



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Meeting Agenda - Final Public Safety and Licensing Committee

*Chairman Aron Wisneski
Vice Chairman Gregory Holding
Robert Mozol
Jim Kaplan
Melissa Kaprelian-Becker*

Monday, July 11, 2011

5:30 PM

City Hall, Room 205

Call To Order

Approval of Minutes for the June 27, 2011 Meeting.

[11-6646](#) **Subject:** (New) Application of EL Rodeo Mexican Restaurant, Maria Davalos, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1743 State Street. (8th District)

[11-6585](#) **Subject:** (New) Application of Quitze's Mexican Grill, Jesus Andres Badillo Tejeda, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 5748 Durand Avenue. (14th District)

Recommendation of the Public Safety and Licensing Committee on 6-27-11: That this item be deferred until someone could appear on this license request.

Fiscal Note: N/A

[11-6638](#) **Subject:** (Direct Referral) Request for the appearance of Jong Pong - El Corterreo regarding recent incidents at this establishment 1224-16th Street.

[11-6623](#) **Subject:** (Direct Referral) Communication from Ginger's, 345 Main Street for a Public Dance Hall and Soda License.

Recommendation of the Public Safety and Licensing Committee on 6-27-11: That the application for Ginger's, 345 Main Street for a Public Dance Hall and Soda License be deferred and the applicant be called in to appear at the Public Safety and Licensing Meeting on July 11, 2011.

Fiscal Note: N/A

[11-6535](#) **Subject:** (Direct Referral) The **renewal** application of Northside Spa for a Massage Establishment Permit for 1401 Douglas Avenue. (4th District)

Recommendation of the Public Safety and Licensing Committee on 06-13-11: That the **renewal** application of Northside Spa for a Massage Establishment Permit for 1401 Douglas Avenue be deferred.

Recommendation of the Public Safety and Licensing Committee on 6-27-11: That the **renewal** application of Northside Spa for a Massage Establishment Permit for 1401 Douglas Avenue be deferred and the current license be extended and additional information from the inspecting departments be brought to the Public Safety and Licensing Committee.

Fiscal Note: N/A

[11-6636](#) **Subject:** (Direct Referral) The application of Floyd & Sons, Inc. for a 2011-2012 Motor Vehicle Towing License. (**Renewal**)

[11-6645](#) **Subject:** (Direct Referral) Sale of Abandoned Vehicles 07-01-11

[11-6651](#) **Subject: (Direct Referral) Operator's (Bartender) Licenses for 7/11/2011.**

[11-6654](#) **Subject:** (Direct Referral) Reconsideration of nonrenewal application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2011-2012 due to statutory requirements.

Park 6 LLC 500 Sixth Street
(Tradename) Park 6
Thomas J. Holmes, Agent

11-6656 **Subject:** (Direct Referral) Reconsideration of nonrenewal application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2011-2012 due to statutory requirements.

O Keith Fair 509 Sixth Street,
(Tradename) The Place on 6th

[11-6657](#) **Subject:** (Direct Referral) Communication from Joey Legath concerning the length of time it takes to get a bartenders license and if the time can be shortened.

[Ord.5-11](#) Repeal and recreate Article 22, Sec. XXX. Stationary Engineer.

Resolved, that the repeal and recreation of Ch. 22, Sec. XXX. Stationary Engineer be approved.

Ordinance No. XX-11

To amend Article 22, repeal and recreate Sec. XXX of the Municipal Code of the city of Racine, Wisconsin relating to Stationary Engineers.

The Common Council of the City of Racine do ordain as follows:

Part 1:

Sec. XXX of the Municipal Code of the City of Racine is hereby **repealed** and recreated to read as follows:

"Sec. 22-1131. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ASME means the American Society of Mechanical Engineers' Boiler and Unfired Pressure Vessel Code.

ASOPE means the American Society of Power Engineers.

Automatically controlled boiler means a boiler equipped with the following safety devices:

- (1) In the case of a low pressure boiler other than a hot water boiler:
 - a. An automatic low water fuel cutoff installed in compliance with COMM 41.30 or ASME section HG-605.
 - b. A pressure combustion regulator installed in compliance with ASME section HG-604.
 - c. Electrical wiring, circuitry and controls, installed in compliance with ASME sections HG-631, HG-632 and HG-633 and including a manually operated remote heating plant shutdown switch or circuit breaker installed outside the boiler room.
 - d. Controls and heat generating apparatus installed in compliance with ASME section HG-640.
 - e. Pressure gauges installed in compliance with ASME section HG-601.
 - f. Water level indicators and water level controls installed in compliance with ASME section HG-603.

- (2) In the case of a hot water boiler:
- a. An automatic low water fuel cutoff installed in compliance with COMM 41.30 or in compliance with ASME section HG-614.
 - b. A temperature combustion regulator installed in compliance with ASME section HG-613.
 - c. Electrical wiring, circuitry and controls installed in compliance with ASME sections HG-631, HG-632 and HG-633, including a manually operated remote heating shutdown switch or circuit breaker installed outside the boiler room.
 - d. Controls and heat generating apparatus installed in compliance with ASME section HG-640.
 - e. Pressure or altitude gauges installed in compliance with ASME section HG-611.
 - f. Thermometers installed in compliance with ASME section HG-612.

- (3) In the case of a high pressure boiler:
- a. An automatic low water fuel cutoff installed in compliance with COMM 41.30 or in compliance with ASME section C6.301(b).
 - b. A pressure combustion regulator installed in compliance with ASME section C6.301(a).
 - c. Electrical wiring, circuitry and controls for the operation of the boiler or boilers installed in compliance with the state and city electrical codes.
 - d. An automatic fuel-trip device installed in compliance with ASME section C6.201(13), C6.201(14) or C6.201(15).
 - e. Pressure gauges installed in compliance with ASME section PG-60(f).
 - f. Water level indicators installed in compliance with ASME section PG-60(a).

Boiler means any device intended for use in heating water or other fluids, under pressure in order to generate steam or other vapors.

Boiler horsepower means a unit equivalent to a maximum fuel input of 40,000 Btu's per hour, or a maximum electrical input of ten kilowatts per hour.

COMM means the Wisconsin Administrative Code Rules of the Department of Commerce.

High pressure boiler means a boiler on which the safety valves are set at a pressure of more than 15 psig and that exceeds the dimensions of a miniature boiler.

Hot water heating boiler or *hydronic boiler* means a boiler in which no steam is generated from which hot water is circulated for heating purposes and then returned to the boiler and which operates at a pressure not exceeding 160 psig or a temperature of 250 degrees Fahrenheit at or near the boiler outlet.

Low pressure boiler means a boiler on which the safety valves are set at pressures not exceeding 15 psig.

Miniature boiler means a power boiler or high temperature water boiler which does not exceed any of the following limits:

- (1) Sixteen inches inside diameter of shell;
- (2) Twenty square feet of heating surface, except for electric boilers;
- (3) Five cubic feet gross volume exclusive of casing and insulation;
- (4) One hundred psig maximum allowable working pressure.

(Ord. No. 31-92, pt. 1, § 22.18.010, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04; Ord. No. 28-09, pt. 1, 2-2-10)

Cross references: Definitions generally, § 1-2.

Sec. 22-1132. Penalty for violation of article.

Upon conviction, any person found to be in violation of this article shall forfeit an amount as provided in section 1-15.

(Ord. No. 31-92, pt. 1, § 22.18.130, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04)

Sec. 22-1133. Smoke indicating devices required.

The stationary engineer shall ensure that the owner or operator of every power and heating plant, except those under ten horsepower which are not required to have a licensed operator, shall provide means whereby the stationary engineer may be able to know, without leaving the boiler or furnace room, whether or not prohibited smoke is issuing from the stack, so that possible necessary correction may be made at the time. Such means of observation shall be by either:

- (1) A window or other opening through which an unobstructed view of the top of the stack may be had from the boiler or furnace room;
- (2) A mirror so placed as to reflect the top of the stack and be visible from the boiler or furnace room; or
- (3) A smoke indicator, alarm or recorder, approved by the examining board of stationary engineers; if such boiler exceeds 50 horsepower but is less than 300 horsepower, such means of observation shall be either a smoke indicator or alarm if such boiler exceeds 300 horsepower, a recorder shall be used. For the

purpose of this section, 12 square feet of boiler heating surface shall be equivalent to one horsepower.

(Code 1973, § 11.21.010; Ord. No. 33-03, pt. 1, 1-20-04)

Secs. 22-1134--22-1145. Reserved.

DIVISION 2 RESERVED

***Cross references:** Administration, ch. 2.

Sec. 22-1146. RESERVED

(Ord. No. 31-92, pt. 1, § 22.18.030, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04; Ord. No. 28-05, pt. 1, 12-21-05; Ord. No. 28-09, pt. 2, 2-2-10)

Sec. 22-1147 RESERVED

(Ord. No. 31-92, pt. 1, § 22.18.040, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04)

Sec. 22-1148. RESERVED

(Ord. No. 31-92, pt. 1, § 22.18.120, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04)

Secs. 22-1149--22-1160. Reserved.

DIVISION 3. STATIONARY Engineers PERMIT TO OPERATE

Sec. 22-1161. Required.

No person shall operate, control, manage or commit to be operated any stationary boiler, engine or any portion of a steam plant or appliances connected therewith when working under pressure except those boilers exempt under COMM 41.18, and except as follows:

(1) An engineer or an assistant engineer with an appropriate valid Stationary Engineers permit to operate under this article who is in full-time attendance in the boiler room may operate a manually controlled boiler.

(2) An engineer or an assistant engineer holding an appropriate valid Stationary Engineers permit to operate under this article may operate an automatically controlled boiler provided that such person is periodically in attendance in the boiler room on at least a daily basis, except that for high pressure plants an engineer or assistant engineer shall be in constant attendance if any persons, other than boiler personnel, are present in the building in which the boiler is located.

(Ord. No. 31-92, pt. 1, § 22.18.020, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04)

Sec. 22-1162. Application.

A verified application for a permit to perform work as an engineer in the city shall be made on forms furnished by the city clerk

The applicant shall list education and work experience relating to the operation of boiler plants. Applications for stationary engineers permit to operate should contain the name of the engineer in charge of the plant where the applicant worked, whenever possible or include two signed professional work references verifying experience as a stationary engineer.

(Ord. No. 31-92, pt. 1, § 22.18.050, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04)

Sec. 22-1163. Qualifications; fees; temporary license.

(a) Application for a permit to operate under this chapter may be made by any person holding an American Society of Power Engineers (ASOPE) license. The city clerk shall determine applicants particular classification of permit based on the corresponding ASOPE classifications. The city's permit classifications shall correspond to the ASOPE classifications with the exceptions in paragraphs (b), (c) and (d) of this section

(b) No permit under this article shall be granted to an applicant unless such person has held the next inferior license and has been actively employed in duties thereunder for a period of one year. The permit shall be prominently displayed in a conspicuous place in the boiler room or power plant at the engineers place of employment.

(c) An applicant for a second class facility operations engineer's permit shall present evidence of successful completion of a stationary engineer's course at an accredited technical school or training program and shall present evidence of successful completion of the ASOPE second class facility operations engineer's exam.

(d) A third class facility operations engineers permit may be applied for by any person who meets all qualifications under subsection (b) of this section, if the first ten-week phase of the accredited course has been successfully completed and the ASOPE examination has been passed.

(Ord. No. 31-92, pt. 1, § 22.18.060, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04; Ord. No. 28-09, pt. 3, 2-2-10)

Sec. 22-1164. Classes of Stationary Engineer Permits to Operate

Six Stationary Engineer Permits to Operate classes are specified in this section. A permit shall authorize the holder to take charge of, operate and manage the equipment indicated, except that a holder of any class of permit may operate equipment one class in excess of such permit if such engineer is an assistant to an engineer holding the next superior permit

(1) *Chief power plant engineers permit:* Low pressure steam or hydronic plant of any size; a high pressure plant of any size and a steam motive power plant of any size.

(2) *First class power plant engineers permit* Low pressure steam or hydronic plant of any size; a high pressure plant not exceeding 1,500 BHP; and steam motive power plant not exceeding 7,500 HP.

(3) *Second class power plant engineers permit:* A low pressure steam or hydronic plant of any size; a high pressure plant not exceeding 500 BHP; a steam motive power plant not exceeding 2,500 HP.

(4) *Third class power plant operations engineers permit:* A low pressure steam or hydronic plant of any size; a high pressure plant not exceeding 300 HP; a steam motive power plant not exceeding 1,000 HP.

(5) *Second class facility operations engineer permit:* A low pressure steam plant or a hydronic plant of any size; a high pressure steam plant not exceeding 110 BHP or a steam motive power plant not exceeding 500 BHP.

(6) *Third class facility operations engineer permit:* A low pressure steam or hydronic plant not exceeding 150 BHP; a high pressure steam plant not exceeding 25 BHP.

The city's permit classifications shall correspond to the following NIULPE or ASOPE classifications:

TABLE INSET:

Racine Stationary Engineers Permit	ASOPE License
Third Class Facility Operations Engineers Permit	Facility Operating Engineer Third Class
Second Class Facility Operations Engineers Permit	Facility Operating Engineer Second Class
Third Class Power Plant Operations Engineers Permit	Power Plant Operating Engineer Third Class
	or
Second Class Power Engineers Permit	Facility Operating Engineer First Class
	Power Plant Operating Engineer Second Class
First Class Power Plant Engineers Permit	Power Plant Operating Engineer First Class

panel of no more than 3 persons who hold an ASOPE Chief Power Plant Engineer or higher license. Which hearing shall be held within 30 days following such petition. At the hearing, testimony shall be given under oath and the city clerk's witnesses and the engineers witnesses shall testify under oath subject to cross-examination. The panel shall make findings and conclusions in writing and provide them to the city clerk for action within five business days following such hearing. The city clerk shall notify the engineer of said findings within 5 business days of receipt of the finding and conclusions.

(Ord. No. 31-92, pt. 1, § 22.18.110, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04)

Secs. 22-1169--22-1190. Reserved.”

Part 2: This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Aron Wisneski

10-5064

Subject: Ord. 6-10

To repeal and recreate Chapter 2, Article VII., Code of Ethics, of the Municipal Code of the City of Racine, Wisconsin relating to Administration.

Recommendation of the Public Safety & Licensing Committee on 4-26-10: That ordinance 6-10 be deferred.

Recommendation of the Board of Ethics on 4-14-11: That the Ordinance which was submitted April 2010 be approved.

Recommendation of the Public Safety & Licensing Committee on 5-9-11: That ordinance 6-10 be deferred for four weeks and the

committees suggested changes be made by the City Attorney and brought back to committee on June 13, 2011.

Recommendation of the Public Safety and Licensing Committee on 6-27-11: That Ordinance 6-10 be approved as amended.

Fiscal Note: N/A

[11-6653](#)

Subject: (Direct Referral) License Premise Report and DRC Reports for the 7-11-2011 Meeting.

Adjournment

If you are disabled and have accessibility needs or need information interpreted for you, please contact City of Racine Clerk's Office 262-636-9171 at least 48 hours prior to this meeting.