



# 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, Alderman David Maack, Alderman  
Jim Kaplan, Alderman Robert Mozol, Alderman Eric Marcus*

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Monday, November 8, 2010

5:00 PM

City Hall, Room 205

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### Call To Order

### Approval of Minutes for the October 25, 2010 Meeting.

10-5718

**Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to enter into an agreement with a consulting firm for the purpose of an operations audit of the Mound and Graceland Cemeteries.

**Recommendation of the Public Safety & Licensing Committee on  
10-25-2010:** That the item be deferred until the next meeting.

10-5730

**Subject:** (New) Application of Steel Rose, Abimael Gutierrez, for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1518 Washington Avenue (3rd District)

10-5758

**Subject:** (Direct Referral) Request of the committee for the appearance of O. Keith Fair, Agent for The Place on Sixth, 509 Sixth Street, for possible actions regarding recent incidents at the establishment.

10-5759

**Subject:** (Direct Referral) Request of the committee for the appearance of Thomas Holmes, Agent for Park Sixth, 500 Sixth Street, for possible actions regarding recent incidents at the establishment.

10-5760

**Subject:** (Direct Referral) Request of the committee for the appearance of Juan S. Jimenez, Owner/Agent for The Tropical, 1510 Junction Avenue, for possible actions regarding recent incidents at the establishment.

10-5756

**Subject:** Communication from the Alderman of the 15th District requesting the City Attorney's Office draft a public intoxication ordinance.

Ord.17-10

ORDINANCE NO. 17-10

To repeal Secs. 66-616, 66-617, 66-618 and 66-619 and to recreate Secs. 66-616 and 66-617 of the Municipal Code of the City of Racine, Wisconsin relating to Smoking - Prohibited.

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

Part 1:

Sections 66-616, 66-617, 66-618 and 66-619 are hereby repealed, and Sections 66-616 and 66-617 of the Municipal Code of the City of Racine are hereby recreated to read as follows:

"66-616. Smoking Prohibited.

1. Adoption of State Law.

The city adopts the provisions of s. 101.123, Wis. Stats., regulating smoking except as otherwise provided in city provisions not in conflict with s. 101.123, Wis. Stats., or other statutes or administrative rules.

2. 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:

*City building* as referenced in s. 101.123(2) (a) 8r, Wis. Stats., including the buildings' porches, exterior stairways, patios, entrances/exits and landings.

a. *City building* as referenced in s. 101.123(2) (a) 8r, Wis. Stats., means a building, or portion of any building, owned or leased by the city including any enclosed walkway connecting city buildings or structures.

b. *Enclosed place* means all space between a floor and ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

3. Exceptions.

Prohibitions against smoking shall not apply to any of the following:

a. A private residence.

b. A room used by only one person in an assisted living facility as his or her residence.

c. A room in an assisted living facility in which 2 or more persons reside if

every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

d. A retail tobacco store that has been in existence since June 3, 2009, and in which the smoking of cigars and pipes has been allowed.

e. A tobacco bar that has been in existence since June 3, 2009, and in which the smoking of cigars and pipes has been allowed.

4. Penalties.

a. Any person violating the state prohibition against smoking in enclosed places or upon those unenclosed spaces identified in s. 101.123(d) and (e), Wis. Stats., shall be subject to a forfeiture of not less than \$100 nor more than \$250, and upon failure to pay the forfeiture, may be subject to not less than 2 nor more than 5 days of confinement in the county jail or house of correction.

b. Any person in charge of property as defined in s. 101.123(1) (d), Wis. Stats., who violates the provisions of s. 101.123(2m) (b) to (d), Wis. Stats., shall be subject to a forfeiture of \$100 and, upon failure to pay the forfeiture, may be confined in the county jail or house of correction for a period of 2 days. No person may be held subject to more than \$100 total forfeiture for violations occurring on the same calendar day. For violations subject to the forfeiture provided in this paragraph, no citation shall be issued to a person in charge who has not received a prior written warning notice.

Sec.66-617. Smoking prohibited on city property.

1. Smoking prohibited upon unenclosed city property.

The commissioner of public works may designate unenclosed properties owned or leased by the city as areas where smoking is prohibited for the purpose of protecting and preserving the health and comfort of the public. However, the commissioner may not use this authority to place signs prohibiting smoking in unenclosed areas within any specific distance from the entrances to city-owned or leased buildings.

2. State signage requirements.

Signs setting forth the prohibition against smoking shall comply with requirements established by the State of Wisconsin Department of Commerce, if any, and shall include information reasonably sufficient to inform individuals of the physical area within which smoking shall not be permitted. It is a violation of this section for an individual, following warning by any city employee or by any member of the public, to continue smoking within the posted area.

3. Designation of outside smoking areas.

Notwithstanding any other provision of this section, any person in charge of a restaurant, tavern, private club or retail establishment may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club or retail establishment may smoke as provided in s. 101.123(4m), Wis. Stats. governing local authority to regulate smoking on public property. Any person in charge of a restaurant, tavern, private club or retail establishment that designates an area for smoking which is a reasonable distance from any entrance to a restaurant, tavern, private club or retail establishment shall assure that the designated area is kept free of litter including cigarette butts or other tobacco products.”

Part 2:

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

Passed by the Common Council:

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Approved: \_\_\_\_\_

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

Fiscal Note: N/A

Sponsors: Aron Wisneski

10-5748

**Subject:** ORDINANCE NO. 17-10

To repeal Secs. 66-616, 66-617, 66-618 and 66-619 and to recreate Secs. 66-616 and 66-617 of the Municipal Code of the City of Racine, Wisconsin relating to Smoking - Prohibited.

**Recommendation of the Public Safety & Licensing Committee of 10-25-2010:** That Ordinance 17-10 be adopted.

Fiscal Note: N/A

10-5767

**Subject:** (Direct Referral) Operator's (Bartenders) Licenses for 11/08/2010.

10-5775

**Subject:** License Premise Report and DRC Reports

**PUBLIC COMMENT**

## 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.**