



City of Racine

Meeting Agenda - Final

Public Safety and Licensing Committee

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

*Chairman Q.A. Shakoor, II, Vice Chair Gregory Holding
Alderman David L. Maack, Alderman Jim Kaplan, Alderman Robert Mozol*

Monday, June 25, 2007

5:00 PM

City Hall, Room 205

Call To Order

Approval of Minutes for the June 11, 2007 Meeting.

PUBLIC COMMENT

07-0614

Subject: Request of the Director of Parks, Recreation & Cultural Services to meet with the Public Safety & Licensing Committee for permission to enter into an agreement with Ken Saiki Design Inc. to prepare specifications for the Monument Square enhancements.

Recommendation of Public Safety and Licensing Committee of 5-21-07: That the item be deferred until the June 11, 2007 meeting.

Recommendation of Public Safety and Licensing Committee of 6-11-07: That the item be deferred until the June 25, 2007 meeting.

07-0792

Subject: Direct Referral, Bids for Contract 42-07 (K7-050) Masonry and Wall Repair at Mound and Graceland Cemeteries (R1)

07-0775

Subject: (New) Application of Better Day BP TTDH, Inc., Constantin Tousis, Agent for a Class "A" Retail Fermented Malt Beverage License and Gasoline Station Owner/Managers license for 2100 Douglas Avenue. (5th District)

07-0765

Subject: (New) Application of Taylor Mart, Harinder Kaur, Agent for a Class "A" Retail Fermented Malt Beverage for 1813 Taylor Avenue. (3rd District)

07-0755

Subject: (Change of Agent) Application of Aldi's Inc., 3110 Douglas Avenue, Lorelei Rasch, Agent, for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3110 Douglas Avenue. (7th District)

[07-0803](#)

Subject: (Change of Agent) Application of Sam's Club, Inc. 6200 Regency West Drive, Dana Topple, Agent, for a "Class A" Retail Fermented Malt Beverage License.

Recommendation of the Public Safety & Licensing Committee of

6-11-07: The Change of Agent for Sam's East, Inc., 6200 Regency West Drive be deferred until the June 25, 2007 meeting as the agent did not appear.

[07-0618](#)

Subject: Communication from Wayne Clingman wishing to discuss the renewal of the liquor license at Neighborhood Pantry, 1511 West Sixth St.

Recommendation of Public Safety and Licensing Committee of

5-21-07: That the neighbors and the business owner meet with the Sustainable Neighborhood Listening Committee on May 31, 2007, and come up with a resolution to the problems and the police department provide a 12 month history report and bring back before the committee at the next meeting.

Recommendation of Public Safety and Licensing Committee of

6-11-07: That the item be deferred until June 25, 2007 and the police department be prepared to provide the committee with a 12 month history report of the establishment.

[07-0694](#)

Subject: Request of the Committee for the appearance of Avarice Enterprises, LLC, Zachary Morrow, Agent for 1300 Michigan Boulevard, for an incident that occurred on April 7, 2007.

Recommendation of Public Safety and Licensing Committee of

6-11-07: The item be deferred until June 25, 2007, and Mr. Zachary Morrow, Agent be requested to appear.

[07-0800](#)

Subject: (Direct Referral) Request of the Committee for the appearance of Rose B. McIntosh, regarding her application for an Operator's (Bartender's) License.

[07-0801](#)

Subject: (Direct Referral) Request of the Committee for the appearance of Michael W. Braun, regarding his application for an Operator's License.

[07-0802](#)

Subject: (Direct Referral) Request of the Committee for the appearance of Naimishkukmar J. Joshi, regarding his application for an Operator's (Bartender's) License.

[07-0823](#)

Subject: (DIRECT REFERRAL) The following renewal application(s) for a "Class B" Fermented Malt Beverage & Intoxicating Liquor License for

2007-2008:

Chef Lory, LLC 600 Sixth Street
Joan L. Stepanski, Agent

Lush Life, Inc. 550 State Street
Jeannie Dillion, Agent

[07-0764](#) **Subject:** (Direct Referral) Renewal applications for Massage Establishments for 2007-2008.

Rejuvenations 215 6th Street
Northside Spa 1401 Douglas Avenue

[07-0781](#) **Subject: (Renewal)**The application of Anything Goes Limousine, for a Public Passenger Vehicle Operator's Business License.

[07-0745](#) **Subject:** (Direct Referral) **(Renewal)** Application of Floyd & Sons, Inc., Floyd Leonard, Jr., for a Motor Vehicle Towing License, 1525 Durand Avenue.

[07-0796](#) **Subject:** (Direct Referral) **(Renewal)** Application of Jensen & Jensen, Inc., for a Motor Vehicle Towing License, 2625 N. Greenbay Road.

[07-0799](#) **Subject:** (Direct Referral) **(Renewal)** Application of Beres Towing and Repairs LLC., Jean C. Beres, for a Motor Vehicle Towing License, 1960 State Street.

[Ord.11-07](#) Ordinance No. 11-07

To create Sec. 6-195 of the Municipal Code of the City of Racine, Wisconsin relating to Security cameras.

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

Part 1:

Section 6-195 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Sec. 6-195. Security cameras.

1. Applicability.

The provisions of this section shall apply to every alcohol beverage establishment licensed pursuant to ch. 6, except for the following:

- a. Bona fide clubs, organized labor unions, county or local fair associations, or agricultural societies, churches, lodges or societies that have been in existence for not less than 6 months prior to the date of application, or to posts established by veterans' organizations.
- b. Charitable, eleemosynary, educational or religious organizations.
- c. Convenience food stores as defined in s. 6-36.
- d. Class "C" fermented malt beverage wholesaler as defined in s. 6-52(4).

2. Regulations.

- a. Every licensee of an establishment referenced in sub. 1, shall install, maintain in proper working order and operate during all hours the premises is open to customers, security cameras which can produce reproducible digital color images.
- b. If a time-lapse digital video recorder is operated, recorded images shall not be recorded at a slower rate than 24 hours.
- c. Recorded digital image files shall be kept for a minimum of 7 days and made available upon request to the police department and other law enforcement agencies.

3. Location.

Cameras shall be placed at the exterior of the establishment so as to provide a clear full frame view of the activities occurring on the premises parking lot and in areas of the premises bordered by a city street. Additionally, cameras shall be placed at locations within the establishment that afford a panoramic, full frame view in order to accurately capture activities occurring within the entire licensed premises, with the exception of storage areas."

Part 2:

This ordinance shall take effect 6 months from the date of passage and publication.

Passed by the Common Council

Approved: _____

Mayor

Attest:

City Clerk

**Recommendation of Public Safety and Licensing Committee of
5-21-07:** That the item be deferred.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor II and David L. Maack

Ord.12-07

Ordinance No. 12-07

To amend Chapter 5 of the Municipal Code of the City of Racine, Wisconsin relating to Hours of Operation of Convenience Stores and Gas Station/Auto Repair Facilities.

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

Part 1:

Chapter 5, Section 5-8 of the Municipal Code of the City of Racine is hereby amended by amending the section to read as follows:

"Section 5-8. Hours of Operation.

(1) No holder of a license for a gas station/auto repair facility, whether operated in connection with retailing of edible or non-edible commodities, or both, shall sell or deliver any goods, wares, merchandise and personal property of any kind and nature to the ultimate consumer or the taking of an order therein for delivery therein of any goods, wares, merchandise and personal property of every kind and nature including any edible or non-edible commodities, including any sale or delivery for off-premises consumption, between the hours of midnight of any day of the week and 4:00 a.m. of the following day, anywhere in the City of Racine. If any provision of Chapter 22 or the Zoning Code, is more stringent as to hours of operation of businesses that are subject to this section, then Chapter 22 or the Zoning Code provision shall be given effect. Gas stations may keep one or more pumps open that can be operated by credit card when such stations are closed."

Part 2:

This ordinance shall become effective 60 days after its date of passage by the City Council and approval by the Mayor.

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: David L. Maack, Jeff Coe and Ronald D. Hart

Ord.14-07 Ordinance No. 14-07

To amend Sec. 6-4(a) and (b) and to create Sec. 6-4(e) of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic beverages; Prohibited sale, possession or consumption of alcohol beverages in certain public places.

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

Part 1:

Sections 6-4 (a) and (b) of the Municipal Code of the City of Racine is hereby amended by adding at the end of each section the following phrase: "and as authorized in subd. (e)."

Part 2:

Section 6-4(e) of the Municipal Code of the City of Racine is hereby created to read as follows:

"(e) Public events for which a permit has been issued under s. 82-44 to barricade and occupy the public right-of-way are exempt from this section."

Part 3:

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: Q.A. Shakoor II

Ord.15-07 Ordinance No. 15-07

To create Sections 82-44, 82-45 and 82-46 of the Municipal Code of the City of Racine, Wisconsin relating to Streets, sidewalks and certain other public places - Street festivals; Application for permit; Street closing.

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

Part 1:

Sections 82-44, 82-45 and 82-46 of the Municipal Code of the City of Racine are hereby created to read as follows:

"Sec. 82-44 Street Festivals

Street festival means a public event sponsored by one or more individuals, businesses, or organizations held within a city street right-of-way or other public thoroughfare that has been temporarily closed for the occasion. Block parties, as defined in sec. 82-61 of this code, are not street festivals.

Sec. 82-45 Application for Permit

(a) An application for a street festival permit shall specify and include the following:

- (1) The time and date during which the street will be closed.
- (2) The exact portion of the street(s) to be closed.
- (3) The full name and address of the sponsor(s) of the street festival; if any such sponsor is a partnership, the full names and addresses of each partner; and if any such sponsor is a corporation or limited liability company, the full name and address of each director of said corporation or company.
- (4) A list of all hawkers, peddlers, businesses and organizations who have obtained permission from the respective festival organization to sell goods within the barricaded area of the street festival.
- (5) A statement as to whether alcohol will be served, sold, or given away during the street festival.
- (6) A statement as to whether alcohol will be permitted in the closed right-of-way.
- (7) If any alcoholic beverages are to be served, sold, or given away during the festival, the following shall also be included:
 - (A) The name and address of the licensed agent for the sale of alcohol beverages.
 - (B) A specific plan indicating where alcohol will be served, where patrons will be permitted to carry the beverages, and how underage persons will be prevented from obtaining such beverages illegally.
 - (C) Evidence that the sponsor of the street festival has the proper licenses and permits to serve alcohol, and has obtained the proper documentation (such as a temporary change of premises) to allow them to serve, sell, or give away

alcoholic beverages in the right-of-way.

(8) A description of the steps that will be taken to ensure the safety of all concerned.

(9) Evidence that the sponsor has obtained liability insurance in the amount of at least \$1,000,000 per individual and \$1,000,000 per incident or occurrence and has named the City of Racine as an additional insured.

(10) A statement that: "The sponsor agrees to indemnify and hold harmless the city its officers, common council, commissions, employees and agents from and against all liabilities, claims, demands, judgments, losses and all suits at law or in equity, costs and expenses including reasonable attorney fees, for injury or death of any person or loss or damage to the property of any person, firm, organization or corporation, including both parties thereto and their employees, agents, or volunteers arising as a consequence of granting the permit for such special event." No permit may be issued unless the applicant agrees to the terms of this statement on the written application.

(11) Payment of the Special Event fee as determined by the Commissioner of Public Works under Sec. 2-531(d)(3).

(12) Any other rules promulgated by the common council.

(a) If any person who resides or does business in the blocked-off portion of the street objects to such closing, such objection shall be taken into consideration by the common council prior to the approval/disapproval of the street festival permit.

Sec. 82-46 Street Closing

(a) Upon application for a street festival permit, the chief of police may grant a permit to close a definite and limited portion of a city street. No such permit shall be granted when such closure will, will be likely or will tend to cause unreasonable traffic congestion; result in a disturbance of the peace; or endanger the public health, welfare and safety.

(b) The sponsor shall pay a Street Closing fee as determined by the Commissioner of Public Works pursuant to Sec. 2-531(d)(1)."

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: Q.A. Shakoor II

Ord.16-07

Ordinance No. 16-07

To create Article VII of the Municipal Code of the City of Racine, Wisconsin Relating to Regulation of the Sale, Application and Use of Fertilizers.

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

Part 1:

Article VII of the Municipal Code of the City of Racine is hereby created to read as follows:

“Article VII. Regulation of the Sale, Application and Use of Fertilizers.

Sec. 42-201. 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:

Distribute has the meaning specified under sec. 94.64(1)(d), Wis. Stats.

Fertilizer has the meaning specified under sec. 94.64(1)(c), Wis. Stats.

Impervious surface means a highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

Lawn and turf fertilizer has the meaning specified under sec. 94.64(1)(e), Wis. Stats., except the manufacturer has designated the produce to be used for the promotion of lawn and turf growth.

Sec. 42-202. Purpose.

The Common Council finds that the Racine rivers and lakes are natural assets which

enhance the environmental, recreational, cultural and economic resources of the Racine area and contribute to the general health and welfare of the public. The Common Council further finds that Racine river and lake water quality may be maintained and improved if the city is able to regulate the amount of nutrients and contaminants including phosphorus contained in fertilizer entering the Racine rivers and lakes as a result of runoff from lawns and turf. The purpose of this ordinance is to set forth regulations which will enable the city to protect its water resources for the health, safety, and welfare of the public without detracting from the natural beauty of homeowners' lawns and gardens.

Sec. 42-203. Application.

(a) It shall be unlawful for any person to apply within the city any lawn and turf fertilizer, liquid or granular, that contains more than a trace of phosphorus or other compound containing phosphorus, such as phosphate.

(b) It shall be unlawful for any person to apply or deposit any fertilizer on an impervious surface. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or any other lawful site, or returned to the original or other appropriate container.

Sec. 42-204. Time of application.

It shall be unlawful for a person to apply lawn and turf fertilizer when the ground is frozen or when conditions exist which promote or create runoff.

Sec. 42-205. Display and Distribution.

It shall be unlawful for any person to display or distribute for retail sale lawn and turf fertilizer containing more than a trace of phosphorus. This prohibition shall apply to the fertilizer content of a product that combines fertilizer with a pesticide. Signs may be posted advising customers that lawn and turf fertilizer containing phosphorus is available upon request for uses permitted by sec. 42-206(a). A sign containing the regulations set forth in this section and the effects of phosphorus on Racine's waters must be prominently displayed where lawn and turf fertilizers are sold.

Sec. 42-206. Exceptions.

(a) Sec. 42-203(a) shall not apply when:

1. A tissue, soil or other test by UW-Extension Laboratory or another state-certified soil-testing laboratory and performed within the last three years indicates that the

levels of available phosphorus in the soil is insufficient to support healthy turf growth, as determined by the University of Wisconsin Extension Service, provided that the proposed lawn and turf fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation;

2. The property owner or an agent of the property owner is first establishing or re-establishing turf via seed or sod procedures, and only during the first growing season.

(b) Any person who applies a lawn and turf fertilizer containing phosphorus pursuant to the aforementioned exceptions shall, consistent with the product label instructions, water such lawn and turf fertilizer into the soil where it is immobilized and generally protected from loss by runoff.

(c) Sec. 42-205 regarding the prohibition of the distribution of lawn and turf fertilizer containing phosphorus shall not apply when the customer states:

1. A tissue, soil or other test by UW-Extension Laboratory or another state-certified soil-testing laboratory and performed within the last three years indicates that the levels of available phosphorus in the soil is insufficient to support healthy turf growth, as determined by the University of Wisconsin Extension Service;

2. The property owner or an agent of the property owner is first establishing or re-establishing turf via seed or sod procedures and only during the first growing season.

Sec. 42-207. Severability.

Any provision of this section which shall prove to be invalid, void, or illegal shall in no way affect, impair, or invalidate any other provision hereof and the remaining provisions hereof shall nevertheless remain in full force and effect.

Sec. 42-208. Penalty.

Any person who violates this ordinance shall pay a forfeiture of not less than \$25.00 nor more than \$300.00 for each offense.”

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: Pete Karas

07-0804

Subject: (Direct Referral) Applications for Operator's (Bartender's)
Licenses for 2007-2009.

Miscellaneous Business

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