

**Town of Somers
7511 12th Street
Somers, WI 53171**

**Town Board Meeting
Agenda
Tuesday, September 13, 2022
5:15 p.m.**

| Town Board Meeting: | |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item # | |
| 1 | Call to order |
| 2 | Pledge of Allegiance |
| 3 | Consent and Approval of Minutes of Town Board meetings on August 10, 2022 |
| 4 | Correspondence: |
| 5 | Citizens Comments |
| 6 | Supervisor Comments |
| 7 | Action on proposed Ordinance 2022-012, an Ordinance to recreate section 5.11(E) of the code of Ordinances of the Town of Somers regrading Fireworks Prohibited |
| 8 | Adjourn |

I hereby certify that as the designee of the chief elected official of the Town of Somers I posted this notice of the September 13, 2022, Town Board Meeting & Agenda in 3 public places.

Dated this 9th day of September, 2022.

Brandi Baker, Clerk-Treasurer

Requests from persons with disabilities who need assistance to participate in this meeting should be made to the Clerk's Office at 262-859-2822 with as much notice as possible. **Notice is hereby given that members of the Town Board may participate telephonically. Notice is hereby given that members of the Village Board may be in attendance for the sole purpose of gathering information. A quorum may be present. However, no Board action will be taken.**

**Town of Somers
Proceedings from the Town Board Meeting August 10, 2022**

Clerk Baker called the meeting to order at 5:20p.m.

Present: Supervisors Richard Lesko and James Armes. Chairman Mark Molinaro absent. Also present: Administrator Jason Peters, Clerk/Treasurer Brandi Baker.

Supervisor Lesko nominated to elect Supervisor Armes as the Acting Chairman.

Supervisor Armes led the Pledge of Allegiance.

Present: Supervisor Richard Lesko, and Supervisor James Armes. Also present: Administrator Jason Peters, Clerk/Treasurer Brandi Baker. Chairman Mark Molinaro was absent.

Consent and Approval of Minutes of Town Board meetings on June 14, 2022 and July 12, 2022

Supervisor Lesko moved to approve the Minutes of Town Board meetings on June 14, 2022 and July 12, 2022.

Seconded by Supervisor Armes with corrections from June 14 2022 meeting. Motion carried 2-0 vote.

Correspondence

None

Citizen Comments

None

Supervisor's Comments

Supervisor Lesko asked Staff to check that permits issued for excavating on East Frontage Road

Motion to approve the application for Class "B" (Picnic) Beer License from Somers Fire & Rescue Association for Uke's Harley Davidson Hometown Rally on Sept 1, Sept 2, Sept 3, Sept 4, and Sept 5, 2022 from 10:00-8:00pm each day, and request to waive fees.

Supervisor Lesko moved to approve application for Class "B" (Picnic) Beer License from Somers Fire & Rescue Association for Uke's Harley Davidson Hometown Rally on Sept

1, Sept 2, Sept 3, Sept 4, and Sept 5, 2022 from 10:00-8:00pm each day, and request to waive fees.

Seconded by Supervisor Armes. Motion carried. 2-0 vote.

Supervisor Lesko asked about the event and the about the waive of fees.

Retired Fire Chief Carson Wilkinson explained both.

Adjourn

Supervisor Lesko moved to Adjourn at 5:27pm.

Seconded by Supervisor Armes. Motion carried. 2-0 vote

Drafted this 10th day of August 2022 by Brandi Baker, Clerk / Treasurer

These minutes are not official until approved by the Town Board



**TOWN OF SOMERS
TOWN BOARD
MEETING ITEM MEMORANDUM**

MEETING DATE: September 13, 2022

TO: Town Chair Molinaro and Town Supervisors

FROM: Brandi Baker Clerk/Treasurer

AGENDA ITEM: #7 Action proposed Ordinance 2022-002, an Ordinance to recreate section 5.11(E) of the code of Ordinances of the Town of Somers regrading Fireworks Prohibited

BACKGROUND:

An inquiry of a firework permit led Staff to discover a discrepancy in section 5.11(E) of the code of Ordinances of the Town of Somers regrading Fireworks Prohibited on who shall issue said permits. The purpose of revising is for clarification on this Ordinance that the Fire Chief should be issuing Firework permits in place of the Town Chairman.

Attorney Davison has drafted the attached ordinance.

PRIOR ACTION TAKEN:

This was discussed at the Work Session on September 6, 2022.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

The Ordinance will need to be introduced at the Board Meeting and the Board shall decide whether to take further action on September 13th. The Town has traditionally not waived the first reading of an ordinance. If Board wishes to do so, a suggested motion to approve would be as follows:

“Motion to waive first reading of Ordinance No. 2022-002”

“*Motion to approve Ordinance 2022-002, an Ordinance to recreate section 5.11(E) of the code of Ordinances of the Town of Somers regrading Fireworks Prohibited*”

ATTACHMENTS:

Ordinance 2022-002

ORDINANCE NO. 2022-002

AN ORDINANCE TO REPEAL AND RECREATE SECTION 5.11(E)
OF THE CODE OF ORDINANCES OF THE TOWN OF SOMERS
REGARDING FIREWORKS PROHIBITED

The Town Board of Supervisors of the Town of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section 5.11(E) of the Code of Ordinances of the Town of Somers to read as follows:

(E) **Fireworks Prohibited.** The use, possession and sale of fireworks within the Town is prohibited unless the Fire Chief has issued a permit in the manner set forth in §167.10(2), Wis. Stats. as used in this section of this ordinance the term fireworks includes the definitions set forth in §167.10(1), Wis. Stats., and including subsections (e),(f),(i),(j),(k),(l),(m) and (n).

(1) **Parental Liability.** A parent or guardian of a minor who consents to the use of fireworks by the minor is liable for all damage caused by the minor's use of fireworks.

(2) **Enforcement.** The Town Chairperson or the Chief may petition the Circuit Court in the name of the Town for an order enjoining violations of this section and any person who shall violate this section or any court order enjoining violations of this section of this ordinance may, upon order of the court have said fireworks seized and destroyed.

Dated at Somers, Wisconsin, this ____ day of _____, 2022.

TOWN OF SOMERS

By: _____
Mark Molinaro, Jr., Chairperson

Attest: _____
Brandi Baker, Clerk/Treasurer