



City of Racine

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

Meeting Agenda - Final Public Safety and Licensing Committee

Chairman Q.A. Shakoor, II, Vice Chair Aron Wisneski, Alderman Jim Kaplan, Alderman Robert Mozol, Alderman Terry McCarthy

Monday, November 24, 2008

5:00 PM

City Hall, Room 205

Call To Order

Approval of Minutes for the November 10, 2008 Meeting.

PUBLIC COMMENT

08-2921

Subject: Communication from the Police Chief, requesting to apply for the Wisconsin Department of Transportation 2009 Pedestrian Safety Enforcement grant (Grant Control # 2008-053).

Staff Recommendation to the Finance & Personnel Committee on 11-24-08: Permission granted for the Police Chief to apply for the Wisconsin Department of Transportation 2009 Pedestrian Safety Enforcement Grant in the amount of \$3,000. (Grant Control #2008-053)

Fiscal Note: A 25% (\$750) soft match is required on the part of the City.

08-2922

Subject: Communication from the Police Chief, requesting to apply for the Wisconsin Department of Transportation 2009 Bicycle Safety Grant (Grant Control # 2008-054).

Staff Recommendation to the Finance & Personnel Committee on 11-24-08: Permission granted for the Police Chief to apply for the Wisconsin Department of Transportation 2009 Bicycle Safety Grant in the amount of \$4,000. (Grant Control #2008-054)

Fiscal Note: A 25% (\$1,000) soft match is required on the part of the City.

08-2937

Subject: Communication from Jensen Towing requesting to appear before the appropriate committee to discuss a rate increase.

[08-2908](#) **Subject:** Re-visit one year Keg Ordinance

[08-2928](#) **Subject:** Communication from Alderman of the 15th District wishing to discuss the progress of the Phoenix Communication System.

[08-2824](#) **Subject:** (NEW) Application of Rapids Drive Convenience, LLC, Stephen J. Grebe, Agent, for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3502 Rapids Drive. (6th District)

Recommendation of Public Safety & Licensing Committee on 11-10-08: That the application of Rapids Drive Convenience, LLC, Stephen J. Grebe, Agent, for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3502 Rapids Drive be approved pending the records check.

Fiscal Note: N/A

[08-2892](#) **Subject:** Application of Racine Yacht Club, Joseph R. McGauran, Agent, for a Change of Agent for a "Class B" Club Retail Fermented Malt Beverage and Intoxicating Liquor License for 1 Barker Street. (**4th District**)

[08-2942](#) **Subject: (Direct Referral)(Renewal)** Application of Wisconsin Discount for a Secondhand Jewelry Dealer's license for 2724 16th Street and **(New)** Application of Wisconsin Discount for a Secondhand Article Dealer's license for 2724 16th Street (9th District)

[08-2779](#) **Subject:** Communication from the Alderman of the 8th District requesting to discuss the concerns of residents in the West Sixth Street community regarding the camera system that is not yet functional.

Recommendation of the Public Safety & Licensing Committee on 10-27-08: That the item be deferred until 11-24-08 meeting.

[08-2840](#) **Subject:** Communication from West Sixth Street Neighborhood wishing to discuss concerns regarding the Neighborhood Pantry at 1511 West Sixth Street.

[08-2855](#) **Subject:** (Direct Referral) Request of the committee for the appearance of Abdul Hafiz(agent) for Metro Petro, 4301 Washington Avenue, for non-compliance for tobacco sales.

Recommendation of Public Safety & Licensing Committee on 11-10-08: That the item be deferred until the 11-24-08 meeting and a certified letter be sent to agent.

[08-2857](#) **Subject:** (Direct Referral) Request of the committee for the appearance of Kamaljit and Deepinder Dhaliwal (agents) for AD United Petroleum, 1917 16th Street, for non-compliance for tobacco sales.

Recommendation of Public Safety & Licensing Committee on 11-10-08: That the item be deferred until the 11-24-08 meeting and a certified letter be sent to agent.

[08-2895](#) **Subject:**(Direct Referral) Request of the committee for the appearance of Zohaib Mir(agent) for Raytown Pantry, 2731 Durand Avenue, for non-compliance for tobacco sales.

Recommendation of Public Safety & Licensing Committee on 11-10-08: That the item be deferred until the 11-24-08 meeting and a certified letter be sent to agent.

[08-2906](#) **Subject:** (Direct Referral) Special Report - Tobacco Compliance - November 6, 2008

[08-2931](#) **Subject:**(Direct Referral) Premise History Report for Ricky's Place - 236 Main Street

[08-2929](#) **Subject:** (Direct Referral) Communication from the Purchasing Agent submitting the sale of abandoned vehicles for November 13, 2008.

[08-2932](#) **Subject:** (Direct Referral) Operator's (Bartender's) Applications for November 24, 2008

[Ord.18-08](#) Ordinance No. 18-08

To repeal and recreate Sec. 66-346 and to repeal Sec. 66-349 of the Municipal Code of the City of Racine, Wisconsin relating to Offenses - Disorderly Houses.

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

Part 1:

Sec. 66-346 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“Sec. 66-346. Disorderly Houses.

All disorderly houses, gambling houses and buildings or structures kept or resorted to for the purpose of gambling, or any drug or criminal gang houses as defined in sec. 823.113, (1) and (1)(b), Wis. Stats., and all buildings or

structures where the sale, manufacture or delivery of drug paraphernalia as defined in sec. 961.571(1)(a), Wis. Stats., occurs are deemed to be public nuisances pursuant to Sec. 66-1001 of the Racine Municipal Code.”

Part 2:

Sec. 66-349 of the Municipal Code of the City of Racine is hereby repealed.

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: Robert Mozol

Ord.19-08

Ordinance No. 19-08

To amend Sec. 66-1001, repeal and recreate Sec. 66-1002 and create Sec. 66-1004 of the Municipal Code of the City of Racine, Wisconsin relating to Nuisance properties.

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

Part 1:

Sec. 66-1001 of the Municipal Code of the City of Racine is hereby amended by deleting the word “and” in the second line and inserting the word “or” in its place.

Part 2:

Sec. 66-1002 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“Sec. 66-1002. Chronic Nuisance Premises.

(a) Purpose.

The Common Council finds that from time to time certain premises in the City of Racine require a disproportionate amount of Police Department resources to

be devoted to addressing various problems and incidents that occur thereon. Often this disproportionate devotion of police resources is due to property owners' own actions or the failure of property owners to accept and exercise sufficient responsibility for and over the actions of occupants, guests, agents or employees that reside upon or frequent the premises. Such premises, as further described in paragraph (b) below, are deemed chronic nuisance premises and are public nuisances. This section is enacted to encourage property owners to recognize their responsibility to ensure that activities occurring on their property conform to the law and do not unduly burden the City's police resources and to provide a mechanism for the City to take action against property owners who fail to ensure premises they own do not require a disproportionate devotion of police resources and to recover the costs associated with the disproportionate devotion of police resources to such premises. This subsection is not intended to discourage crime victims or any person in legitimate need of police services from requesting them.

(b) Determination of Chronic Nuisance Premises.

1. Any premises to which the Police Department is called to respond to complaints of any nuisance activity, three (3) or more separate times within any thirty (30) day period is deemed to have received and require more than the general, acceptable level of police services, and places an undue burden upon the taxpayers of the City. For purposes of this subsection, a nuisance activity shall be offenses under Chapter 66 of this Code or their statutory counterparts, or any offense under state law for which a penalty of forfeiture, fine or imprisonment is provided. An offense shall not be considered a nuisance activity if it is committed by a person having no association with the premises by acquaintance with, relation to or expressed or implied invitation from the owner, occupant, operator or agent of the premises.
2. Whenever any such premises exists, the Chief of Police shall determine from the facts of each incident and considering the purpose of this subsection as set forth in paragraph (a) above, whether the premises is a chronic nuisance premises. A chronic nuisance is a public nuisance.

(c) Notice.

Whenever the Chief of Police finds a premises constitutes a chronic nuisance premises under paragraph (b), the Chief of Police shall provide written notice of his determination to the owner of the premises as identified by the records of the City Assessor. Such notice shall be delivered by registered mail, return receipt requested or by personal service. If the owner cannot be located, the notice shall be published as a Class 2 notice under Wis. Chap. 985. The notice shall contain the following additional information:

1. The street address, parcel number or legal description sufficient to identify the premises.
2. A brief statement, including a description of the relevant activities, supporting the determination that the premise is a chronic nuisance premises.

3. A statement that the owner shall, within 10 days of receipt of the notice, or last day of publication if published, respond to the Chief of Police requesting a hearing before the Public Safety and Licensing Committee or proposing in writing a course of action that will be taken to abate the nuisance activities.

4. A statement that the owner shall immediately notify the Chief of Police of any change in address to ensure receipt of future notices.

(d) Owner Abatement.

If the owner responds to the notice in paragraph (c) with a nuisance abatement proposal, the Chief of Police may accept, reject or work with the owner to modify the proposal in his or her discretion. If the Chief of Police rejects the abatement proposal, determines that an agreement on an appropriate abatement proposal cannot be reached or determines that owner abatement is for any reason unsuccessful, the matter shall be referred to the Public Safety and Licensing Committee for hearing.

(e) Hearing.

If a hearing is requested or if the Chief of Police determines that a satisfactory abatement plan cannot be agreed upon or if the Chief of Police determines that abatement actions taken by the owner are unsuccessful, a hearing shall be held before the Public Safety and Licensing Committee. The owner shall receive ten (10) days written notice of the hearing sent by regular mail or, if the owner cannot be located, by publication of a Class 2 notice under Wis. Stats. Chap. 985. The Public Safety and Licensing Committee shall hear any and all evidence it deems relevant and shall affirm or reverse the determination of the Chief of Police.

(f) Penalties and Remedies.

1. If the Chief of Police's determination is affirmed by the Public Safety and Licensing Committee and approved by the Common Council, the Council may order the owner to pay the actual cost of any police call for any nuisance activities occurring after the three (3) police responses that lead to the determination that the premises was a chronic nuisance premises. Such costs shall be presented to the Common Council and may include cost incurred prior to the Common Council's determination. The Common Council may order costs of all such police calls to the chronic nuisance premises be paid until the public nuisance is abated under paragraph (g). Such costs shall be billed to the owner by invoice sent by regular mail and if not paid within thirty (30) days of the date on the invoice, shall be charged to the property as a special charge pursuant to Wis. Stats. §66.0627.

2. Forfeitures under Section 66-1003 may be imposed for each police call for any nuisance activities occurring after the three (3) police responses that lead to the determination that the premises was a chronic nuisance premises, however, no forfeiture shall be imposed for any nuisance activity that occurred

prior to the Common Council affirming the decision of the Chief of Police.

3. The Common Council may authorize any other penalty or remedy authorized by law.

(g) When nuisance is deemed abated.

The public nuisance created by a chronic nuisance premises shall be deemed abated when no police calls to the premises to address nuisance activities occurs for a period of six (6) consecutive months.

(h) Other methods not excluded.

Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin including, but not limited to an action under Wis. Stats. Chap. 823.”

Part 3:

Section 66-1004 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Sec. 66-1004. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, contrivance, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.”

Part 4:

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: Robert Mozol

Miscellaneous Business

Adjournment

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.