



Agenda
Public Safety & Welfare Committee Meeting
625-52nd St, Rm 204
Monday, July 25, 2016
5pm

Chairperson: Rocco J. LaMacchia, Sr Vice Chairperson: Jack Rose
Aldersperson: Jan Michalski Aldersperson: Eric Haugaard
Aldersperson: Keith W. Rosenberg

Call to Order
Roll Call
Citizens Comments

Approval of the Minutes of the Meetings Held June 13, 2016 and June 20, 2016.

1. Ordinance by Aldersperson David Bogdala, Co-Sponsors Aldersperson Curt Wilson; Aldersperson Rocco LaMacchia, Sr. - To Amend and Renumber Subsection 16.145 B. and Create Subsection 16.145 D.11 (*of the Code of General Ordinances for the City of Kenosha*) Regarding Prohibition of Residential Tenancies of Less Than Seven Days.

ALDERPERSONS' COMMENTS

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 653-4050 BY NOON BEFORE THIS MEETING TO MAKE ARRANGEMENTS FOR REASONABLE ON-SITE ACCOMMODATIONS.

PUBLIC SAFETY & WELFARE COMMITTEE
Minutes of Meeting held Monday, June 13, 2016

A meeting of the Public Safety & Welfare Committee was held on Monday, June 13, 2016 in Room 204 of the Kenosha Municipal Building. The meeting was called to order at 5:00 pm by Chairman LaMacchia.

At roll call, the following members were present: Alderpersons Rose, Haugaard, and Michalski. Alderperson Rosenberg arrived after Citizens Comments. Staff members in attendance were: Shelly Billingsley, Director of Public Works; Jeff Warnock, Superintendent of Parks; Police Chief Dan Miskinis; Deputy Police Chief Eric Larsen; Alderperson David Bogdala; Alderperson John Fox and Alderperson Curt Wilson.

No citizens spoke during Citizens Comments.

It was moved by Alderperson Haugaard, seconded by Alderperson Rose, to approve the minutes from the meetings held on May 2, 2016, May 9, 2016 and June 6, 2016. Motion carried unanimously.

1. Aldermanic Request for an Eastbound Yield Sign at the Intersection of 49th Street & 5th Avenue. *(District 2) (Staff recommends 90-day trial)* **PUBLIC HEARING**
Staff: Shelly Billingsley and Alderperson John Fox spoke.
Public Hearing: None
It was moved by Alderperson Rose, seconded by Alderperson Michalski to approve. Motion carried unanimously.
2. Aldermanic Request for Switching the Eastbound & Westbound Stop Signs to Northbound & Southbound Stop Signs at the Intersection of 8th Avenue & 45th Street. *(District 2) (Staff recommends 90-day trial)* **PUBLIC HEARING**
Staff: Shelly Billingsley, Police Chief Miskinis, and Alderperson John Fox spoke.
Public Hearing: None
It was moved by Alderperson Rose, seconded by Alderperson Michalski to approve. Motion carried unanimously.
3. Ordinance by the Mayor - To Repeal and Recreate Subsection 29.04, to Recreate Subsection 29.05 and to Repeal and Recreate Subparagraph 29.06 D. *(of the Code of General Ordinances)* Regarding the Statement of Economic Interest. *(Referred from Council on 5/16/16) (Also referred to Public Works, Licensing/Permit and Stormwater Utility)* **PUBLIC HEARING**
Public Hearing: None.
It was moved by Alderperson Michalski, seconded by Alderperson Rose to approve. Motion carried unanimously.
4. Ordinance by Alderperson David Bogdala, Co-Sponsor Alderperson Curt Wilson – To Create Section 16.145 *(of the Code of General Ordinances for the City of Kenosha)* Entitled Prohibition of Residential Tenancy of Less Than Seven Days. *(Oral Referral from Council on 6/6/16) (Backup to be provided at the meeting)* **PUBLIC HEARING**
Staff: Alderperson David Bogdala spoke.
Public Hearing: None
It was moved by Alderperson Rosenberg, seconded by Alderperson Haugaard to approve. Motion carried unanimously.

5. Approval of Emergency Vehicle Pre-emption (*EVP*) System Agreements between the City of Kenosha and the Wisconsin Department of Transportation. (*IH – 94 Northbound Ramps & STH 142*) (*Also referred to Public Works*) **PUBLIC HEARING**
Staff: Shelly Billingsley and Police Chief Miskinis spoke.
Public Hearing: None
It was moved by Alderperson Haugaard, seconded by Alderperson Michalski to approve.
Motion carried unanimously.

6. BJA FY 2016 Edward Byrne Justice Assistance Grant (JAG) Program Intergovernmental Agreement by and between the City of Kenosha, Wisconsin and the County of Kenosha, Wisconsin. (*Also referred to Finance*) **PUBLIC HEARING**
Staff: Police Chief Miskinis spoke.
Public Hearing: None.
It was moved by Alderperson Rose, seconded by Alderperson Rosenberg, to approve.
Motion carried unanimously.

ALDERPERSONS' COMMENTS: None

ADJOURNMENT - There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 5:29 pm.

PUBLIC SAFETY & WELFARE COMMITTEE
Minutes of Meeting held on Monday, June 20, 2016

A special meeting of the Public Safety & Welfare Committee was held on Monday, June 20, 2016 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 6:55 pm by Chairman LaMacchia.

At roll call, the following members were present: Alderpersons Rose and Michalski. Alderpersons Haugaard and Rosenberg were excused. Staff member in attendance was Shelly Billingsley, Director of Public Works.

Citizen Comments – None

1. Application for Carmichael & Associates, Inc., for a Carnival License on July 1-4, 2016 in City of Kenosha Marina Site at 5901 3rd Avenue. *(District 2)* **PUBLIC HEARING**
A public hearing was held. Frank Carmichael, 8310 43rd Avenue, was available to answer questions. It was moved by Alderperson Rose, seconded by Alderperson Michalski to approve. Motion passed 3-0.

ADJOURNMENT - There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:56 pm.

ORDINANCE NO.

SPONSOR: ALDERPERSON DAVID BOGDALA
CO-SPONSOR: ALDERPERSON CURT WILSON
ALDERPERSON ROCCO LAMACCHIA, SR.

**TO AMEND AND RENUMBER SUBSECTION 16.145 B. AND CREATE
SUBSECTION 16.145 D.11 OF THE CODE OF GENERAL ORDINANCES
FOR THE CITY OF KENOSHA REGARDING PROHIBITION OF
RESIDENTIAL TENANCIES OF LESS THAN SEVEN DAYS**

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

Section One: Subsection 16.145 of the Code of General Ordinances for

the City of Kenosha, Wisconsin, is hereby created as follows:

16.145 PROHIBITION OF RESIDENTIAL TENANCIES OF LESS THAN SEVEN DAYS

A. Findings.

The City of Kenosha Common Council finds that the City has transient residents, many of whom occupy rental housing within the City and that the current Code of the City lacks sufficient incentives for owners and sublessors of residential real estate to regulate the conduct of their tenants. The Common Council further finds that current City Code provisions must be enforced to halt the proliferation of such conditions and that the public health, safety, welfare, good order and governance of the City will be enhanced by enactment of the regulations set forth in this chapter, which regulations are remedial in nature and effect, and further finds that any residential tenancy for less than seven days is undesirable because of the transient nature.

B. Definitions.

1. Hosting Platform. A person or entity that provides a means through which an owner may offer a Residential Dwelling Unit for tourist of transient use. This service is usually provided through an online platform and generally allows an Owner to advertise the Residential Dwelling Unit through a website provided by the Hosting Platform and provides a means for potential tourist or transient users to arrange tourist or transient use and payment, whether the tourist or transient pays rent directly to the Owner or to the Hosting Platform.

~~12.~~ "Lessee" shall mean a person who leases a residential dwelling.

~~23.~~ "Primary Residence" shall mean the residence of a person is the place where the person's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.

34. "Residential Dwelling" shall mean any building, structure, or part of the building or structure, that is primarily used and occupied for human habitation or intended to be so used and includes any appurtenances belonging to it or usually enjoyed with it.

45. "Residential Dwelling Rental" shall mean a residential dwelling that is offered for lease for periods of 7 consecutive days or longer in exchange for money or other remuneration, barter or other benefit.

56. "Short-term Residential Dwelling Rental" shall mean a residential dwelling that is offered for lease for periods of less than 7 consecutive days in exchange for money or other remuneration, barter or other benefit.

67. "Sublease" shall mean the lease of a residential dwelling made by a person who is himself a renter of that residential dwelling, or the act of granting or taking such a lease.

78. "Sublessee" shall mean a person who leases a residential dwelling from a lessee.

C. Prohibitions.

1. Short –term residential dwelling rentals are prohibited.
2. A Sublease of residential real estate is prohibited unless all the following apply:
 - (a) The sublease is in writing;
 - (b) The sublease is for a period of greater than seven days;
 - (c) The sublessee financially personally guarantees the rent due under the underlying lease;
 - (d) The sublessee is personally responsible for any residential code violations that occur during the sublessee's tenancy;
 - (e) The original lessee or party responsible for paying rent to the property owner or its agent resides on the premises with the sublessee; and
 - (f) The lessee notify the City of such arrangement and deliver the written lease and sublease to be on file with the City Clerk.

D. Exceptions. The following arrangements are exempt from this ordinance:

1. Community-Based Residential Facilities;
2. Group homes as defined and protected by the Federal Housing Administration;
3. Facilities serving people with developmental disabilities;
4. Assisted living facilities;
5. Nursing homes;
6. Home health and hospice agencies;
7. Hotels and motels;
8. Bed and breakfasts;
9. Licensed boarding houses; and

10. House guests of a primary resident.

11. Home sharing facilitated by a Hosting Platform.

E. Inspection and Enforcement. Community Development and Inspections and City of Kenosha Police Department shall have the authority to enforce the provisions of this section. Citizens may deliver written or verbal complaints of violations of this section to the City Clerk.

F. Penalties. Any person, organization, company, party, firm, corporation, or other entity violating any provision of this section shall be punished by payment of a forfeiture not less than two hundred fifty dollars (\$250) per day, nor more than five hundred dollars (\$500) per day, together with costs of prosecution.

Section Three: This Ordinance shall become effective upon passage and publication.

ATTEST: _____ City Clerk/Treasurer
DEBRA L. SALAS

APPROVED: _____ Mayor Date: _____
JOHN M. ANTARAMIAN

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney