



Agenda
Public Safety & Welfare Committee Meeting
625-52nd St, Rm 204
Monday, October 10, 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 Meeting Held September 26, 2016.

1. Ordinance by Aldersperson Jan Michalski; Co-Sponsors Aldersperson Curt Wilson, Aldersperson Patrick Juliana - To Create Section 13.05 (*of the Code of General Ordinances for the City of Kenosha*) Regarding Home Sharing. (*Also referred to Licensing/Permit*) (*Referred by Council on 9/7/16*) (*Deferred from the meetings on 9/12/16 & 9/26/16*) **PUBLIC HEARING**
2. Set date and time for 2017 Budget Review.

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, September 26, 2016

A meeting of the Public Safety & Welfare Committee was held on Monday, September 26, 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 and Michalski. Alderpersons Haugaard and Rosenberg were excused. Staff members in attendance were: Shelly Billingsley, Director of Public Works; Jeff Warnock, Superintendent of Parks; Deputy Police Chief Eric Larsen and Battalion Fire Chief Matthew Haerter.

No citizens spoke during Citizens Comments.

It was moved by Alderperson Michalski, seconded by Alderperson Rose, to approve the minutes from the meeting held September 12, 2016. Motion carried unanimously.

1. Aldermanic Request for No Parking on the West Side of 16th Avenue from 54th Street to 55th Street. (*District 2*) (*Staff recommends 90-day trial*) **PUBLIC HEARING**
Public Hearing: None
Staff: Shelly Billingsley spoke.
It was moved by Alderperson Rose, seconded by Alderperson Michalski, to approve.
Motion carried unanimously.
2. Ordinance by Alderperson Jan Michalski; Co-Sponsors Alderperson Curt Wilson, Alderperson Patrick Juliana - To Create Section 13.05 (*of the Code of General Ordinances for the City of Kenosha*) Regarding Home Sharing. (*Also referred to Licensing/Permit*) (*Referred by Council on 9/7/16*) (*Deferred from the meeting on 9/12/16*) **PUBLIC HEARING**
It was moved by Alderperson Michalski, seconded by Alderperson Rose, to defer for two weeks. 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 5:03 pm

Sponsor Proposed Changes 9/26/16

Sponsor Proposed Changes 10/03/16

ORDINANCE NO.

SPONSOR: ALDERPERSON JAN MICHALSKI
CO-SPONSORS: ALDERPERSON CURT WILSON
ALDERPERSON PATRICK JULIANA

TO CREATE SECTION 13.05 OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA REGARDING HOME SHARING

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

Section One: Section 13.05 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

13.05 HOME SHARING

A. Purpose. The purpose of this ordinance is to establish regulations for the use of privately owned Residential Dwellings as Home Sharing Rentals to minimize the negative secondary effects of such use on surrounding residential neighborhoods.

B. Definitions.

1. Home Sharing. The term "Home Sharing" shall mean an accessory use of a Host's Residential Dwelling for the purposes of providing temporary lodging for compensation, for periods of seven (7) consecutive days or less.

2. Host. The term "Host" shall mean an individual or entity who has the legal right to rent a Residential Dwelling for Home Sharing under this ordinance.

3. Hosting Platform. The term "Hosting Platform" shall mean a person or entity that provides a means through which a Host may offer a Residential Dwelling for tourist or transient use. This service is usually provided through an online platform and generally allows a Host to advertise the Residential Dwelling 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 Host or to the Hosting Platform. ~~Hosting Platform shall not include a person or entity licensed pursuant to Wis. Stats. Chapter 452, that provides a means through which a Host may offer a Residential Dwelling for tourist or transient use.~~

4. Person. The term "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

5. Residential Dwelling. The term "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.

C. License Requirements.

1. License Required. It shall be unlawful for any person to act as a Host and engage in Home Sharing activities within the City without first having obtained a license therefor from the City Clerk in accordance with the provisions of this ordinance.

2. Separate Licenses. A Host who engages in Home Sharing activities at more than one Residential Dwelling within the City is required to have in effect a separate license for each Residential Dwelling.

3. Compliance With Ordinance. It shall be unlawful for a Host or Hosting Platform to engage in Home Sharing activities contrary to the terms of this ordinance.

D. License.

1. Application. Application for a Home Sharing License shall be made to the City Clerk in writing on a City form which is true, correct and complete, accompanied by the required fee, upon forms provided by the City Clerk. The Application shall include the following information:

- a. the name, address and telephone number of the applicant;
- b. the name, address and twenty-four hour telephone number of a local contact person;
- c. the address of the Residential Dwelling to be licensed;
- d. the number of bedrooms and the occupancy limit of the proposed location; and
- e. a list of all Hosting Platforms to be used by the Host,

and will expire on December 31st following its issuance. The term is nonrenewable. A new annual license application must be filed for review for each subsequent license term.

2. Fee. The annual fee for a Home Sharing License is Fifty Dollars (\$50.00), which shall not be pro-rated. The fee shall be waived if home sharing activities are limited to dates on which the Host is residing in the Residential Dwelling.

3. Term. The term for a Home Sharing License is one (1) year, from January 1 or the date of first issue.

4. Non-Transferable. Licenses are not transferable or assignable.

5. Review. License applications will be reviewed by the City Clerk. If the Clerk is satisfied that the application is complete and the applicant is entitled to a License, the Clerk shall issue a License. However, any applicant desiring to appeal the City Clerk's ruling to the Common Council may do so by filing a written Notice of Appeal with the City Clerk within thirty (30) days of the ruling to deny the License. Appeals may be acted upon by the Common Council following the review and recommendation made by the Committee on Licensing & Permits.

E. Host Requirements.

1. A Host shall be responsible for any nuisance violations as described in Section 16.151 of the Code of General Ordinances, arising at a licensed property during Home Sharing activities.

2. A Host shall provide and maintain fire extinguishers, smoke detectors, carbon monoxide detectors and emergency contact information within the licensed Residential Dwelling.

3. The Host or Host's designee shall be available twenty-four (24) hours per day, seven (7)

days per week for the purpose of responding to complaints regarding the condition, operation or conduct of occupants of the Residential Dwelling or their guests.

4. The Host will use reasonably prudent business practices to ensure that the occupants and/or guests of the Residential Dwelling do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject Residential Dwelling.

5. The Host or Host's designee shall, upon notification of a complaint regarding the licensed Residential Dwelling and/or Home Sharing activities occurring at the licensed Residential Dwelling, promptly respond to resolve, halt or prevent re-occurrence of the subject of the complaint.

F. Hosting Platform Requirements.

1. Actively prevent, remove and cancel any illegal listings and bookings of Home Sharing rentals including where a listing has been offered without a Home Sharing License.

2. Prior to facilitating Home Sharing activities in the City, provide to the City Clerk contact information for an employee or representative that will respond to requests for information of violations of this ordinance.

3. Provide the City Clerk, on a monthly basis, a list in an electronic format, addresses of all sites maintained, authorized, facilitated or advertised by the Hosting Platform for Residential Dwelling use during the period, the total nights that the Residential Dwelling was occupied during the period. and the amounts paid for each stay.

G. Operational Requirements.

1. The Residential Dwelling shall not be altered to change the residential character of the outside appearance of the Residential Dwelling, either by the use of colors, materials, lighting or any advertising mechanism.

2. All parking associated with Home Sharing activities at a Residential Dwelling shall be entirely on-site, in the garage, carport and driveway or otherwise off of the public street. (Note: the Sponsor is amenable to amending or repealing this provision as recommended by the Committee on Licensing/Permits.)

3. No person shall offer or engage in Home Sharing activities in any part of the property not approved for residential occupancy, including but not limited to, a vehicle parked on the property, a storage shed, recreation room, trailer or garage or any temporary structure like a tent.

4. A Residential Dwelling may not be rented for purposes of Home Sharing to more than one group of guests, under more than one booking, at any given time. (Note: the Sponsor is amenable to amending or repealing this provision as recommended by the Committee on Licensing/Permits.)

5. Non-residential uses shall not be permitted in a Residential Dwelling subject to a Home Sharing arrangement including, but not limited to, sales or exchange of products, events that charge a fee, or the promotion, display or servicing of any product is conducted on the premises.

6. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of disposal on scheduled trash collection days.

H. Revocation and Suspension of Licenses. The Common Council may, for just cause, suspend or revoke any license herein provided, upon serving such party written notice of the charges forming a basis for the proposed penalty, in the same manner as that for the service of a Summons in a

civil action. Just cause shall include, but not be limited to:

1. Operating contrary to the terms of this Ordinance.
2. Operating contrary to Chapter 23, Noise Control.
3. Failing to maintain a status of good moral character and business responsibility.
4. Obtaining the license through fraud or misrepresentation.

I. Disciplinary Hearings. Disciplinary hearings, suspension and revocation hearings, may be held before the Common Council or before the Committee charged with license review responsibilities. The Committee on Licenses and Permits, when it conducts a hearing, shall submit a report to the City Common Council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the City Common Council should take with respect to the license. Said Committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or Licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Common Council. The City Common Council shall determine whether the arguments shall be presented orally or in writing, or both. If the City Common Council, after considering the Committee's report and any arguments presented by complainant or Licensee, finds the complaint to be true, or if there is no objection to a report recommending a suspension or revocation of the license, it shall be suspended or revoked as provided by law. If the City Common Council finds the complaint untrue, the proceedings shall be dismissed without cost to the accused. The City Clerk shall give notice of each suspension or revocation to the party whose license is affected. The Common Council may also order corrective action to be taken within a specified time as a condition of license maintenance, at any time, following notice and an opportunity to be heard.

J. 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.

K. Penalty. Any person who shall violate any of the terms and conditions of this Ordinance shall, upon conviction thereof, forfeit not more than Five Hundred Dollars (\$500), plus the costs of prosecution, and in default of the timely payment thereof be confined in the County Jail for a period not to exceed thirty (30) days.

L. Violations. Each day of a violation of this ordinance shall be considered a separate offense.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT

Deputy City Attorney