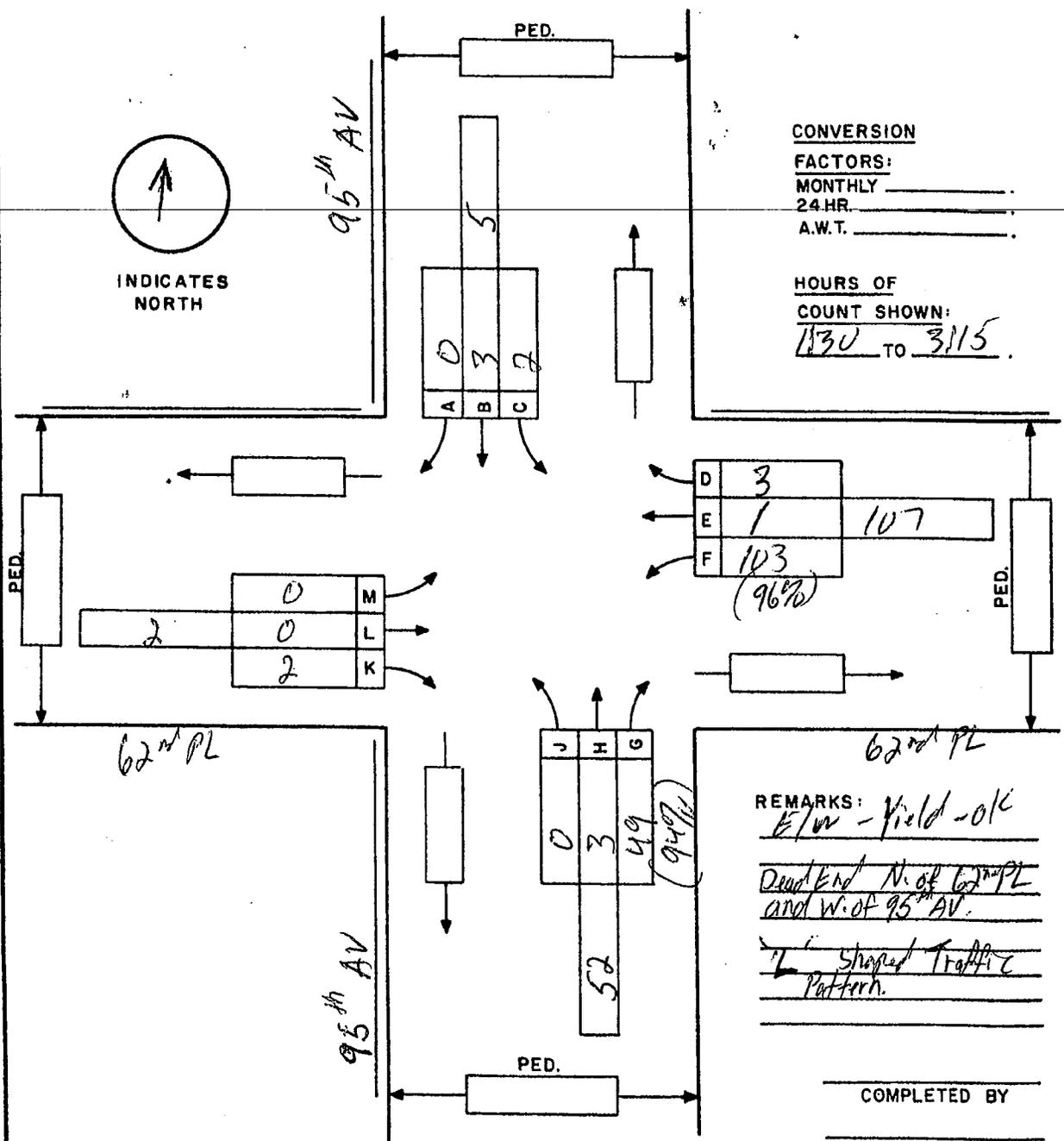
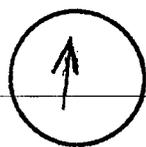
cc: Alderman David Bogdala – w/a  
Ronald L. Bursek, Director of Public Works– w/a  
Michael M. Lemens, Director of Engineering/City Engineer – w/a  
Randy LaClaire – w/a  
File – w/a



CITY OF KENOSHA

VEHICLE VOLUME COUNT  
GRAPHIC SUMMARY SHEET

INTERSECTION 95<sup>th</sup> AV AND 62<sup>nd</sup> PL  
 DATE 11/18, 14/19 DAY Thurs/Fri WEATHER OK TIME 1:30 TO 3:15 PM



**CONVERSION FACTORS:**  
 MONTHLY \_\_\_\_\_  
 24 HR. \_\_\_\_\_  
 A.W.T. \_\_\_\_\_

**HOURS OF COUNT SHOWN:**  
1:30 TO 3:15

D	3	
E	1	107
F	103	(96%)

0	M
0	L
2	K

J	H	G
0	3	49
		(94%)
		52

**REMARKS:**  
E/W - Yield - OK  
Dead End N. of 62<sup>nd</sup> PL  
and W. of 95<sup>th</sup> AV.  
L-shaped Traffic  
Pattern.

COMPLETED BY \_\_\_\_\_

CHECKED BY \_\_\_\_\_