



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, September 12, 2011

5:30 PM

City Hall, Room 205

Call To Order

Approval of Minutes for the August 22, 2011 Meeting.

- [11-6821](#) **Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting final payment for preparing plans and specifications for Parks Department Pavement Projects.
- [11-6840](#) **Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to present the bids received by the Commissioner of Public Works on August 25, 2011 for Contract 36-11 (K1-038), Island Park Pedestrian Bridge Renovation CDBG.
- [11-6846](#) **Subject:** Communication from the City of Racine Purchasing Agent requesting permission to appear before the Public Safety & Licensing committee to discuss proposals that were taken in response to Official Notice #12, CONCESSION SERVICES FOR NORTH BEACH BATH HOUSE.
- [11-6791](#) **Subject:** (New) Application of State Street BP Inc., Satish Bhardwaj, Agent for a Class "A" Fermented Malt Beverage License for 1975 State Street. (9th District)
- [11-6792](#) **Subject:** (New) Application of VS Gill LLC, Virinder S Gill, Agent for a Class "A" Fermented Malt Beverage License for 2240 Northwestern Avenue. (6th District)
- [11-6814](#) **Subject:** (Direct Referral) Communication from Fade Ali, The Market, 1949 Racine Street requesting to appear before the committee to discuss the restrictions on his license.
- [11-6832](#) **Subject:** (Direct Referral) Request of the Committee for the appearance of Tarlikaben Patel, applicant for an Operator License, regarding an underage sale at 3711 Douglas that was made on August 5, 2011.

- [11-6833](#) **Subject:** (Direct Request) Request of the Committee for the appearance of Vincent Esqueda, Agent, Super Mercado Gran Morelos, 1105 N. Memorial Drive, regarding the sale of alcohol to an underage person.
- [11-6834](#) **Subject:** (Direct Referral) Request of the Committee for the appearance of Virendra Verma, Agent, Akash BP Corner LLC, 3945 Erie Street, regarding the sale of alcohol to an underage person.
- [11-6835](#) **Subject:** (Direct Referral) Request of the Committee for the appearance of Cornelio and Paula Mora, Agents, Jalisco & Michoacan, 1950 Racine Street, regarding the sale of alcohol to an underage person.
- [11-6836](#) **Subject:** (Direct Referral) Request of the Committee for the appearance of Karen Kong, Agent, Odd Fellows, 817 South Main Street, regarding the sale of alcohol to an underage person.
- [11-6831](#) **Subject:** (Direct Referral) Request of the Committee for the appearance of Kenneth Meyer, Agent, for Kenny's on Main, 1300 North Main Street due to incidents at their establishment on August 6th and August 13th, 2011.
- [11-6890](#) **Subject:** Discussion of City's regulation of security guard training and certification at "Class B" establishments.
- [11-6813](#) **Subject:** (Direct Referral) Sale of Abandoned Vehicles 08-23-2011
- [11-6877](#) **Subject:** Licensed Premise Reports and DRC Reports for 9-12-11
- [Ord.8-11](#) Ordinance No. 08-11

To create Sec. 6-87 - Social Host Ordinance, Code of the City of Racine, Wisconsin relating to alcoholic beverages.

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

Part 1:

Section 6-87 is created to read as follows:

“Sec. 6-87 - Social Host Ordinance

(1) This ordinance may be referred to as the Social Host Ordinance.

(2) The purpose of this ordinance is to discourage underage possession

and consumption of alcohol, even if done within the confines of a private residence, and to hold any person who hosts an event or gathering where persons under 21 years of age possess or consume alcohol responsible regardless of whether the person hosting the event or gathering supplied the alcohol.

Definitions For purposes of this section, the following terms have the following meanings:

“Allow” or “host” means to aid, conduct, entertain, organize, supervise, control, or permit an event or gathering.

“Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

“Alcoholic beverage” means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

“Control” means having the authority or power, or both, to direct, manage, oversee, or restrict the affairs, assets, or business of a person or entity.

“Event” or “gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

“Parent” means a person having legal custody of a juvenile as a natural, adoptive, or step parent; a legal guardian; or a person to whom legal custody has been given by court order.

“Present” means at hand or in attendance.

“Public or private property” includes, but is not limited to, any apartment, condominium, dwelling unit, farm, field, hall, hotel room, home, land, meeting room, motel room, park, place of assembly, or yard, whether occupied on a temporary or permanent basis and whether leased, owned, rented, or used with or without permission or compensation.

“Underage person” is any individual under 21 years of age.

Prohibited Acts

(a) It is unlawful for any person to allow or host an event or gathering at or on any private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will possess or consume any alcohol or alcoholic beverage if the person fails to take reasonable steps to prevent possession or consumption by any underage person, even if the person who allows or hosts the event or gathering is not present at the event or gathering.

(b) It is unlawful for any person to intentionally advise, aid, conspire with, counsel, hire, or otherwise procure another person to commit a prohibited act.

Exceptions

(a) This ordinance does not apply to a person who procures for or dispenses, gives, or sells alcohol or any alcoholic beverage to an underage person if the underage person is in the direct company of the underage person's parent, guardian, or spouse and the parent, guardian, or spouse has attained the legal drinking age, has consented to the underage person possessing or consuming the alcohol or alcoholic beverage, and is in a position to observe and control the underage person.

(b) This ordinance does not apply to legally protected religious observances.

(c) This ordinance does not apply to an underage person who is lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

Penalties

(a) A person will, upon conviction for a violation of any provision of this ordinance, forfeit not less than \$1,000 nor more than \$5,000 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution.

(b) A person who has the ability to pay a forfeiture entered pursuant to this ordinance, but who fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days for each offense. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.”

Part 2:

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

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Sponsors: Gregory Holding

Adjournment

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