

GOOD NEIGHBOR POLICY AGREEMENT

In order to address potential problems commonly related to noise, litter, nuisance, crime and parking that are often associated with late night entertainment venues, Magdalena Andrade (hereinafter “Permittee”) and the City of Racine (hereinafter “City”), enter into the following agreement:

A. If the City grants the conditional use permit request of Magdalena Andrade for the premises located at 522 Sixth Street, Racine, Wisconsin, Permittee agrees to the following operating conditions:

1. Permittee will open and maintain the premises primarily as a “original music from Mexico” establishment, with no Hip Hop music. Proposed changes to said form of entertainment or the business plan submitted by Permittee shall be subject to the approval of City Plan Commission.
2. Within three months of receipt of an occupancy permit, the Permittee and agent agree to install and maintain video surveillance equipment and to retain all video tapes and images for at least two weeks, during which time they will be made immediately available for inspection and/or copying by the Racine Police Department upon request.
3. Permittee and agent will permit no more than two employees (in addition to the owner, agent, or bartender) to remain in the tavern after hours for the purpose of cleaning, checking receipts or engaging in other legitimate business activities, and will make every effort to conclude such activities and vacate said premises within one hour after closing.
4. Employees of the establishment shall walk a 100-foot radius from the premises some time between 60 minutes after closing time and 8:00 a. m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons.
5. The Permittee and agent agree to monitor the decibel level of any music (whether live or recorded) in order to assure compliance with City Code amplification guidelines and to prevent such amplification from becoming a nuisance to the neighborhood or residents thereof.
6. The Permittee and agent agree that a conviction in municipal court of a city code violation or a violation of this agreement as determined by the City Plan Commission following the opportunity of Permittee to present evidence with regard to an alleged violation of the agreement, may constitute grounds for a finding that the establishment is a public nuisance and can immediately be abated.
7. Notices (see Attachment A) shall be in English and Spanish, be well-lit and prominently displayed at all entrances and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful and orderly fashion and to please not litter or block driveways in the neighborhood.

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8. Notices (see Attachment B) shall be in English and Spanish, be well-lit and prominently displayed at all entrances and exits from the establishment (and shall be enforced by security employees) prohibiting patrons from wearing visored (e.g., baseball) caps, bandanas, white t-shirts (except when worn under another shirt or clothing), pants with one leg rolled up, and from indecent exposure of undergarments.

9. The establishment shall provide parking for patrons free of charge or at a rate or manner that would encourage use of parking by establishment patrons. Adequate signage shall be well-lit and prominently displayed to advertise the availability and location of such parking resources for establishment patrons.

10. If any portion(s) of this Agreement is/are held invalid and unenforceable, all remaining portions shall nevertheless remain valid and enforceable, to the extent they can be given effect without the invalid portions.

11. This Agreement is entered into by each of the parties without reliance upon any statement, representation, promise, inducement, or agreement not expressly contained herein. This Agreement constitutes the entire agreement between the parties.

12. This agreement is binding on the successors and assigns of the conditional use permit.

Dated this _____ day of _____, 2009.

For the Permittee:
Magdalena Andrade

For the City of Racine:
Brian F. O'Connell,
Director of City Development

ATTACHMENT A

The following notice shall be in English and Spanish, be well-lit and prominently posted on a sign no less than 11 x 13 inches at all entrances and exits in capital letters in a font of 24:

NOTICE TO CUSTOMERS OF LA TERAZZA.

WHEN YOU LEAVE THESE PREMISES, IT IS IMPORTANT THAT YOU RESPECT THE RIGHTS OF NEIGHBORS AND PASSERBYS. PLEASE EXIT IN A QUIET, PEACEFUL AND ORDERLY FASHION. DO NOT LITTER OR BLOCK DRIVEWAYS IN THE NEIGHBORHOOD. THANK YOU.

DRAFT

ATTACHMENT B

The following notice shall be in English and Spanish, be well-lit and prominently posted on a sign no less than 11 x 13 inches to all entrances and exits in capital letters and in a font of 24:

NOTICE TO ALL PATRONS

THE FOLLOWING DRESS CODE SHALL BE STRICTLY ENFORCED. THE FOLLOWING CLOTHING ITEMS ARE PROHIBITED:

- 1. VISORED BASEBALL-TYPE CAPS.**
- 2. BANDANAS ON THE HEAD, ARMS OR LEGS.**
- 3. PANTS WITH ONE LEG ROLLED UP.**
- 4. WHITE T-SHIRTS (EXCEPT WHEN WORN UNDER ANOTHER SHIRT).**

IN ADDITION, THE INDECENT EXPOSURE OF UNDERGARMENTS IS STRICTLY PROHIBITED.