

ORDINANCE NO. _____

SPONSOR: ALDERPERSON JESSE L. DOWNING

To Create Section 11.036 E. of the Code of General Ordinances entitled “Trespass”, to Repeal and Recreate Section 11.06 D. entitled “Carrying Concealed Weapons”, and to Create Section 11.065 entitled “Carrying Firearm in Public Building”.

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 11.036 E. of the Code of General Ordinances for the City of

Kenosha, Wisconsin, is created as follows:

E. Except as otherwise provided or prohibited by law, no person shall enter or remain in any residence, non single family residence, nonresidential building, the grounds or land related to the foregoing, special event, any part of a building that is owned, occupied, or controlled by the state or any local governmental unit, or, any privately or publicly owned building on the grounds of a university or college within the meaning of § 943.13 Wis. Stats., as amended, if the owner, occupant, organizer, state or local government unit, or university or college has notified the person as required by §943.13 Wis. Stats., as amended, not to enter or remain in or on the residence, building, grounds, land or special event while carrying, possessing or controlling a weapon as defined in §175.60(1)(j) Wis. Stats., or a dangerous weapon as defined in §§ 939.22 (10) and 948.60 (1), Wis. Stats., as may be amended from time to time.

Section Two: Section 11.06 D. of the Code of General Ordinances for the City of

Kenosha is repealed and recreated as follows:

D. Carrying Concealed Weapons. Except as otherwise provided by law, no person shall wear under their clothes, or conceal about their person, or display in a threatening manner any dangerous weapon, including, but not by the way of limitations any pistol, revolver, shuriken (throwing star), sling shot, bow and arrow, BB gun, pellet gun, pea shooter, knuckles of brass, lead or metal, or any bowie knife or any knife resembling a bowie knife, or any knife with a switchblade or devices whereby the blade or blades can be opened by a flick of a button, pressure on the handle, other mechanical contrivance, or by gravity or by a thrust or movement.

Section Three: Section 11.065 of the Code of General Ordinances for the City of

Kenosha, Wisconsin is created as follows:

11.065 Carrying Firearm in Public Building.

A. Prohibition. It shall be unlawful for any person to go armed with a firearm in any building owned or leased by the State or any political subdivision of the State.

B. Exception. Paragraph A shall not apply to any of the following:

1. Peace officers or armed forces or military personnel who go armed in the line of duty or to any person duly authorized by the chief of police of any city, village or town, the chief of the capitol police, or the sheriff of any county to possess a firearm in any building under Paragraph A. For purposes of this section peace officer

does not include a commission warden who is not a state-certified commission warden.

2. A qualified out-of-state law enforcement officer, as defined in Section 941.23 (1) (g), Wis. Stats., to whom section 941.23 (2) (b) 1. to 3. Wis. Stats., applies.

3. A former officer, as defined in Section 941.23 (1)(c) Wis. Stats., to whom Section 941.23 (2) (c) 1. to 7. Wis. Stats., applies.

4. A licensee, as defined in Section 175.60 (1) (d) Wis. Stats., or an out-of-state licensee, as defined in Section 175.60 (1) (g) Wis. Stats.

Section Four:

This Ordinance shall become effective upon passage and publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
JONATHAN A. MULLIGAN
Assistant City Attorney

**COMMON COUNCIL
OFFICIAL PROCEEDINGS**

Monday, November 21, 2011

Keith G. Bosman, Mayor Michael K. Higgins, City Clerk
Council Chambers – Room 200 – Kenosha Municipal Building

At a meeting of the Common Council this evening, His Honor, Mayor Keith G. Bosman presided. The meeting was called to order at 7:28 p.m.

Upon Roll Call, the following members of the Common Council were present: Alderpersons Bogdala, Bostrom, Downing, Haugaard, Juliana, Kennedy, LaMacchia, Marks, Michalski, Misner, Nudo, Ohnstad, Orth, Ruffalo, and Ruffolo. Alderpersons Green and Prozanski and were excused.

A moment of silence was followed by the Pledge of Allegiance led by Mayor Bosman.

MINUTES

A motion was made by Alderperson LaMacchia and seconded by Alderperson Ohnstad: To approve the minutes of November 7, 2011, November 11, 2011, and November 15, 2011. The voice vote was unanimous and the motion carried.

Matters referred to the Committees by the Mayor – None.

Presentation, Commendations and Awards by Mayor – Todd Battle from Kenosha Area Business Alliance (KABA) presented the proposed Kenosha Downtown Project. The members in the audience were introduced by the speaker. Alderpersons requested that future Steering Committee Public Hearings be taped.

Awards and Commendations from Boards, Commissions, Authorities and Committees –None.

CITIZENS' COMMENTS

Three (3) citizens spoke during Citizen's Comments:

- Matt Lavery, 6833 154th Ave., Kenosha, WI
- Al Hamath, 6109 25th Ave., Kenosha, WI
- Louis Rugani, 4526 29th Ave., Kenosha, WI

A. REFERRALS – None.

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. A motion was made by Alderperson Nudo and seconded by Alderperson Ruffolo: To approve the following applications per list on file in the Office of the City Clerk:

- a. ___16___ Operator's (Bartenders) license(s).
- b. ___1___ Transfer of Agent Status of Beer and/or Liquor license(s).
- c. ___2___ Special Class "B" Beer and/or Special "Class B" Wine license(s).
- d. ___1___ Taxi Driver License(s).

Upon voice vote, the motion carried.

- F.3. A motion was made by Alderperson Nudo and seconded by Alderperson Ruffolo: To Defer for thirty (30) days consideration of a proposed Ordinance By Alderperson Patrick Juliana – To Create Section 1.06 A.A. of the Code of General Ordinances Entitle “Ethics Board” and to Repeal and Recreate Various Sections of Chapter 30 of the Code of General Ordinances Entitled “Code of Ethics”. A public hearing was held. No one spoke for or against this item. Upon voice vote, the motion carried.
- F.4. A motion was made by Alderperson Nudo and seconded by Alderperson Bogdala: To Defer for thirty (30) days consideration of a proposed Ordinance By Alderperson David F. Bogdala – To Repeal and Recreate Various Sections of Chapter 30 of the Code of General Ordinances Entitled “Code of Ethics”. A public hearing was held. No one spoke for or against this item. Upon voice vote, the motion carried.
- F.5. A motion was made by Alderperson Juliana and seconded by Alderperson Downing: To Adopt **ORDINANCE NO. 65-11, an Ordinance By Alderperson Jesse L. Downing – To Create Section 11.036 E. of the Code of General Ordinances Entitled “Trespass”, to Repeal and Recreate Section 11.06 D. Entitled “Carrying Concealed Weapons”, and to Create Section 11.065 Entitled “Carrying Firearm in Public Building”**. A public hearing was held. No one spoke for or against this matter. Discussion ensued. Upon roll call, the vote was: Ayes 15, Nays 0. The motion carried.
- F.6. A motion was made by Alderperson Prozanski and seconded by Alderperson Green: To Concur with the Recommendation of the Finance Committee: To Adopt, as amended by the Finance Committee, **ORDINANCE NO. 66-11, an Ordinance By the Mayor - To repeal and recreate Section 1.05 K. as “Department of Community Development and Inspections”; to repeal Section 1.05 N. entitled “Department of Neighborhood Services and Inspections”; to repeal and recreate Sections 1.15 B. and 1.15 C. entitled “Annexation Ordinances Preliminary Reports”; to repeal and recreate Paragraph 17.11 A.7 entitled “Enforcement”; to amend various sections of the Code of General Ordinances to reflect a change in name by substituting “Department of Community Development and Inspections” for the “Department of City Development” and the “Department of Neighborhood Services and Inspections” or similar terminology wherever those phrases appear; and to amend various sections of the Code of General Ordinances to reflect a change in name by substituting “Director of Community Development and Inspections” for “City Planner” or similar terminology wherever that phrase may appear**. Discussion ensued. F.6.1. A motion was made by Alderperson Michalski and seconded by Alderperson Marks, to amend the proposed Ordinance to read “city” in lieu of “community” wherever the word “community” appears. The voice vote was inaudible. Upon roll call, the vote was: Ayes 9, Nays 6 (*with Alderpersons Nudo, Bostrom, Misner, Orth, Bogdala, and Ruffolo voting nay*). The motion carried. F.6. Upon roll call vote on the original motion, the vote was: Ayes 10, Nays 5 (*with Alderpersons Nudo, Bostrom, Misner, Orth, and Bogdala voting nay*). The motion carried.

pressure on the handle, other mechanical contrivance, or by gravity or by a thrust or movement, unless such actions are permitted pursuant to §175.60, Wisconsin Statutes.

11.065 CARRYING FIREARM IN PUBLIC BUILDING.

A. Prohibition. It shall be unlawful for any person to go armed with a firearm in any building owned or leased by the State or any political subdivision of the State.

B. Exception. Paragraph A shall not apply to any of the following:

1. Peace officers or armed forces or military personnel who go armed in the line of duty or to any person duly authorized by the chief of police of any city, village or town, the chief of the capitol police, or the sheriff of any county to possess a firearm in any building under Paragraph A. For purposes of this section peace officer does not include a commission warden who is not a state-certified commission warden.

2. A qualified out-of-state law enforcement officer, as defined in Section 941.23 (1) (g), Wis. Stats., to whom section 941.23 (2) (b) 1. to 3. Wis. Stats., applies.

3. A former officer, as defined in Section 941.23 (1)(c) Wis. Stats., to whom Section 941.23 (2) (c) 1. to 7. Wis. Stats., applies.

4. A licensee, as defined in Section 175.60 (1) (d) Wis. Stats., or an out-of-state licensee, as defined in Section 175.60 (1) (g) Wis. Stats.

11.07 ENDURANCE CONTESTS

No person, firm or corporation shall, within the City of Kenosha, advertise, operate, maintain, attend, participate in, promote or aid in advertising, operating, maintaining or promoting any physical endurance contest, exhibition, performance, or show in the nature of a "marathon", "walkathon", "skateathon" or any other physical endurance contest, exhibition, performance or show of a like or similar nature, whether or not an admission is charged or a prize is awarded to any person for participation in such physical endurance contest without first obtaining the permission of the Mayor of said City, it being unlawful to so proceed without said permission. However, said permission shall not authorize any person to participate in an endurance contest as herein described for a period of more than 16 hours in any 24 hours or for a period of more than 6 days in any one calendar month. It shall be a violation of this Ordinance to exceed said limitations.

Permission for said contests shall only be granted where said contest shall be conducted in such place, manner, and circumstances as will not be likely to create a public disturbance or otherwise endanger the public health, safety and welfare or promote a violation of Federal, State or local laws. Further permission shall only be granted to persons, firms or corporations which have a not for profit or gain motive in sponsoring said contest. Permission to hold said contest given to the sponsor or promoter thereof shall be implied permission to others to advertise, operate, maintain, attend, participate, in promote, or aid in advertising, operating, maintaining, or promoting said contest. Permission may also be denied for failure to disclose the full and correct facts forming the basis for said contest.

11.08 NUDITY IN A PUBLIC PLACE

A. Definition. "Nudity" means the showing of the human male or female genitals, or pubic area with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

B. Prohibition. No person shall knowingly or intentionally, in a public place, appear in a state of nudity.

11.085 MINORS PROHIBITED-ADULT USES

It shall be unlawful for any person, party, firm or corporation to knowingly permit any person under the age of eighteen (18) years of age to be present upon the premises of any Adult Use, as defined in Section 12.0 B.7. of the City of Kenosha Zoning Ordinance, except where authorized under HFS 173.05, Wisconsin Administrative Code.