

MINUTES OF THE SPECIAL COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, AUGUST 6, 2024

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 6:04 PM.

Present: Alderpersons Andrew Drzewiecki, Karl Kastner, Pam Akers, Shirley Saryan

Excused: Bruce Bailey

B. New Business

1. Discussion and decision to transfer remaining capitol funds from ALPR Camera account, to City Emergency Operations Center technologies upgrade (Chief Johnson)

Mayor Neitzke explained that this is for the cameras in the car.

Motion by Alderperson Drzewiecki, seconded by Alderperson Akers to approve. On a roll call vote, motion carried unanimously.

2. Discussion/decision regarding agreement with Greendale School District to continue cooperative programming (S. Jaquish)

Mayor Neitzke stated that City Attorney Christopher Geary thinks that the agreement should be approved, subject to final review and revision by the city attorney.

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to approve pending the City Attorney's approval. On a roll call vote, motion carried unanimously.

3. Approve an Outdoor Special Event application for the House of Harley Milwaukee Fire Department Annual Retirement Lunch, to be located at 6221 W. Layton Ave, August 14, 2024. Application includes the following combination of licenses/permits: Outdoor Special Event, Temporary Class "B" Retailer's License (beer), Food, and Commercial building, electrical, and plumbing. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Vlach)

Motion by Alderperson Kastner, seconded by Alderperson Saryan to approve. On a roll call vote, motion carried unanimously.

4. Discussion and possible adoption of an ordinance to create Section 11.14 of the Code of Ordinances for the City of Greenfield pertaining to permanent accent lighting. (LC 7/15/24 Drzewiecki)

Alderperson Drzewiecki presented that residential permanent accent lighting will mirror commercial accent lighting. Mayor Neitzke and Alderperson Drzewiecki discussed that this ordinance does not address solar-powered perimeter accent lighting or path lighting. Alderperson Drzewiecki said that this is specifically addressing permanent accent lighting that is normally mounted directly to the roof or eaves around the home; it's not your porch lights, security lights, or holiday lights. There is a separate ordinance regarding keeping holiday lights up all year round. This ordinance is trying to prevent permanent accent lighting from being on all night where it may interfere with other neighbors not being able to sleep or significant bright lighting. Permanent accent lighting is different from yard lighting since accent lighting is permanently fixed to a building.

Motion by Alderperson Drzewiecki, seconded by Alderperson Kastner to approve. On a roll call vote, motion carried unanimously.

Mayor Neitzke said that as this ordinance passes, it will be monitored so it's not abused.

5. Discussion and possible adoption of an ordinance to create Section 13.11 of the Code of Ordinances for the City of Greenfield pertaining to short-term rentals. (LC 7/15/24 Drzewiecki)

Alderperson Drzewiecki presented that this is regarding Air BnB, VRBO, etc. rentals. The intention of the ordinance is to restrict larger entities, like corporations or someone who wants to buy a large number

*Minutes are not official until formally approved by the Common Council at the next scheduled meeting.*

of single-family homes, to be rental properties. If a homeowner wants to rent on a temporary basis, this is acceptable. With the restrictions from the state and within the city, we are trying to prevent a corporation from attempting to do that and making it more difficult for a family to have a home. This ordinance, as it is written now, is somewhat of a mirror of a particular city in Ozaukee and Waukesha County, and the City Attorney has merged some of these items that have been held up at the state level.

Mayor Neitzke and Alderperson Drzewiecki discussed if a corporation could buy a lot of residential homes but rent them for a year, then it's different since it is longer than 364 days. If a person starts a short-term rental, they have 180 consecutive days from that date to continue renting, and then they have to stop, since it is a state statute. A homeowner has a window of 180 days to rent, and then after that, it can't be rented. We can't be more restrictive than the state. The state says we have to allow 180 days in a calendar year. Registration in the city in order to have a license, collecting appropriate taxes, and passing inspections need to occur in order to have a short-term rental. The start date will be on the registration, regardless of whether their rental falls through. The registration process for the license would be done through the Clerk's Office, and then Code Enforcement would enforce.

There was discussion about the fee, that the license has to be posted by the door, that it would make these rentals subject to room tax, and that it's trying to disallow parties at rental properties where traffic and noise would be an issue.

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to approve. On a roll call vote, motion carried unanimously.

Mayor Neitzke discussed the budget, that construction is beginning for Cooper's Hawk and Chipotle on 84th Street and Layton Avenue, and Starbucks came back with a new plan.

Alderperson Akers and Mayor Neitzke talked about the 51st Street construction that starts Monday, August 12, 2024, which would last two weeks, and the sound barriers.

C. Adjourn

Motion by Alderperson Drzewiecki, seconded by Alderperson Akers to adjourn at 6:34 PM. Motion carried unanimously.

Minutes transcribed by Trina Kaminski, Administrative Assistant  
Distributed: 8/8/2024

ORDINANCE NO. 3044

AN ORDINANCE TO CREATE SECTION 11.14 OF THE CODE OF ORDINANCES FOR THE CITY OF GREENFIELD PERTAINING TO PERMANENT ACCENT LIGHTING

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

PART I. The Common Council has recently received several complaints from residents regarding the brightness of neighboring permanent accent lighting, which is disturbing the neighbors' nighttime enjoyment of their properties, interrupting neighbors' sleep patterns, and adversely impacting the nighttime character of neighborhoods; and,

PART II. Section 11.14 of the Code of Ordinances for the City of Greenfield be, and hereby is, created to read as follows:

**"11.14 – Permanent accent lighting.**

- (1) *Definitions.* For administering and enforcing this section, the terms or words used herein shall be defined as follows:
  - (a) *Permanent accent lighting.* Lighting attached or affixed to a structure or to landscaping, which is intended to remain in place indefinitely, and which is used primarily to enhance a building's appearance or to enhance landscape through the illumination of the structure or trees, bushes, plants, and monuments. Permanent accent lighting does not include holiday lighting or security lighting.
  - (b) *Holiday lighting.* Any exterior seasonal decorative lighting that is displayed on a temporary basis and the output of which, per lamp, is not greater than 75 lumens.
  - (c) *Security lighting.* Lighting used primarily for the safety of persons or property. Residents are strongly encouraged to utilize motion sensors and timers for all security lighting so that the duration security lighting is activated is the minimum time necessary for the security lighting to serve its intended purpose.
- (2) *Standards for permanent accent lighting.*
  - (a) *Hours.* Permanent accent lighting may not be operated between the hours of 10:00 p.m. and sunrise.
  - (b) *Standards.* Permanent accent lighting may not utilize strobe lights, laser lights, neon lights, searchlights or beacons, rapidly changing or pulsating colors, lighting that could be construed or confused with traffic lights, lighting determined by the City Police Department to contribute to disabling or distracting glare on a public street, or lighting intended to illuminate property other than that to which is located.
  - (c) *Public nuisance lighting.* Nothing in this section shall be deemed or construed to permit any lighting that otherwise constitutes a public nuisance."

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 6<sup>th</sup> day of August, 2024.

APPROVED:

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Michael J. Neitzke, Mayor

ATTEST:

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Jennifer Goergen, City Clerk

ORDINANCE NO. 3045

AN ORDINANCE TO CREATE SECTION 13.11 OF THE CODE OF ORDINANCES FOR THE CITY OF GREENFIELD  
PERTAINING TO SHORT-TERM RENTALS

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

PART I. State law applicable to short-term rentals has recently changed, prompting the Common Council to revisit Greenfield's ordinances; and,

PART II. Section 13.11 of the Code of Ordinances for the City of Greenfield be, and hereby is, created to read as follows:

**"13.11 – Short-term rentals.**

- (1) *Purpose.* The purpose of this section is to ensure that the quality of short-term rentals operating within the City of Greenfield is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators and property managers offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially residential areas, within the City of Greenfield; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.
- (2) *Definitions.* For administering and enforcing this section, the terms or words used herein shall be defined as follows:
  - (a) *Clerk.* The City Clerk of the City of Greenfield, or designee(s).
  - (b) *Corporate entity.* A corporation, partnership, limited liability company, sole proprietorship, or any other group or organization licensed to conduct business in this state.
  - (c) *Dwelling unit.* One or more rooms designed, occupied, used, or intended to be used, as separate living quarters, with a food preparation area and sleeping and sanitary facilities provided within such room(s). Dwelling units include residential, tourist rooming house, seasonal employee housing and dormitory units. Also referred to as a dwelling.
  - (d) *Food preparation area.* Any part of a building containing three or more of the following facilities:
    1. Cooking, including stoves, ranges, ovens, cooktops, microwave ovens with a capacity of one cubic foot. or greater, or countertop appliances such as grills, hot plates, toaster ovens, roasters, and slow cookers, but excluding coffee makers, top-slot toasters, or microwave ovens with a capacity less than one cubic foot.

2. Refrigeration with a capacity greater than 3.5 cubic feet.
  3. Sink with a bowl depth greater than four inches and any other bowl dimension greater than 13 inches.
  4. Storage with a capacity greater than 24 cubic feet intended or used for food, cookware, dishes, or related utensils.
- (e) *Guest register.* The official record provided and kept by a property owner or property manager in which short-term rental guests are required to list their true names and addresses before being assigned sleeping quarters, pursuant to Wis. Admin. Code § ATCP 72.16.
- (f) *License.* The short-term rental license issued under this section.
- (g) *License year.* The period from July 1 of each year to the following June 30, during which a license is in effect.
- (h) *Occupant.* Any person, over one year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit.
- (i) *Offered for rent.* Advertised, maintained, managed, operated, or presented for rent, and/or listed on or with a marketplace provider (including, but not limited to, airbnb.com, homeaway.com, vrbo.com, or similar websites).
- (j) *Owner.* The owner of a short-term rental. Also referred to as property owner.
- (k) *Person.* An individual, group of individuals, or corporate entity. Person shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any section of this section prescribing a penalty or fine, as to partnerships or association, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.
- (l) *Property manager.* Any person who is not the property owner and who is authorized by the property owner, expressly or impliedly, to act as agent and as the local contact person on behalf of the property owner for one or more short-term rentals, and to take remedial action and promptly respond to any violation of this section or the City Code relating to the licensed premises.
- (m) *Short-term rental.* All or part of a residential dwelling that is offered for rent for a fee and

for fewer than 30 consecutive days, as defined in state statute.

(n) *State.* The State of Wisconsin, including departments thereof, or its designee(s).

*(3) Operations of short-term rentals; standards.*

(b) No person may maintain, manage, or operate a short-term rental without obtaining a short-term rental license. Every short-term rental shall be operated by the owner or a property manager.

(c) Each short-term rental is required to have the following licenses and permits:

1. A State of Wisconsin tourist rooming house license;
2. A Seller's permit issued by the Wisconsin Department of Revenue, unless all rentals of the property are exempt from such permit requirement per state law;
3. A license issued pursuant to the provisions of this section.

(d) Each short-term rental shall comply with all of the following:

1. The total number of days within any consecutive 365-day period that the dwelling unit may be rented shall not exceed 180 days. The 180 days must run consecutively, and the owner shall notify the City within five days of the start date. No short-term rentals of less than 7 days are allowed.
2. No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.
3. There shall not be excessive noise, fumes, glare, vibrations, or other nuisance activities, or trespass onto neighboring properties generated during the short-term rental use, and any activities shall be in compliance with all applicable noise regulations.
4. Advertising in media channels relating to the availability of a short-term rental may be placed only after all City and State permits and licenses have been obtained.
5. The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable county and City housing regulations based upon the number of bedrooms in each dwelling unit.

6. No recreational vehicle (RV), camper, tent, or other temporary lodging arrangement shall be permitted on site as means of providing additional accommodations for paying guests or other invitees.
7. Compliance with all applicable state, county, and local codes and regulations is required.
8. A short-term rental license shall not be issued until general building and fire code inspections have been completed on the dwelling and no outstanding orders remain. Annual inspections are required prior to issuance or renewal of the license. Upon probable cause to believe that a violation of this chapter, or of a law, code, rule or regulation relating to buildings, housing, electrical, plumbing, heating, gas, fire, health, safety, environmental pollution, water quality, food or zoning has occurred or is occurring, the City Building Inspector or a local health officer may request that the property owner or property manager allow them, upon presenting proper identification, access to the short-term rental premises at any reasonable time for any of the following purposes: to determine if there has been a violation of this chapter, or of a law, code, rule or regulation related to the short-term rental or its operation; to determine compliance with previously written violation orders; to examine and copy relevant documents and records related to the operation of the short-term rental; or to obtain photographic or other evidence needed to enforce this chapter. As used in this subsection, "probable cause" means facts and circumstances within an officer's knowledge and of which they have reasonably trustworthy information that is sufficient to warrant a reasonable officer in believing that a violation has been or is being committed. If consent is refused, the Building Inspector or health officer may apply for a special inspection warrant issued under § 66.0119, Wis. Stats., or other warrant, subpoena or order as may be necessary or appropriate.
9. Unless the owner resides less than 35.0 miles from the short-term rental property, a local property manager must be designated for contact purposes and their name must be included in the application filed with the City Clerk. The local property manager must reside less than 35.0 miles from the short-term rental property and shall be available between the hours of 8:00 a.m. and 11:00 p.m. on those days when the property is rented. If the property owner resides less than 35.0 miles from the short-term rental property, a local property manager is not required to be designated. In such case, the property owner shall be available between the hours of 8:00 a.m. and 11:00 p.m. on those days when the property is rented. The property owner must notify the City Clerk within three business days of any change in the property owner's contact information and submit the revised contact information to the City Clerk within the same time period. For purposes of this subsection, distance

shall be calculated as measured in a straight line between the short-term rental property and the property owner's residence using online global positioning system (GPS) resources.

10. Short-term rental licenses are issued for one-year period and must be renewed annually subject to City approval or denial based on the licensee's on-going and compliance history.
11. The owner of the short-term rental shall have appropriate insurance for the home that is used for short-term rental and provide proof of insurance with the license application and renewal.
12. Each short-term rental shall keep a guest register, which shall be maintained for a minimum of one year from the date of any rental, or such longer period as is required by state law.
13. Every short-term rental shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 321 of the Wisconsin Administrative Code.
14. The minimum number of on-site, off-road parking spaces shall equal the short-term rental property's advertised maximum sleeping capacity divided by four, with the quotient rounded up to the nearest whole number. For a short-term rental property abutting a private road with fewer than two driving lanes, no parking spaces on the road may be considered and all parking spaces must be provided on-site. For a short-term rental property abutting a public road that has designated on-road parking spaces, the minimum number of required on-site parking spaces may be reduced by the total number of designated on-road parking spaces which lie within the abutting road frontage and within 100 feet of the short-term rental property's main entrance driveway or doorway.

*(4) Short-term rental license procedure.*

- (a) All applications for a short-term rental license shall be filed with the Clerk on forms provided by the Clerk. Applications must be filed by the property owner. No license shall be issued unless the completed application form is accompanied by payment of the required application fee, which fee shall be nonrefundable. Any application that does not include all the information and supporting documentation required shall not be considered as complete. No short-term rental license shall be issued or renewed if the applicant or short-term rental property has outstanding fees, taxes, special charges or forfeitures owed to the City, or if the applicant or property is found to be subject to one of the grounds for revocation under this section.

- (b) Each application shall include the following information and documentation for each short-term rental unit in order to demonstrate compliance with all requirements of this chapter, including, but not limited to:
1. The name of the property owner, with contact information including mailing address and a telephone number at which the property owner is available. If the property owner is also acting as the property manager, then the application shall include mailing address, physical address (if different from mailing address) and a telephone number at which the property owner shall be available between the hours of 8:00 a.m. and 11:00 p.m. on those days when the property is rented.
  2. A copy of the State tourist rooming house license for the property that is effective (and supplemented with a new State tourist rooming house license, if expiring during the term of this license); or, proof that such state license has been applied for.
  3. A copy of the most recent lodging inspection report for a tourist rooming house issued by the State, which must be dated within one year of the date of the license application to the City; or written certification that such lodging inspection report is pending issuance by the State.
  4. Evidence of applicable liability insurance with liability limits of not less than \$300,000 per individual occurrence and \$1,000,000 aggregate.
  5. A copy of a current seller's permit issued by the Wisconsin Department of Revenue, unless all rentals of the property are exempt from such permit requirement per state regulations.
  6. A diagram drawn to scale showing the location of buildings and the on-site, off-street parking area(s) designated for tenants and invitees on the premises.
  7. Designation of a property manager, unless the property owner is acting as the property manager, with contact information, including mailing address, physical address (if different from mailing address) and a telephone number at which the property manager shall be available between the hours of 8:00 a.m. and 11:00 p.m. on those days when the property is rented, and an affirmative statement that the property manager is authorized to act as agent and as the local contact person for the property owner with respect to operation of the short-term rental, including taking remedial action and promptly responding to any violation of this chapter or the City Code relating to the licensed premises, and receiving service of notice of violation of this chapter's provisions.

8. Written certification by the property owner that the short-term rental meets the requirements of this chapter and applicable state and county laws, ordinances and regulations.
9. For renewal licenses only, written certification that a guest register has been kept during the prior license year, as required herein and by the Wisconsin Administrative Code

(5) *Display of License.* Each short-term rental license shall be displayed on the inside of the main entrance door of each short-term rental.

(6) *Appeal and License Revocation.*

- (a) The denial of a short-term license or the renewal of a short-term license under this section may be appealed by filing a written appeal request with the Clerk within ten (10) days of the City's notice of denial. The appeal shall be heard by the Common Council, which shall then reconsider the initial application or renewal application, and any subsequent City staff recommendations, and may approve or deny the application or renewal.
- (b) A license may be revoked by the Common Council for one or more of the following reasons:
  1. Failure to make payment on taxes or debt owed to the City.
  2. Three (3) or more legitimate calls for police service, building inspection or the health department for nuisance activities or other law violations in a twelve (12) month period.
  3. Failure to comply with annual City building inspection requirements.
  4. Failure to maintain all required local and state licensing requirements.
  5. Failure to comply with any requirements cited within this section.
  6. Any violation of an applicable zoning regulation or other state or local land use or property maintenance regulation.
  7. Any violation of local, county, or state laws that substantially harm or adversely impact the predominately residential uses and nature of the surrounding neighborhood.

(7) *Penalties.*

- (a) Any person who shall violate any provision of this section shall be subject to a penalty as provided in section 25.04 of this code.

- (b) Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this code or otherwise.

*(8) Fees.*

- (a) Short-Term Rental License application fee - \$150.
- (b) Inspection and re-inspection fee - \$65

*(9) Severability.* If any provision of this section is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this section. It is hereby declared to be the intention of the City that all provisions of this section are separable. This section shall not invalidate or interfere with any lawful private or other lawful public covenant or restriction on property which prohibits or restricts to a greater extent the uses described and licensed herein.”

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 6<sup>th</sup> day of August, 2024.

APPROVED:

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Michael J. Neitzke, Mayor

ATTEST:

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Jennifer Goergen, City Clerk