

City of Racine

Room 103, City Hall



Meeting Minutes

Wednesday, January 31, 2007

4:15 PM

Room 103, City Hall

City Plan Commission

*Mayor Gary Becker, Alderman Gregory Holding
John Dickert, Elaine Sutton Ekes
Vincent Esqueda, Jud Wyant*

Mayor Becker called the meeting to order at 4:15 p.m.

PRESENT: 5 - Gary Becker, John Dickert, Elaine Sutton Ekes, Vincent Esqueda and Gregory Holding

EXCUSED: 1 - Jud Wyant

*OTHERS PRESENT: Matthew G. Sadowski, City Planner
James Luellhoff, Associate Planner
Alderman Robert L. Anderson
Alderman Jim Kaplan
Alderman James T. Spangenberg
Mary Whitman, Landmarks Commission Chairperson
Vivian Merlo, Preservation Racine President*

Approval of Minutes for the January 10, 2007 Meeting

A motion was made by Vincent Esqueda, seconded by Elaine Sutton Ekes, to Approve the Minutes, as distributed. The motion PASSED by a Voice Vote.

07-0090

Subject: (Direct Referral) Request by Nielsen, Madsen & Barber, S.C., representing Richard G. Jensen, seeking approval of a four-lot CSM at 1518 Layard Avenue.

Recommendation of the City Plan Commission on January 31, 2007:

Approved.

City Planner Sadowski explained the history behind the CSM, and stated that it had been reviewed by the appropriated departments. Their comments and corrections are incorporated into the survey.

A motion was made by Alderman Gregory Holding, seconded by Vincent Esqueda, that this file be Approved. The motion PASSED by a Voice Vote.

Ord.01-07

Ordinance No. 1-07

Alderman Holding

To repeal and recreate Article XXV. Pawnbrokers and Secondhand Dealers, to create Secs. 22-900 - 22-919, Pawnbroker Licenses, and amend Sec. 114-468, Conditional Uses, of the Municipal Code of the City of Racine, Wisconsin.

Part 1:

Article XXV, Pawnbrokers and Secondhand Dealers of the Municipal Code of the City of Racine is hereby recreated to read as follows:

“ARTICLE XXV. SECONDHAND DEALERS

*State law references: Pawnbrokers and secondhand goods dealers, Wis. Stats. § 134.71.

Sec. 22-891. Statutory definitions adopted.

All definitions listed in Wis. Stats. § 134.71 are hereby adopted by reference and

incorporated in this article as though fully set out in this section.

Sec. 22-892. License--Required.

(a) No person may operate as a secondhand dealer unless the person first obtains a secondhand dealer's license under this article, provided that such license is not required for a person who operates as a secondhand article dealer only on premises or land owned by a person having a secondhand dealer mall or flea market license under section 22-894.

(b) No person may operate as a secondhand jewelry dealer unless the person first obtains a secondhand jewelry dealer's license under this article.

Sec. 22-893. Same--Application; investigation of applicant.

(a) Application for a license as a secondhand article dealer or secondhand jewelry dealer shall be made to the city clerk. The city clerk shall furnish application forms which shall require that information specified by Wis. Stats. § 134.71(5).

(b) Within ten days after receipt of an application for a license under this article, the city clerk shall forward a copy of the application to the chief of police, who shall cause an investigation of each applicant for such license to be made to determine whether the applicant has been convicted within the preceding ten years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of the activity proposed to be licensed and, if so, the nature and date of the offense and the penalty assessed. The chief of police shall furnish the information derived from the investigation in writing to the city clerk within five days from completion of the investigation.

Sec. 22-894. Same--Issuance; transfer; term.

(a) Following receipt of all appropriate information required in the application for a license under this article, the city clerk shall forward the application to the common council, which shall grant the license if all of the following apply:

(1) The applicant, including an individual, a partner or an officer, director or agent of any corporate applicant, has not been convicted within the preceding ten years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of being a secondhand jewelry dealer, secondhand article dealer or secondhand article dealer mall or flea market owner.

(b) No license issued under this article may be transferred.

(c) Each license for a secondhand article dealer or secondhand jewelry dealer

is valid from January 1 until the following December 31.

(d) Each license for a secondhand article dealer mall or flea market is valid for up to two years, and shall expire on April 30 of the next odd-numbered year.

Sec. 22-895. Secondhand dealer requirements.

(a) *Identification.* No secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer without first securing adequate identification from the customer. At the time of the transaction, the secondhand article dealer or secondhand jewelry dealer shall require the customer to present one of the following types of identification:

- (1) A county identification card.
- (2) A state identification card.
- (3) A valid Wisconsin motor vehicle operator's license.
- (4) A valid motor vehicle operator's license, containing a picture, issued by another state.
- (5) A military identification card.
- (6) A valid passport.
- (7) An alien registration card.
- (8) A senior citizen's identification card containing a photograph.
- (9) Any identification document issued by a state or federal government, whether or not containing a picture, if the secondhand article dealer or secondhand jewelry dealer obtains a clear imprint of the customer's right index finger.

(b) *Transactions with minors.*

(1) Except as provided in subsection (b)(2) of this section, no secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from any minor.

(2) A secondhand article dealer or secondhand jewelry dealer may engage in a transaction described under subsection (b)(1) of this section if the minor is accompanied by his parent or guardian at the time of the transaction or if the minor provides the secondhand article dealer or secondhand jewelry dealer with the parent's or guardian's written consent to engage in the particular transaction.

(c) *Records.*

(1) Except as provided in subsection (c)(2) of this section, for each transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer, a secondhand article dealer or secondhand jewelry dealer shall require the customer to complete and sign, in ink, the appropriate form provided by the city. No entry on such form may be erased, mutilated or changed. The secondhand article dealer or secondhand jewelry dealer shall

retain an original and a duplicate of each form for not less than one year after the date of the transaction, except as provided in subsection (e) of this section, and during that period shall make the duplicate available to any law enforcement officer for inspection at any reasonable time.

(2) For every secondhand article purchased, received or exchanged by a secondhand article dealer from a customer off the secondhand article dealer's premises or consigned to the secondhand article dealer for sale on the secondhand article dealer's premises, the secondhand article dealer shall keep a written inventory. In this inventory the secondhand article dealer shall record the name and address of each customer, the date, time and place of the transaction and a detailed description of the article which is the subject of the transaction. The customer shall sign his name on a declaration of ownership of the secondhand article identified in the inventory and shall state that he owns the secondhand article. The secondhand article dealer shall retain an original and a duplicate of each entry and declaration of ownership relating to the purchase, receipt or exchange of any secondhand article for not less than one year after the date of the transaction, except as provided in subsection (e) of this section, and shall make duplicates of the inventory and declarations of ownerships available to any law enforcement officer for inspection at any reasonable time.

(d) *Holding period.*

(1) Except as provided in subsection (d)(5) of this section, any secondhand article or secondhand jewelry purchased or received by the secondhand dealer shall be kept on the secondhand dealer's premises or other place for safekeeping for not less than 30 days after the date of purchase or receipt, unless the person known by the secondhand dealer to be the lawful owner of the secondhand article or secondhand jewelry recovers it.

(2) Except as provided in subsection (d)(5) of this section, any secondhand article purchased or received by a secondhand article dealer shall be kept on the secondhand article dealer's premises or other place for safekeeping for not less than ten days after the date of purchase or receipt.

(3) Except as provided in subsection (d)(5) of this section, any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the secondhand jewelry dealer's premises or other place for safekeeping for not less than 15 days after the date of purchase or receipt.

(4) During the period specified in subsection (d)(1), (d)(2) or (d)(3) of this section, the secondhand article or secondhand jewelry shall be held separate and apart and may not be altered in any manner. The secondhand article dealer or secondhand jewelry dealer shall permit any law enforcement officer to inspect the secondhand article or secondhand jewelry during this period. Within 24 hours after a written request of a law enforcement officer during this period, a secondhand article dealer or secondhand jewelry dealer shall make available for inspection any secondhand article or secondhand jewelry which is kept off the premises for safekeeping. Any law enforcement officer who has reason to

believe any secondhand article or secondhand jewelry was not sold or exchanged by the lawful owner may direct a secondhand article dealer or secondhand jewelry dealer to hold that secondhand article or secondhand jewelry for such reasonable length of time as the law enforcement officer considers necessary to identify it.

(5) Subsections (d)(1) to (d)(4) of this section do not apply to any of the following:

a. A coin of the United States, any gold or silver coin or gold or silver bullion.

b. A secondhand article or secondhand jewelry consigned to a secondhand article dealer or secondhand jewelry dealer.

(e) *Report to law enforcement agency.* Within 24 hours after purchasing or receiving a secondhand article or secondhand jewelry, a secondhand article dealer or secondhand jewelry dealer shall make available, for inspection by a law enforcement officer, the original form completed under subsection (c)(1) of this section or the inventory under subsection (c)(2) of this section, whichever is appropriate. Notwithstanding Wis. Stats. § 19.35(1), a law enforcement agency receiving the original form or inventory or a declaration of ownership may disclose it only to another law enforcement agency.

(f) *Exception for customer return or exchange.* Nothing in this section applies to the return or exchange, from a customer to a secondhand article dealer or secondhand jewelry dealer, of any secondhand article or secondhand jewelry purchased from the secondhand article dealer or secondhand jewelry dealer.

Sec. 22-896. Secondhand article dealer mall or flea market.

(a) The owner of any premises or land upon which two or more persons operate as secondhand article dealers may obtain a secondhand article dealer mall or flea market license for the premises or land if the following conditions are met:

(1) Each secondhand article dealer occupies a separate sales location and identifies himself to the public as a separate secondhand article dealer.

(2) The secondhand article dealer mall or flea market is operated under one name and at one address, and is under the control of the secondhand article dealer mall or flea market license holder, and is zoned appropriately.

(3) All sales are completed at a central location under the control of the secondhand article dealer mall or flea market license holder, who maintains a record of all sales.

(b) The secondhand article dealer license holder and each secondhand article dealer operating upon the premises or land licensed under this section shall comply with section 22-895.

Sec. 22-897. License revocation.

The common council may revoke any license issued by it under this article for fraud, misrepresentation or false statement contained in the application for a license or for any violation of this article or of Wis. Stats. § 943.34, 948.62 or 948.63.

Sec. 22-898. License fees.

The license fees under this article shall be as established by the common council, and shall be paid by the applicant upon submittal of the application for such license to the city clerk:

- (1) Secondhand article dealer's license;
- (2) Secondhand jewelry dealer's license;
- (3) Secondhand article dealer mall or flea market license.

Sec. 22-899. Penalty for violation of article.

(a) Upon conviction for a first offense under this article, a person shall forfeit not less than \$50.00 nor more than \$1,000.00. Upon conviction for a second or subsequent offense under this article, a person shall forfeit not less than \$500.00 nor more than \$2,000.00.

(b) Each violation of this article and each day a violation continues or occurs shall constitute a separate offense. The monetary penalties prescribed by this section shall not preclude the denial or revocation of a license required under this article to do business.”

Part 2:

To create Sections 22-900 through 22-919 of the Municipal Code of the City of Racine.

“PAWNBROKERS LICENSES

Sec. 22-900. Purpose.

The city council finds that use of services provided by pawnbrokers provides an opportunity for the commission of crimes and their concealment because pawn businesses have the ability to receive and transfer property stolen by others easily and quickly. The city council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. The purpose of this chapter is to prevent pawn businesses from being used as facilities for the commission of crimes, and to assure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the city.

To help the police department better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the

pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this chapter also implements and establishes the required use of the automated pawn system (APS).

Sec. 22-901. 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:

Article means any item of value.

Billable transaction means very reportable transaction conducted by a pawnbroker except renewals, redemptions or extensions of existing pawns on items previously reported and continuously in the licensee's possession, voided transactions, and confiscations.

Charitable organization means a corporation, trust, or community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

Customer means a person with whom a pawnbroker, or an agent thereof, engages in a transaction of purchase, sale, receipt, or exchange of any secondhand article.

Pawnbroker means any person who engages in the business of lending money on the deposit or pledge of any article or purchasing any article with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price. To the extent that a pawnbroker's business includes buying personal property previously used, rented, leased, or selling it on consignment, the provisions of this chapter shall be applicable. A person is not acting as a pawnbroker when engaging in any of the following:

(1) Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem, or antique show, or a convention.

(2) Any transaction entered into by a person engaged in the business of junk collector, junk dealer, or scrap processor, as described in s. 70.995(2)(x), Wis. Stats.

(3) Any transaction while operating as a charitable organization or conducting a sale, the proceeds of which are donated to a charitable organization.

(4) Any transaction between a buyer of a new article and the person who sold the article when new that involves any of the following:

a. The return of the article.

b. The exchange of the article for a different, new article.

(5) Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.

(6) Any transaction as a seller of a secondhand article that the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

Reportable transaction means every transaction conducted by a pawnbroker in which an article or articles are received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided, or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, or an item is confiscated by law enforcement, is reportable except:

(1) The bulk purchase or consignment of new or used articles from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the pawnbroker must maintain a record of such purchase or consignment that describes each item, and must mark each item in a manner that relates it to that transaction record.

(2) Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

Secondhand means owned by any person, except a wholesaler, retailer, or licensed secondhand article dealer immediately before the transaction at hand.

License required. No person may operate as a pawnbroker in the city unless the person first obtains a pawnbroker license under his chapter.

Display of license. Each license issued under this chapter shall be displayed in a conspicuous place visible to anyone entering a licensed premise.

Sec. 22-902. License fees.

(a) The annual license fees for licenses issued under this chapter shall be \$210.00.

(b) The billable transaction license fee of \$1.00 reflects the cost of processing transactions and other related regulatory expenses as determined by the city council, and shall be reviewed and adjusted, if necessary, annually. Licensees shall be notified in writing thirty (30) days before any adjustment is implemented.

(c) Billable transaction fees shall be billed monthly and are due and payable within thirty (30) days. Failure to do so is a violation of this chapter.

Sec. 22-903. License application.

A person wishing to operate as a pawnbroker shall apply for a license to the city clerk. The clerk shall furnish application forms approved by the police department that shall require all of the following:

- (a) The applicant's name, place and date of birth, residence address, and residence addresses for the 10-year period prior to the date of the application.
- (b) The name and address of the business and of the owner of the business premises.
- (c) Whether the applicant is a natural person, corporation, limited liability company, or partnership, and:
 - (1) If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.
 - (2) If the applicant is a partnership, the names and addresses of all partners.
 - (3) If the applicant is a limited liability company, the names and addresses of all members.
 - (4) The name of the manager or proprietor of the business.
 - (5) Any other information that the clerk may reasonably require.
- (d) A statement as to whether the applicant, including an individual, agent, officer, director, member, partner, manager, or proprietor, has been convicted of any crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.
- (e) Whether the applicant or any other person listed in subsection d. above has ever used or been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.
- (f) Whether the applicant or any other person listed in subsection d. above has previously been denied or had revoked or suspended a pawnbroker license from any other governmental unit. If so, the applicant must furnish information as to the date, location, and reason for the action.
- (g) New manager. When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate application within fourteen (14) days. The application must include all appropriate information required in this section.

Sec. 22-904. Investigation of license applicant.

The police department shall investigate each applicant and any other person listed in subsection c. or g. above for a pawnbroker license. The department shall furnish the information derived from that investigation in writing to the city clerk. The investigation shall include each agent, officer, member, partner, manager, or proprietor.

Sec. 22-905. License issuance.

- (a) The city council shall grant the license if all of the following apply:
- (1) The applicant, including an individual, a partner, a member of a limited liability company, a manager, a proprietor, or an officer, director, or agent of any corporate applicant, does not have an arrest or conviction record, subject to ss. 11.321, 111.322 and 111.335 of the Wisconsin statutes.
 - (2) The applicant provides to the city clerk a bond of \$2,500 with not less than 2 sureties for the observation of all municipal ordinances or state or federal laws relating to pawnbrokers. The bond must be in full force and effect at all times during the term of the license.
- (b) No license issued under this subsection may be transferred.
- (c) Each license is valid from January 1 until the following December 31.

Sec. 22-906. Records required.

- (a) At the time of any reportable transaction other than renewals, extensions, redemptions or confiscations, every licensee must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the police department.
- (1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
 - (2) The purchase price, amount of money loaned upon, or pledged therefor.
 - (3) The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.
 - (4) Date, time and place the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records.
 - (5) Full name, current residence address, current residence telephone number, date of birth and accurate description of the person from whom the item of the property was received, including: sex, height, weight, race, color of eyes and color hair.

(6) The identification number and state of issue from any of the following forms of identification of the seller:

- a. Current valid Wisconsin driver's license.
- b. Current valid Wisconsin identification card.
- c. Current valid photo identification card issued by another state or province of Canada.

(7) The signature of the person identified in the transaction.

(8) Effective sixty (60) days from the date of notification by the police department of acceptable video standards the licensee must also take a color photograph or color video recording of:

- a. Each customer involved in a billable transaction.
- b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

If a photograph is taken, it must be at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. The major portion of the photograph must include an identifiable facial image of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must focus on the person pawning or selling the item so as to include an identifiable image of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for three (3) months.

(9) Digitized photographs. Effective sixty (60) days from the date of notification by the police department licensees must fulfill the color photograph requirements in section 22-906(8) by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements in subdivision (8).

(10) Renewals, extensions, redemptions and confiscations. For renewals, extensions, redemptions and confiscations the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.

(11) Inspection of records. The records must at all reasonable times be

open to inspection by the police department. Data entries shall be retained for at least three (3) years from the date of transaction. Entries of required digital images shall be retained a minimum of ninety (90) days.

Sec. 22-907. Daily reports to police.

(a) Effective no later than sixty (60) days after the police department provides licensees with the current version of the Automated Pawn System Interchange File Specification, licensees must submit every reportable transaction to the police department daily in the following manner:

(1) Licensees must provide to the police department all reportable transaction information by transferring it from their computer to the Automated Pawn System via modem using the current version of the Automated Pawn System Interchange File Specification. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority. All transaction that does not meet the Automated Pawn System Interchange File Specification must be corrected and resubmitted the next business day. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs patrons that all transactions are reported to the police department daily.

(b) Billable transaction fees, licensees will be charged for each billable transaction reported to the police department.

(1) If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide the police department, upon request, printed copies of all reportable transactions along with the video tape(s) for that date, by noon the next business day.

(2) If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must continue to provide the required reports as detailed in section 22-907 (b) (1), and shall be charged \$10.00 reporting failure penalty, daily, until the error is corrected.

(3) If the problem is determined to be outside the licensee's system, the licensee must continue to provide the required reports in sec. 22-907 (b)(1), and resubmit all such transactions via modem when the error is corrected.

(4) If a licensee is unable to capture, digitize or transmit the photographs required in sec. 22-906 (9), the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to the police department upon request.

(5) Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction

from every business day the problem had existed.

(6) Section 22-907 (b)(1) through (3) notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

Sec. 22-908. Receipt required.

(a) Every licensee must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three (3) years. The receipt must include at least the following information:

(1) The name, address and telephone number of the licensed business.

(2) The date and time the item was received by the licensee.

(3) Whether the item was pawned or sold, or the nature of the transaction.

(4) An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

(5) The signature or unique identifier of the licensee or employee that conducted the transaction.

(6) The amount advanced or paid.

(7) The month and annual interest rates, including all pawn fees and charges.

(8) The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.

(9) The full name, current residence address, current residence telephone number, and date of birth of the pledger or seller.

(10) The identification number and state of issue from any of the following forms of identification of the seller:

- a. Current valid Wisconsin driver's license.
- b. Current valid Wisconsin identification card.
- c. Current valid photo driver's license or identification card issued by another state or province of Canada.

(11) Description of the pledger or seller including approximate sex, height, weight, race, color of eyes and color of hair.

(12) The signature of the pledger or seller.

Sec. 22-909. Redemption period.

(a) Any person pledging, pawning or depositing an item for security must have a minimum of sixty (60) days from the date of that transaction to redeem the item before it may be forfeited and sold. During the sixty (60) day holding period, items may not be removed from the licensed location except as provided in Sec. 22-906. Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued to, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with approval of the chief of police, or chief's designee. Written authorization for release of property to persons other than original pledger must be maintained along with original transaction record in accordance with Sec. 22-906.

(b) An individual may redeem an item seventy-two (72) hours after the item was received on deposit, excluding Sundays and legal holidays.

Sec. 22-910. Holding period.

(a) Holding period.

(1) Except as provided in subsection A. 3., any secondhand article purchased or received by a pawnbroker shall be kept on the premises or other place for safekeeping for not less than 30 days after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article redeems it.

(2) During the period set forth in subsection D. 1., the secondhand article shall be he

City Planner Sadowski explained that the language in the ordinance duplicated that of the existing ordinance and needed to be refined. He went on to ask if it was the intent to make pawnbrokers a use conditional in all of the proposed districts.

The consensus of Commission members was to require a conditional use permit for pawnbroker in the B-2 through B-5 zoning districts while incorporating the 2,500 feet / 250 feet separation rules.

A motion was made by Alderman Gregory Holding , seconded by Elaine Sutton Ekes, that this be Recommended For Approval. The motion PASSED by a Voice Vote.

[07-0125](#)

Subject: Ordinance No. 1-07

Recommendation of City Plan Commission on January 31, 2007:

That Parts 1, 2, and 4 of Ord. 01-07 be adopted.

Further that Part 3 be deleted from Ord. 01-07.

Fiscal Note: N/A

A motion was made by Alderman Gregory Holding, seconded by Elaine Sutton Ekes, that this file be Recommended For Adoption. The motion PASSED by a Voice Vote.

07-0085

Subject: (Direct Referral) Request by Dennis Spankowski of Burli Signs seeking a minor amendment to a conditional use permit for a gas station, convenience store and car wash at 3945 Erie Street for a new comprehensive sign package.

Recommendation of the City Plan Commission on January 31, 2007:

That the request by Dennis Spankowski of Burli signs seeking a minor amendment to a conditional use permit for a gas station, convenience store, and car wash at 3945 Erie Street for a new comprehensive sign package be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on January 31, 2007 be approved subject to the conditions contained herein,
- b. That all applicable permits be applied for with the Building Department.
- c. That all unused sign and light pole bases be removed from the property.
- d. That prior to the issuance of signs permits related to this request, but no later than March 31, 2007, a property maintenance contract be submitted for the review and approval of the Director of City Development. Said contract shall, at a minimum, address provisions for the appropriate watering of plantings, weekly weeding of all planting beds, the mowing of all grass areas, daily trash removal, removal and replanting of any dead trees, shrubs, or other plantings.
- e. That prior to the issuance of sign permits related to this request, but no later than March 31, 2007, an irrevocable letter of credit in the City's favor, equal in value to the replacement cost and cost of maintenance for one year of all landscaping be submitted for the review and approval of the Director of City Development.
- f. That by June 1, 2007, the approved landscape plan be complied with and maintained.
- g. That compliance be maintained with all other conditions of approval as contained in Common Council Resolution No. 6081 of August 2, 2004; Resolution No. 3784 of February 21, 2001; Resolution No. 3455 of September 5, 2000, unless otherwise superseded thereby or herein.

Fiscal Note: N/A

City Planner Sadowski explained the proposal, but stated that property's landscaping was

poorly maintained, and suggested that a condition of approval should be that the maintenance of the landscaping be addressed. Mayor Becker agreed.

A motion was made by Alderman Gregory Holding, seconded by Vincent Esqueda, that this file be Recommended For Approval, subject to the listed conditions in the recommendation. The motion PASSED by a Voice Vote.

06-3032

Subject: Direct Referral. Consideration of a request by the Director of City Development seeking consideration of a nomination to re-designate the property at 936 South Main Street (Blake House) as a Racine Landmark.

Recommendation of Landmarks Preservation on January 08 2007:

That the property at 936 South Main Street (Blake House) be re-designated as a Racine Landmark.

Further that all appropriate hearings be scheduled, and ordinance and recording documents prepared.

Fiscal Note: N/A

Recommendation of City Plan Commission on January 31, 2007:

That the communication be received and filed.

Fiscal Note: N/A

Attachments: [936 S.Main Street.pdf](#)

City Planner Sadowski explained that as this communication set up the scheduling of the hearing on the next agenda item, it was only necessary that this item be received and filed.

A motion was made by Alderman Gregory Holding , seconded by Vincent Esqueda, that this file be Recommended to be Received and Filed. The motion PASSED by a Voice Vote.

Public Hearings starting at 4:30 p.m.

07-0086

Subject: (Direct Referral) Request by the Director of City Development seeking the rezoning of 936 South Main Street from "O" Restricted Office District to "O/H Restricted Office District with a Historic Properties District Overlay.

Recommendation of the City Plan Commission on January 31, 2007:

That a public hearing before the Common Council be scheduled and an ordinance be created.

Fiscal Note: N/A

Recommendation of Landmarks Preservation Commission on February 5, 2007: Concurs with City Plan Commission recommendation.

Attachments: [936 S. Main Street.pdf](#)

Mayor Becker opened the public hearing at 4:45 p.m., explained the public hearing process, and introduced the item.

City Planner Sadowski described the existing area zoning and recommended that the property be rezoned to accommodate the landmark re-designation. Vivian Merlo of 3025 Spring Street representing Preservation Racine, Inc. spoke in favor of the action.

Mayor Becker closed the public hearing at 5:48 p.m.

A motion was made by Alderman Gregory Holding, seconded by John Dickert, that this file be Recommended For Approval. The motion PASSED by a Voice Vote.

[06-3044](#)

Subject: (Direct Referral) Request by Elias Conales seeking a conditional use permit for a carryout restaurant at 724 High Street.

Recommendation of City Plan Commission on January 10, 2007:
Deferred.

Recommendation of City Plan Commission on January 31, 2007:
Deferred.

Attachments: [724 High St.pdf](#)
[724 High Street.pdf](#)

Mayor Becker opened the public hearing at 4:49 p.m. and introduced the item.

City Planner Sadowski described the zoning and past uses of the property. He explained that the proponent had been referred to both the Building and Health Department to explore the feasibility of the reuse.

Elias Conales described the intended use of the property.

Joseph Glover of 720 High Street stated that to his knowledge the property didn't have its own water service.

Michael Patmore of 716 High Street expressed concerns about the condition of the building and the impact on the neighborhood from such a use.

Alderman Kaplan expressed concerns over the feasibility of the proposed use.

Jody Gorman of 1714 Green Street expressed concerns over parking, trash, and the lack of restroom facilities.

Robert Kandl of 1711 Green Street expressed similar concerns as those previously expressed.

Mayor Becker suggested that the item be deferred until Mr. Conales provide an accurate

estimate of the cost to upgrade the building for the proposed use.

Mayor Becker closed the public hearing at 5:00 p.m.

A motion was made by John Dickert, seconded by Vincent Esqueda, that this file be Deferred. The motion PASSED by a Voice Vote.

07-0087

Subject: (Direct Referral) Request by Jan Roland of Racine Habitat for Humanity seeking a conditional use permit for a facility to be used for the indoor storage and sale of construction materials, household good, and appliances at 2200 De Koven Avenue.

Recommendation of the City Plan Commission on January 31, 2007:

That the request by Jan Roland of Racine Habitat for Humanity seeking a conditional use permit for a facility to be used for the indoor storage and sale of construction materials, household goods, and appliance at 2200 De Koven Avenue be approved, subject to the following conditions:

- a. That the plans stamped "Received January 17, 2007" and presented to the Plan Commission on January 31, 2007 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be applied for with the Building Department.
- c. That by March 1, 2007 a uniform sign plan that takes into consideration all tenants in the facility be submitted for the review and approval by the Director of City Development.
- d. That the parking lot be re-stripped by June 1, 2007.
- e. That the hours of operation be from 10:00 a.m. to 4:00 p.m., Monday through Saturday.
- f. That there be no outside storage of materials or equipment associated with this use.
- g. That all codes and ordinance be complied with all permits acquired, unless otherwise addressed herein.
- h. That all trash and recyclables be stores in closed containers and screened from view.
- i. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.

j. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Attachments: [2200 DeKoven.pdf](#)

Mayor Becker opened the public hearing at 5:08 p.m. and introduced the item.

City Planner Sadowski described the current zoning and that the proposed use was appropriate as a conditional use within that district.

Nora Grosse of Habitat described the intended use and that it would both provide revenue as well as help in reducing the amount of useable building material from being land-filled.

Elaine Ekes suggested that the allowable hours be expanded to allow greater flexibility.

Mayor Becker closed the public hearing at 5:11 p.m.

A motion was made by John Dickert, seconded by Alderman Gregory Holding, that this file be Recommended For Approval, subject to the listed conditions in the recommendation. The motion PASSED by a Voice Vote.

07-0088

Subject: (Direct Referral) Request by Robert Westmoreland of Westmoreland Properties, LLC seeking a conditional use permit for two ground floor residential units at 720-17th Street.

Recommendation of the City Plan Commission on January 31, 2007:
Received and Filed.

Fiscal Note: N/A

Attachments: [720-17th St.pdf](#)

Mayor Becker opened the public hearing at 5:13 p.m. and introduced the item.

City Planner Sadowski described the existing zoning within the area and former use of the property. He explained that the current zoning would only allow for three dwelling units rather than four as proposed.

Robert Westmoreland of 2905 Washington Avenue explained that he had explored several options, and that the conversion into condos was the only profitable one. He described the planned renovation of the building.

Mayor Becker closed the public hearing at 5:20 p.m.

Elaine Ekes asked staff what options had been explored.

City Planner Sadowski explained that the ordinance wouldn't allow for an increase in density, and that a conditional use was most likely the best vehicle to do so. He stated using the flex-development designation was not appropriate because of the increase in density as proposed. He explain that the rezoning of the property to R-4 General

Residence would allow for the increased density, but that no conditions could be placed on the development; however, the issue of spot zoning would then present itself.

Elaine Ekes suggested that the item be received and filed and readdressed as a rezoning request.

Mr. Westmoreland stated that a rezoning of the property to R-4 could be acceptable.

A motion was made by Vincent Esqueda, seconded by Alderman Gregory Holding, that this file be Recommended to be Received and Filed. The motion PASSED by a Voice Vote.

07-0089

Subject: Request by Rhonda Nicholson seeking a conditional use permit to locate a tattoo and body piercing facility at 1236 Lathrop Avenue.

Recommendation of the City Plan Commission on January 31, 2007:

That a request by Rhonda Nicholson seeking a conditional use permit for a tattoo and body piercing establishment at 1236 Lathrop Avenue be approved, subject to the following conditions:

- a. That the plans stamped "Received January 18, 2007" and presented to the Plan Commission on January 31, 2007 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Department.
- c. That all requirements of the State Department of Health and Family Services be complied with.
- d. That any changes to the exterior appearance of the building be approved by the Director of City Development.
- e. That all trash and recyclables be kept in closed containers and stored in the building until pick up.
- f. That no loitering be allowed in or around the building.
- g. That the tattoo and body piercing stations be screened from view from the exterior of the business.
- h. That the establishment's hours open to the general public extend no longer than from 10:00 a.m. to 9:00 p.m. Monday through Saturday, with no hours on Sunday. Client services shall cease at 10:00 p.m.
- i. That the sale of food or drink shall not be allowed.
- j. That all signs be professionally made, comply with zoning ordinance

requirements, and be approved by the Director of City Development.

k. That all codes and ordinances be complied with and required permits acquired unless otherwise indicated herein.

l. That no minor changes be made from the conditions of this permit without approval of the Plan Commission and no major changes be made without the approval of the Common Council.

m. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Attachments: [1236 Lathrop.pdf](#)

Mayor Becker opened the public hearing at 5:45 p.m. and introduced the item.

City Planner Sadowski described the zoning and location of the proposed establishment within the strip mall.

Ory Scorvan representing Wilson Funeral Home of 1212 Lathrop Avenue expressed concerns regarding parking.

Doris Jorgenson of 1249 Lathrop Avenue expressed concerns about tattoo establishments in general.

Marge Salvatore of 1305 Lathrop Avenue expressed concerns about tattoo establishments in general.

Alderman James Spangenberg questioned how the number of required parking spaces had been determined at the time that the strip mall was proposed, and requested an explanation of the formula.

Kathy Wells representing Schaffer Plaza explained that the signage for the establishment wouldn't be offensive. John Dickert suggested that the owner require employees of the tenants to park off site.

Mayor Becker closed the public hearing at 6:00 p.m.

A motion was made by Alderman Gregory Holding, seconded by Vincent Esqueda, that this file be Recommended For Approval, subject to the listed conditions in the recommendation. The motion PASSED by a Voice Vote.

Adjournment

There being no further business before the Commission, and hearing no objections, Mayor Becker adjourned the meeting at 6:00 p.m.

Respectfully submitted,

*Matthew G. Sadowski,
City Planner of City Development*

