

Richland County

Land & Zoning Standing Committee

September 21, 2022

NOTICE OF MEETING

Please be advised that the Richland County Land & Zoning Standing Committee will convene at 3:00 p.m., Monday, **September 29, 2022** in the Richland County Board Room 181 W. Seminary Street.

<https://administrator.co.richland.wi.us/minutes/land-zoning/>

*Meeting materials for items marked with an asterisk may be found the above site.

Agenda:

1. Call to order
2. Proof of notification
3. Agenda approval
4. Review and discussion of information related to Short Term Rentals*
5. Public Comment
6. Future agenda items
7. Adjournment

A quorum may be present from other Committees, Boards, or Commissions. No committee, board or commission will exercise any responsibilities, authority or duties except for the Land & Zoning Standing Committee.

CC: Committee Members, Richland Observer, WRCO, Courthouse Bulletin Board, County Clerk, County Administrator



WISCONSIN

SHORT-TERM RENTALS LAW

Incorporates changes from Wisconsin Act 59 from September 2017

Residential Dwelling Rental

Municipality

CAN:

1. Prohibit rentals for less than seven consecutive days
2. Limit total consecutive days they rent (180 days min.)
3. Require local permit

CANNOT: Prohibit rentals of 7-29 consecutive days

"Residential dwelling": any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others

"Short-term rental": a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days

"Lodging Marketplace": an entity that provides a platform through which an unaffiliated third party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant

"DATCP": state Department of Agriculture, Trade & Consumer Protection; the agency responsible for lodging licenses, or their authorized local health agents

"DOR": state Department of Revenue; the agency responsible for the collection of state tax revenue and for licensing lodging marketplaces

Short-Term Rental on own

1. The property must obtain a DATCP license as a "tourist rooming house" (subject to fees, inspections) and obtain municipal permits as required.
2. The owner/operator of the property must register with the DOR for a license to collect taxes (if the total sales revenue is \$2,000 or more). They must then collect and remit state & county sales taxes, local room tax, and any applicable special district or premier resort area taxes.

Short-Term Rental through registered Lodging Marketplace

1. The property must obtain a DATCP license as a "tourist rooming house" (subject to fees, inspections) and municipal permits as required.
2. The registered Lodging Marketplace collects and remits state & county sales taxes, local room tax, and any applicable special district or premier resort area taxes.

Lodging Marketplace Requirements

1. If the Lodging Marketplace has nexus in Wisconsin, they must register with the state DOR for a license to collect taxes imposed by the state related to short-term rentals now and to collect municipal room tax. Remote (out-of-state) sellers are deemed to have nexus if they sell taxable products and services from Wisconsin. There is a "small seller exception" for remote sellers who do NOT have annual sales into Wisconsin of more than \$100,000 OR 200 or more separate transactions annually.
2. Collect from buyer and remit to DOR sales and use taxes.
3. If rental is in a municipality with a room tax, collect from buyer and remit room tax to the municipality.
4. Notify short-term rental owners that above taxes were collected and remitted on the sales.

provided by:



Wisconsin Hotel & Lodging Association | 1025 S. Moorland Road, Ste. 200, Brookfield, WI 53005
262/782-2851 | WisconsinLodging.org
Contact: Trisha A. Pugal, CAE, President/CEO | pugal@wisconsinlodging.org
REVISED FEBRUARY 2019

Wisconsin Administrative Code for Tourist Rooming Houses

https://docs.legis.wisconsin.gov/code/admin_code/atcp/055/72

DATCP licenses and enforcement

https://datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx

https://datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx

How other municipalities are handling TRH

<https://summitcountyco.gov/CivicAlerts.aspx?AID=954>

<https://summitcounty.civilspace.io/en/projects/str-regulations-update>

Some information/"data" on crime and TRH

<https://thecrimereport.org/2021/08/06/is-there-a-link-between-airbnb-and-neighborhood-crime-rates/>

<https://www.inman.com/2019/07/01/short-term-rentals-concerns-survey/>

<https://news.northeastern.edu/2021/07/16/when-airbnbs-increase-in-a-neighborhood-so-does-crime-heres-why/>

<https://journals.plos.org/plosone/article?id=10.1371%2Fjournal.pone.0253315>

66.1014 Limits on residential dwelling rental prohibited.

(1) In this section:

- (a) "Political subdivision" means any city, village, town, or county.
- (b) "Residential dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(2)

- (a) Subject par. (d), a political subdivision may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer.
- (b) If a political subdivision has in effect on September 23, 2017, an ordinance that is inconsistent with par. (a) or (d), the ordinance does not apply and may not be enforced.
- (c) Nothing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling in a manner that is not inconsistent with the provisions of pars. (a) and (d).

(d)

1. If a residential dwelling is rented for periods of more than 6 but fewer than 30 consecutive days, a political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days. The political subdivision may not specify the period of time during which the residential dwelling may be rented, but the political subdivision may require that the maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents the person's residential dwelling shall notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins.
2. Any person who maintains, manages, or operates a short-term rental, as defined in s. [66.0615 \(1\) \(dk\)](#), for more than 10 nights each year, shall do all of the following:
 - a. Obtain from the department of agriculture, trade and consumer protection a license as a tourist rooming house, as defined in s. [97.01 \(15k\)](#).
 - [66.1014\(2\)\(d\)2.b.](#) Obtain from a political subdivision a license for conducting such activities, if a political subdivision enacts an ordinance requiring such a person to obtain a license.

History: [2017 a. 59](#); [2021 a. 55](#), [240](#).



Short-Term Rentals

Remzy Bitar, Attorney, Municipal Law & Litigation Group, S.C.

As short-term rentals (STRs) such as Airbnb and VRBO become more popular, local governments face classic issues associated with the influx of new uses that can create adverse side effects for the community. Some communities welcome the trend; others do not. For those questioning STRs, two competing interests arise: NIMBY versus “fundamental right to unfettered use of my property.” For unprepared communities, residential zoning and other public and private land use controls do not adequately address this growing trend. Some communities have tried to adopt amendments to their zoning ordinances to expressly restrict and/or regulate short-term rentals, but those amendments have fallen flat in court.

Seeking to address the competing interests, the Legislature created Wis. Stat. § 66.1014 in the 2017 WI Act 59, Biennial Budget Act. The statute contains one relevant definition for “residential dwelling” (“any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others”).¹

Section 66.1014 has several features of note.

First, municipalities cannot prohibit STRs for 7 consecutive days or longer, referred to here as the “prohibition” provision.²

Second, the Legislature addressed regulation of the “durational” aspects of

STRs. If a residential dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, a municipality may limit the total number of days within any consecutive 365-day period to no fewer than 180 days and may require those maximum days to run consecutively. However, it may not specify the period of time during which the residential dwelling may be rented, such as requiring rentals stretch over winter.³

Third, the Legislature unambiguously retained local power – “[n]othing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling...”⁴ That section leaves local government free to regulate other aspects of STRs in a manner that is “not inconsistent” with the prohibition or durational provisions noted above. Significantly, “[a]ny person who *maintains, manages, or operates*” an STR “shall” obtain a local license, if required by local ordinance.⁵

Fourth, there are non-textual aspects to § 66.1014. The Legislature did not place the law under the city and village zoning enabling statute, Wis. Stat. § 62.23. Moreover, when the Legislature wants to completely regulate an industry and preclude or limit the ability for local regulation, it does so clearly. The Legislature did only two things with this statute: removing the power to prohibit STRs and setting durational provisions on the “total number of days.” Of all the other areas the Legislature could have withdrawn from local government (other than taxation, not discussed here), the Legislature did not address such areas but allowed local control and

licensing. The Legislature’s treatment of STRs stands in stark contrast to the Legislature’s sweeping removal of local power elsewhere, such as cellular tower regulation, wind farms, livestock siting operations, concealed carry, conditional uses, shoreland zoning and alcohol. In these areas, and many others, the Legislature’s regulatory framework has various and extensive subject matter components that are expressly meant to curtail local power.

Until recently, no Wisconsin court had addressed this statute. Just last month, in *Good Neighbors Alliance (GNA) v. Town of Holland*, Case No. 2019CV000269, the Sheboygan County Circuit Court, the Honorable Edward Stengel presiding, issued a decision of first impression in this state, specifically addressing various aspects of Holland’s STR ordinance that were specifically designed to address local concerns, harmonize the statute and address the pre-suit complaints and demands of the plaintiffs. The Town Board worked hard to draft an Ordinance that satisfied competing concerns, followed § 66.1014 and Wis. Admin. Code § ATCP 72 (administrative rules “tourist rooming houses” such as STRs) and could withstand judicial scrutiny.

GNA’s primary claim asserted the statute created a preemptive effect on local regulation, enshrining the right to free and unrestricted use of one’s property. They argued STRs involve private use of homes, not commercial activity. The court, however, found that the Legislature preserved local power due to carve-outs in the statute and that the Town acted comfortably within its powers.

GNA attacked specific features of Holland's Ordinance as conflicting with § 66.1014, such as:

- **Property Manager:** "Unless the Property Owner resides within thirty-five (35) miles of the short-term rental property, a local Property Manager must be designated for contact purposes and his or her name must be included in the application filed with the Town Clerk. The local Property Manager must reside within thirty-five (35) miles of the short-term rental property and must be available at all times the property is rented. The Property Owner must notify the Town Clerk within three (3) business days of any change in the Property Manager's contact information for the short-term rental and submit the revised contact information to the Town Clerk within the same time period."
- **Insurance:** "The Property Owner shall have and maintain homeowner's liability or business liability insurance for the premises that are used for short-term rental and shall provide written evidence of such insurance with the license application and renewal application forms."
- **Property diagram with application:** "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."
- **Revocation for Unpaid Fees, Taxes, Or Forfeitures or For Any Violation of State or Local Laws:** "A license may be revoked by the Town Board during the term of a License Year and following a due process hearing for one or more of the following reasons: (1) Failure by the licensee to make payment of delinquent fees, taxes, special charges, forfeitures or other debt owed to the Town. (2) Failure to maintain all required local, county and state licensing requirements.

(3) Any violation of local, county or state laws or regulations which, based upon their number, frequency and/or severity, and their relation to the short-term rental property, its owner(s), tenant(s), occupant(s) or visitor(s), substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood."

- **One On-Site, Off-Street Parking Space:** "Not less than one (1) on-site, off-street parking space shall be provided for every four (4) occupants, based upon maximum occupancy."
- **Forfeitures:** "Any person who violates any provision of this chapter shall be subject upon conviction thereof to a forfeiture of not less than \$250 nor more than \$750 for each offense, together with the costs of prosecution, and in the event of default of payment of such forfeiture and costs shall be imprisoned in the Sheboygan County Jail until such forfeiture and costs are paid, except that the amount owed is reduced at the rate of \$25 for each day of imprisonment and the maximum period of imprisonment is 30 days. Each violation and each day a violation occurs or continues to exist shall constitute a separate offense."

With STRs, there are many side-effects related to the health, safety, and welfare of the public. The goal is to allow such use of the property for rentals yet protect the interests and quality of life for long-term residents. The interests being served include: preserving the character of a neighborhood; eliminating nuisances like noise, parking, and trash problems; ensuring building safety; over-occupancy; and responsiveness to neighbor complaints. Such concerns arose in the town of Holland, where it received complaints over a significant period of time, often occurring weekly during the summer months. Complaints of adverse

impacts caused by STR properties in the town of Holland included lewd behavior, unsafe fires on the beach, dogs running at large, excessive noise, trash left on the beach, traffic and RVs along narrow lake roads, and trespassing. One such trespassing event involved the complainant arriving home at night to find renters from a nearby property in the complainant's hot tub.

The town carefully considered its proposed ordinance over the course of several months, including several drafts to balance the Legislature's new statute, preservation of residential property rights and the local interests in protecting the public health, safety, and welfare. After passage of the Ordinance, GNA sought total repeal. The town passed an amended ordinance accomplishing the following:

- the elimination of any restriction on the number of days a property may be rented,
- elimination of restrictions on outdoor events on rental properties,
- elimination of minimum levels of insurance coverage,
- added a provision to allow short-term rental licensure by the town to proceed with evidence that a Wisconsin tourist rooming house license has been applied for rather than actually received,
- removed the requirement for property managers to be licensed with the town,
- removed insurance requirements for property managers,
- documented the appeal steps and procedures for licensure decisions,
- clarified the vehicle restrictions,
- removed annual building and fire inspections requirement,

- removed requirement to provide a property management agreement,
- removed town access to property without consent or inspection warrant,
- removed minimum bathroom requirement, and
- lowered the maximum forfeiture amount.

The Sheboygan Circuit Court found local government can regulate within the same field as § 66.1014 so long as it does not conflict. Due to its careful development of the STR ordinance, Holland survived four-factor preemption analysis and its ordinance was upheld.⁶

Any community desiring such an ordinance should consult with its legal counsel and should also determine if the Holland case has been reviewed by the Court of Appeals.

Licensing and Regulation 403

About the Author:

Remzy Bitar is an attorney with the Municipal Law & Litigation Group, S.C. and has been practicing in the area of Municipal and Civil Rights Litigation Defense for over 17 years. Remzy handles all aspects of such litigation in both state and federal court including trial and appeals. His experience ranges

from defending civil rights lawsuits against jails and law enforcement, to handling condemnation, zoning and other land use matters, to open records and open meetings law, and to the defense of municipalities and their officials and employees in the areas of First Amendment, Fourth Amendment, and Equal Protection and Due Process.

Remzy began his legal practice after college at Lawrence University, law school at Washington University School of Law in St. Louis, and then completed a judicial clerkship with the Supreme Court of Missouri for the Honorable Laura Denvir Stith. Contact Remzy at rbitar@ammr.net

1. § 66.1014(1)(b).
2. § 66.1014(2)(a).
3. § 66.1014(2)(d)1.

4. § 66.1014(2)(c).
5. § 66.1014(2)(d) & (2)(d)2b.
6. *Wisconsin Carry, Inc. v. City of Madison*, 2017 WI 19, 373 Wis.2d 543, 892 N.W.2d 233.

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R-2 and R-3 Zones?

What are the basic arguments for and against allowing Short-Term Home Rentals (“STHRs” in R-2 and R-3 zones?

Arguments in favor of proposals to allow STHRs in R-2 and R-3 zones:

- The demand for Ashland transient housing of any type in the high tourist season outstrips demand.
- The impacts of STHRs are barely distinguishable from those of B&Bs, which are already allowed in R-2 and R-3 zones (subject to conditional use permits).
- STHRs are a distinct form of transient housing for which the demand appears to be growing in absolute terms, as well as relative to other forms of transient housing; accommodating that demand may help maintain and even enhance the City’s tourism-based economy.
- R-2 and R-3 zones are multi-family zones in which fairly frequent turnover of tenants in Long-Term Rentals is already common.
- Unoccupied homes with absent owners tend to be neighborhood detractions; homes kept up by their absent owners in order to appeal to visitors, some of whom become regulars and friends of neighbors, tend to enhance neighborhood.
- Homeowners should be free to use their property as they wish as long as neighbors are not harmed or unduly inconvenienced.
- An STHR is a form of home occupation; subject to permitting requirements in AMC 18.94.130, home occupations are allowed, in all residential zones. o Note: A home occupation site may not have more than one customer automobile at the site at any one time. AMC 18.94.110(E)(3).
- A homeowner whose principal residence is in Ashland but who is absent for several months at a time, should be able to help defray high Ashland housing costs with daily or weekly rentals. o Note: A possible accommodation to this interest by such homeowners could be to limit STHRs to structures that are principal residences of Ashland citizens. This limitation could be imposed in all residential zones or in R-1 zones only

Arguments in opposition to proposals to allow STHRs in R-2 and R-3 zones:

- Ashland’s already insufficient supply of Long-Term Rentals would likely decrease because some landlords will turn current Long-Term Rentals into STHRs because the latter tend to be more lucrative. o Note : The burden of obtaining a conditional use permit presumably would constrain the proliferation of STHRs. Other possible requirements, such as a limitation on distance from downtown or a limitation on concentrations of STHRs within any one geographic area could provide additional constraints.
 - Occupants of STHRs tend to make greater than average use of public infrastructure and services: 2 o Utility records suggest occupants of STHRs use more electricity and water per household than occupants of Long-Term Rentals. o To date, experience in Ashland indicates occupants of STHRs use more onstreet parking than occupants of Long-Term Rentals. Presumably, this is because some STHRs are occupied by multiple families, each with a vehicle. • The number of B&B establishments in Ashland has declined in recent years as a result of competition from STHRs and will decline even further if STHRs receive any kind of City sanction. o Note: “Leveling the playing field” by requiring conditional use permits, business licenses, and payment of transient occupancy tax by STHRs may improve the competitiveness of B&Bs and hotels/motels vis-à-vis STHRs.
 - Residents in R-2 and R-3 zones reasonably expect transient lodgings not to become a prominent feature of their neighborhoods.
 - Residents in R-2 and R-3 zones generally want neighbors who care more about longterm quality of life in their neighborhoods and community than visitors typically do.
 - More overnight guests staying in a neighborhood generally means more traffic and more noise for residents to cope with.
- B. R-1 Zones? In addition to the pro and con arguments summarized above with respect to R-2 and R-3 zones, what are the basic arguments for and against allowing STHRs in R-1 zones? Arguments in favor of also allowing STHRs in R-1 zones:
- Allowing a few STHRs in any one neighborhood would be no more likely to detract from neighborhood quality of life or community values than do presently unlimited Long-Term Rentals.
 - The stability and quality of neighborhood life should not receive greater protection in R-1 zones than in R-2 and R-3 zones.
 - Available sites for STHRs are more plentiful in R-1 zones than in R-2 and R-3 zones. Arguments in opposition to also allowing STHRs in R-1 zones:
 - STHRs, like B&Bs and other significant business activities, should be kept out of primary residential areas.
 - Even more than in R-2 and R-3 zones, residents in R-1 zones have reasonable expectations as a result of zoning laws that occupants of their neighborhoods will turn over fairly infrequently and will take a personal interest in the long-term character and amenities of the neighborhood and community

When it comes to short term rental zoning, communities have to decide on a policy that fits their history and ideals. This issue is especially likely to arise where tourists or a seasonal population are interested in temporary rentals of single-family residences, without the owner being on the premises.

With the rise of the sharing economy, online businesses such as Airbnb have made renting out a home, or just a room or two, an easy option for homeowners, even in areas not considered especially touristy. So this problem is increasing in frequency and potential for controversy.

Of course it is not a new issue where seasonal tourism is high, but the question has become newly relevant for many towns and cities that have never been seen a demand for short term rentals before now. This applies to areas that are near tourist attractions in large cities, but which have never thought of themselves as tourist destinations until now. What we have to say on this page applies to these sharing services as well.

Often the question is handled through the zoning ordinance, but sometimes a stand-alone ordinance may be enacted governing the conditions under which such a land use is permitted. We think it best to handle any regulation of short-term rentals within the zoning ordinance.

Commonly the short term rental zoning provisions define short term as less than 30 days. The same concept may be called transient rentals, or short term transient rentals. A few examples of a seasonal zoning regulation have been found as well, in which different regulations apply if the rental is for more than 30 days but less than 180 or so.

If the zoning ordinance is where short term rentals are regulated, the ordinance of course will spell out which zoning districts allow such a use. Sometimes ordinances require a special use permit, which usually leads to the same level of public hearings and action by the governing body equivalent to the process required for a rezoning.

We think the best provision would be to require a conditional use permit in any residential zoning district, which allows the city, township, or county to address concerns about extra vehicles, hours, noise, trash removal, frequency of turnover, and more. Then if the local government thinks that its comprehensive plan requires strict adherence to a single family model in some districts, conditions such as a minimum number of nights' stay for each tenant, a maximum number of nights of rental each year, and the presence of the owner-occupant on premises can be required.

Standards For Short Term Rental Zoning

In any event, the zoning ordinance is likely to set forth standards for short term rental zoning. Topics regulated might include:

- Posting or availability at the town hall of one or even two **local** contact persons who will be responsible for handling any problems that arise with the property. We think this is the most important regulation, and one that should be strictly enforced.
- Requirements for providing off-street parking. Unless the unit in question is very well served by public transportation, this is a must. Typically the requirement could be met by extra driveway space, but if even homeowners park on the street, be quite careful to include a sufficient regulation.
- Noise and nuisance provisions, or reference to other ordinances addressing such situations.
- Requirements that garbage collection be maintained, and limiting the hours before and after collection when the garbage receptacles can be in front of the home. Think through whether you want to tolerate a situation such as visitors leaving on Monday morning and wheeling a garbage can to the street, even though garbage collection does not occur until Thursday.
- Minimal required spacing between short term rentals. A particular interval of feet may be used to assure that an entire block does not turn into a short term rental district.
- Reinforcement of the idea that normal occupancy limits (number of persons who may live in the home) for a particular zoning district also apply to short term rental tenants.
- Proof of code compliance, fire safety measures, adequate water and sewer service, or other utilities or infrastructure that may be of particular concern.
- Requirements for notifying neighbors, or even for their agreement.
- Limitations on the turnover. Renting to six different tenants within a month probably won't be allowed in many places. There may be a minimum stay, perhaps of a week.
- Limitations on particular areas of the town or city where short term rental either is not allowed at all or is not restricted. Such statements within a zoning ordinance would amount to establishing an overlay district pertaining just to the subject of transient rentals.
- Imposition of a special use permit or conditional use permit requirement, allowing for scrutiny of the particular facts of a site before allowing such a use. Alternatively, you might provide for a city staff review based on specific criteria.
- A complaint structure through which close neighbors can report problems and issues to the city, or possibly even a mediation structure for disputes.
- A revocation procedure for a rental that proves to be a detriment to the neighborhood.

If the rental of homes for a short time is not covered in the zoning ordinance, or the town or city does not have a zoning ordinance, a separate law sometimes is enacted. Probably it would deal with the same types of limitations and requirements described above, as considered appropriate and necessary by the local government.

If your town is targeting regulations toward Airbnb and its competitors, you may want to discuss a requirement that the building is owner-occupied. This prevents the situation of an off-premises owner who may be conscientious but not aware of tiny problems that might arise each night. Yet it also allows homeowners with plenty of space and parking capability to be able to earn some extra income in a manner relatively harmless to the neighborhood.

A number of European cities, led by Paris, have adopted a registration process for the short term rentals, since prior to the licensing requirement they largely had been avoiding paying taxes required of hotels and other formalized lodging. Additional pushback in European cities has come from those who claim that the short term rentals of rooms and apartments have

become so lucrative that there is a loss of rental housing stock available for the local population. From some reports we have read, there is merit in this claim. We encourage you to think about the potential for loss of affordable housing for your own residents if short-term rentals become a significant factor in your community.

Resort cities and towns in the U.S. face a similar problem in that out-of-town visitors are willing to pay a premium for rooms that once were rented to seasonal employees, who now have nowhere to live. Each city in this situation has to wrestle with its moral and practical responsibility to provide housing for the seasonal workers who make the tourism industry possible.

Trends In Brief Rentals

We expect that the 2020-2021 COVID-19 pandemic has softened the appeal of short-term rentals, but any lasting impact will depend on how the public perceives the safety of staying in a residence other than a hotel and even on how quickly leisure travel recovers over a period of many months or years. This factor may give municipalities who have not yet addressed the issue some additional time to consider an appropriate response, but we think that at some point the popularity of this element of the sharing economy will continue on its overall upward trend.

In the case of both short term rental zoning and free-standing transient rental regulations, many communities that are aware of the connections between [tourism and economic development](#) have a tendency to begin with minimal regulation and to add requirements on the basis of particular problems that arise. If the town becomes divided over the issue, however, of course the regulations are likely to be more strict and more creative.

Still other towns choose to ignore the issue that some residents or property owners rent out homes for a very short term, considering this practice to be the prerogative of the property owner. Be aware that there will be resistance if you try to limit property owners' flexibility. As an example, see our exchange with a site visitor about being [forced to stop renting through Airbnb](#).

We see the opposite tendency in towns that do not consider themselves to be tourism oriented. Often they are very suspicious of allowing people to rent out rooms in their residence for a few days, thinking that it undermines the sanctity of single-family residential neighborhoods. They have a good point actually.

Some municipalities have asked planning or code enforcement staff members to monitor the big short-term rental websites to find any properties offered for stays in their jurisdiction. If you have had the policy debate and determine that you cannot allow this land use, it should be relatively easy to find property owners who are in violation, as they have to advertise to be known.

We advise you to think this through before it becomes a big issue though. There may be some zoning districts and even some particular lot configurations where any potential

disruption would be minimal, but where the economic benefits to property owners could be real.

Particularly in an unattractive real estate market, allowing short term rental zoning is probably not a bad idea, as long as the percentage of the housing stock devoted to this use is small. From the community perspective, short term rental use is probably preferable to a house going into foreclosure.

Some apartments run themselves, in a sort of absentee [bed and breakfast](#) situation. However, we recommend that it is best to require a meaningful stay if there is no on-premise owner or manager. Our advice would be to require a stay of at least three days but preferably five to seven.

This allows the neighbors to monitor the situation better. If new people can come in every night, neighbors will tend to shrug their shoulders about anything strange they see. But each community will need to evaluate its own situation to determine how to address home sharing.

<https://www.sheboyganpress.com/story/opinion/2022/06/10/airbnb-vrbo-rental-laws-wisconsin-advice-sheboygan-attorney/7557986001/>

It's vacation season in Wisconsin. Here's what to know before renting your home on Airbnb or Vrbo.

Adam Vanderheyden

For USA TODAY NETWORK-Wisconsin

Wisconsin has a lot to offer, especially in the summer months. Rivers and lakes, shoreline beaches, the Northwoods, championship golf courses and world-renowned sports venues provide something for everyone in both rural and urban settings. Add cheese curds to the mix and the state practically sells itself.

Home-sharing companies like [Airbnb](#) and [Vrbo](#) have opened the doors for homeowners to take part in Wisconsin's \$17 billion tourism industry by facilitating vacation rentals for residential properties. Post-pandemic, these listings will only increase. But some laws apply to "short-term rentals" of fewer than 30 consecutive days.

Statewide law

In 2017, Wisconsin enacted a short-term rental law — also known as the [Right to Rent Law](#) — that applies statewide. Under the law, no city, village, town or county (political subdivision) can prohibit rentals of residences for seven consecutive days or longer.

This statewide law does not override local laws that place restrictions on short-term rentals of less than seven days or don't conflict with provisions of the state law.

The state law followed several lawsuits involving homeowners who wanted to rent their homes but were told that local ordinances prohibited such short-term rentals. In some cases, neighbors may prompt restrictions on short-term rentals in their community.

But now, if a homeowner decides to list their home as a “short-term rental” for periods of seven to 30 days, a political subdivision cannot disallow it. It can only limit (by ordinance) the total number of days that a rental unit may be rented in a year, beyond 180 days.

The political subdivision cannot limit rentals to certain times of the year but “may require that the maximum number of allowable rental days within a 365-day period must run consecutively.” Before renting, a renter must notify the clerk of the political subdivision.

Other requirements

Additionally, the state law requires anyone who maintains, manages, or operates a short-term rental for more than 10 nights each year to obtain a “tourist rooming house” license from the state department of agriculture, trade, and consumer protection.

The tourist rooming house license costs \$110 annually, with a one-time pre-inspection fee of \$300. A political subdivision may also enact ordinances that require a license from the political subdivision to begin offering short-term rentals, in addition to the state license, and may enact other requirements that don’t conflict with state law.

In fact, that’s exactly what the town of Holland did in Sheboygan County. The town enacted an ordinance that placed other requirements on short-term rentals “to ensure that the quality of short-term rentals operating within the Town is adequate for protecting public health, safety and general welfare.”

For instance, provisions of the ordinance prohibit excessive noise, limit the number of occupants, prohibits “greater than normal” traffic at the property, restricts outdoor events to no later than 10 p.m., and requires a property manager to be available at all times unless the owner lives within 35 miles of the short-term rental, among others.

These local requirements were challenged in court by a group called the Good Neighbors Alliance. But in February, a circuit court judge upheld the town of Holland’s ordinance relating to short-term rentals, in one of the first cases since the state law passed.

Thus, it’s important for those who want to rent their homes as short-term rentals to understand the state law, but also the local ordinances that may apply.

As communities balance rental rights with other concerns like limiting nuisances, preserving neighborhoods, and controlling health and safety, lawsuits concerning short-term rentals will likely continue in the tourist destination that is Wisconsin.

ORDINANCE № 293-032322

CREATING SECTIONS 18.51 TO 18.58 OF CHAPTER 18 OF THE MUNICIPAL CODE FOR THE VILLAGE OF SISTER BAY CONCERNING SHORT-TERM RENTAL RESIDENTIAL DWELLINGS

WHEREAS, the Village of Sister Bay desires to balance the interests of property owners to use their property as short term rentals ["STR" or "STRs"], while balancing the interests of residents who seek to protect the quality of life and the character and stability of their neighborhood; and

WHEREAS, the issuance of short-term rental permits is to ensure the quality and nature of Short-term rentals operating in a Residential Dwelling in a Residential District within the Village of Sister Bay ("Village") by establishing minimum standards and determining the responsibilities of owners, agents, and property managers offering properties for tourists and transient occupants, to protect the character and stability of neighborhoods within the village, and provide for the administration and enforcement thereof; and

WHEREAS, any short-term rental shall not adversely affect the residential character of the neighborhood, nor shall the use generate noise, vibration glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.

NOW, therefore, the Village Board does hereby ordain as follows:

Section 1 – State Statutes Adopted – Authority

The Village Board adopts this ordinance under its general village powers authority and §66.1014 and §61.34 of the Wisconsin Statutes.

Section 2 – Availability for Public Inspection

A copy of this ordinance shall be permanently on file and open to public inspection in the Office of the Village Clerk after its enactment and for a period of not less than two (2) weeks before its enactment.

Section 3 – Article IV, Sections 18.51 – 18.58 of the Municipal Code for the Village of Sister Bay, is hereby created and shall read:

Section 18.51 License Required

No person may own, manage, or operate a short-term rental within the R-1, R2, or R-3 Zoning Districts for even one (1) night each year without a Village Short-term Rental license issued pursuant to this ordinance.

Section 18.52 Definitions

- A. "BTR" means Department of Revenue Business Tax Registration number.
- B. "DATCP" means Wisconsin Department of Agriculture Trade and Consumer Protection.
- C. "DCTZC" means Door County Tourism Zone Commission.

- D. "POWTS" means Private On-Site Wastewater Treatment System.
- E. "Property Owner" means the person or entity who owns the residential dwelling that is being rented.
- F. "Resident Agent" means a person or an entity who is not the Property Owner and who is authorized to act as the agent of the Property Owner for the receipt of service of notice and remedy of municipal ordinance violations and for service of process pursuant to this ordinance.
- G. "Residential Dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
- H. "STR (Short Term Rental)" means a dwelling unit in which sleeping accommodations are offered for pay to tourists or transients for periods of less than 30 days.
- I. "Tourist Rooming House" means a dwelling unit in which sleeping accommodations are offered for pay to tourists or transients for periods of less than 30 days.
- J. "Un-hosted" means the owners of the property are not on premise during the rental.

Section 18.53 – License Application

- A. Licenses shall be issued using the follow procedures:
 - 1. All applications for a Short-term Rental license shall be filed with the Village Clerk on forms provided. Applications must be filed by the Property Owner or authorized Agent. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.
 - 2. All applications for a STR license shall include a copy of the current inspection report completed by DATCP.
 - 3. The Village Clerk shall issue a Short-term Rental license to all applicants following payment of the required fee, receipt of all completed documentation and information requested by the application, and approval by the village board or its designee.
 - 4. A Short-term rental license shall be effective for one year and may be renewed for additional one-year periods. The annual licensing term begins July 1st and ends on June 30th of the following year.
 - 5. The application process will open on March 1st. A fully completed application or renewal application and fee must be filed with the Village Clerk at least forty-five (45) days prior to the license expiration so that the village board, or its designee, has adequate time to consider the application. A renewal application shall include any updated information since the filing of the original application.
 - 6. Any changes in ownership of the property requires a new license per Wisconsin Administrative Code State Statute 72.04(b) prior to obtaining a permit from the Village.
 - 7. An owner may apply for a new license no less than 12 months after being revoked (see "Revocation" and "Penalties" sections below.)
 - 8. The village board may suspend, revoke, reject, or not-renew a Short-term Rental license or license application following a due process hearing if the board determines that the licensee has had violations of B1, B2, B3, B4, B5, B6 under Section 18.55, has been notified by telephone and email of such a breach and has left breach uncured for a period of 24 hours following notification from the village.

The village board may suspend, revoke, reject, or not renew a Short-term Rental license or license application following a due process hearing if the board determines that the licensee has had violations of B7, B8, B9, C, D, R, F, under Section 18.55, has been notified by telephone and email of such a breach, and has left breach uncured for a period of fourteen (14) days following notification from the village.

- a) has had two violations at the property in the last 12 months;
- b) failed to comply with any of the requirements of this ordinance;
- c) has been convicted or whose Resident Agent or renters have been convicted of engaging in illegal activity while on the Short-term Rental premises on one (1) occasion within the past twelve (12) months;
- d) has outstanding fees, taxes, or forfeitures owed to the village.

9. Property owners shall be permitted no more than seven (7) calendar days to correct discrepancies in the application before it is deemed late or ineligible for renewal.

Section 18.54 Permit Process

Each Short-term Rental shall comply with all the following requirements:

- A. The Village application shall be completed in its entirety.
- B. Each rental must register with the State of Wisconsin as a business and receive a Business Tax Registration number (BTR) unless they have contracted with a Resident Agent.
- C. Each rental application will be shared with the Village of Sister Bay's assessor for personal property tax assessment.
- D. Each Short-term Rental shall hold a valid State of Wisconsin Tourist Rooming House License issued by the Department of Agriculture, Trade and Consumer Protection (DATCP), and shall provide proof of such license by attaching a copy to the initial license application.
- E. Each Short-term Rental shall be licensed by the Door County Tourism Zone Commission (DCTZC) and shall provide proof of such license by attaching a copy to the initial license application.

Section 18.55 – Operation of a Short-Term Rental

1. Every STR shall be operated by a property owner or resident agent.
2. Each Short-term Rental shall comply with all the following requirements:
 - a) Any short-term rental shall be defined by the Village of Sister Bay Zoning Code definition of Dwelling Unit. This ordinance prohibits the use of any structure not qualified as a dwelling unit.
 - b) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
 - c) If the property is served by a private onsite wastewater treatment system (POWTS), the occupancy is limited to the number of occupants for which the POWTS was designed. The POWTS must be in full compliance with this Ordinance and serve the property in accordance with Chapter 21 of the Door County Code.

- d) Sufficient off-street parking shall be available to accommodate all vehicles on the Short-term Rental premises. Off-street parking shall comply with the Sister Bay Zoning Code, Chapter 400. On-street parking for renters of the Residential Dwelling is Prohibited.
- e) Pets that accompany a renter are subject to the Sister Bay Municipal Code, Chapter 10, with the following additional requirements:
 - (a) Pets must be under the control of their owner and on a leash when outside the dwelling. Pets may be tethered securely to a leash or pulley-run on the premises, provided that the tethered pet is at least ten (10) feet inside the premises lot line.
 - (b) Pet owners must adhere to minimizing pet noise, independent of whether the pet is inside or outside the dwelling.
- f) Any outdoor event held at the Short-term Rental shall last no longer than one day occurring between the hours of 10 AM and 10 PM. From 10 PM to 10 AM quiet hours shall be enforced. All activities shall comply with the Village noise ordinance.
- g) All STR's must be able to accommodate reliable telephone communications in case of emergency.
- h) All STR's must follow state and federal antidiscrimination regulations.
- i) Un-hosted STR's shall be categorized as public accommodations under Title II of the 1964 Civil Rights Act.
- j) The Property Owner must reside within thirty (30) miles of the Short-term Rental during periods in which the Short-term Rental is rented.
 - 1. This requirement may be waived if there is a valid Resident Agent (point of contact) located within thirty (30) miles of the Short-term Rental, in such a case, the Property Owner shall provide a copy of the Resident Agent contract to the Village and notify the Village within thirty (30) days of termination of any such contract.
 - 2. To qualify as a Resident Agent the representative must reside within Door County or be a corporate entity with offices located in Door County.
- k) The Property Owner and/or Resident Agent must provide the village with current contact information and must be available twenty-four (24) hours a day.
- l) The Property Owner and/or Resident Agent must provide the following information to neighboring residential property owners located within a 300-foot radius of the Short-term Rental dwelling property in all directions no later than seven (7) days from the date the rental dwelling permit is issued or any time the Property Owner/Resident Agent contact information changes:
 - 1. Telephone and email address to enable neighboring residential property owners or Village personnel to contact the Property Owner or Resident Agent twenty-four (24) hours a day, seven (7) days a week regarding disturbances or issues arising in connection with the rental of a Residential Dwelling.
 - 2. Provide a copy of property rules that is provided to renters.
 - 3. Provide their DATCP license number.
- m) The Property Owner shall include the following Property Rules information in the online web listing house rules or equivalent page for their rental property:
 - a. Maximum number of off-street parking spaces.
 - b. Quiet hours of 10 PM to 10 AM.

- c. Fireworks strictly prohibited.
- d. Pets must be leashed.

Section 18.56 - Property Rules

A copy of the State of Wisconsin tourist rooming house license, Door County Tourism Zone Good Neighbor Policy, and the Village STR license shall be posted on the property. A list of property rules must be posted at the Short-term Rental property, provided to the guests, and a copy submitted with the application for a license. Property rules must contain the minimum information:

- (a) The name, phone number and address of the Property Owner or Resident Agent.
- (c) A diagram of the property identifying the property lines and the location of off-street parking, including the maximum number of off-street parking spaces provided for renters.
- (d) Quiet hours of 10 PM to 10 AM.
- (e) Fireworks are strictly prohibited.
- (f) Pet policy: Leash requirements, noise.
- (g) The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property.
- (h) Outdoor burning regulations.
- (i) Notification that the occupant may be cited or fined by the Village or immediately evicted by the Property Owner or Resident Agent, in addition to any other remedies available at law, for violating any provisions of this ordinance.

Section 18.57 – Revocation Process and Penalties

A. Forfeiture. The owner of any property, whether a person, partnership, corporation, limited liability company, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction or admission, pay a forfeiture of not less than \$500.00 nor more than \$1000.00 for the first offense, a forfeiture of not less than \$1000.00 nor more than \$2000.00 for the second offense, and a forfeiture of not less than \$2500.00 nor more than \$5000.00 for the third and subsequent offenses, plus the applicable surcharges, assessments, and costs including legal fees and costs of prosecution for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.

B. Suspension, Revocation or Nonrenewal. Upon violation, the Village, at its sole discretion, shall:

1. Notify the owner of the property of noncompliance by email and telephone;
2. Summarily suspend the STR License, with written notice to the Owner;
3. Determine if the owner has remedied the violation and shall schedule a license revocation hearing, before the Village Board, if the violation is not remedied immediately.
4. Provide the opportunity to the Owner to have a hearing on the matter before the Village Board with an effort to provide notification to property owners within 300-feet of the property and allow them to provide oral or written testimony.
5. Determine that the STR License shall, or not, be revoked.
6. Elect to non-renew an STR License for the following year.

7. Shall, in all events, provide notice of any ~~its~~ decision in writing to the Owner.

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

Section 18.58 – Fees

License fees shall be established by the Village Board in a fee schedule and may, from time to time, be modified. The fees shall be related to costs involved in processing license applications, reviewing plans, conducting inspections, ordinance compliance and documentation. Fees are nonrefundable and shall not be prorated.

Annual Village STR application -----\$500.00
Late fee-----\$100.00

Section 4 – Severability.

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

Section 5 – Effective Date.

This ordinance shall take effect upon adoption and publication as required by law.

VILLAGE OF SISTER BAY

By: 
Rob Zoschke, President

ATTEST:


Heidi Teich, Village Clerk

Date Introduced: 3-23-2022
Date Adopted: 3-23-2022
Publication Date: 3-31-2022

Ayes 5

Nays 2

Sauk County Ordinance

SUBCHAPTER I. GENERAL PROVISIONS

Sec. 29.001. Effective date.

This ordinance shall become effective upon its adoption by the Sauk County Board of Supervisors.

Sec. 29.002. Purpose.

The purpose of this ordinance is to protect and improve the public health, safety, welfare, and environment of the people and communities of Sauk County, and to authorize the Sauk County Health Department to become the designated agent of the State of Wisconsin Department of Agriculture, Trade, and Consumer.

Protection for the purpose of establishing license fees, issuing licenses, collecting samples, inspecting and investigating food service establishments, hotels, motels, bed and breakfasts, tourist rooming houses, campgrounds, recreational and educational camps, public pools, inspecting food vending machines, and enacting local regulations governing these establishments.

Sec. 29.003. Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Sauk County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or other County ordinance.

Sec. 29.004. Authority.

This ordinance is adopted pursuant to the authority granted by law including Wis. Stats. ch. 68 and Wis. Stats. §§ 66.0119, 66.0417, 97.41, 97.67, 125.68(5), 251.04(3), and Wis. Admin. Code chs. ATP 72, 73, 74, 75, 76, 78, 79, and as further updated or modified by law.

SUBCHAPTER II. DEFINITIONS

Sec. 29.005. Word usage.

For the purposes of this chapter, certain words and terms are used as follows:

- (1) Words used in the present tense include the future.
 - (2) Words in the singular include the plural.
 - (3) Words in the plural include the singular.
 - (4) The word "shall" is mandatory and not permissive.
 - (5) Words and phrases not defined in this subchapter shall be construed according to common and approved usage, but technical words and phrases and others that have a peculiar meaning shall be construed according to the peculiar meaning unless such construction would produce a result inconsistent with the manifest intent of this ordinance.
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Sec. 29.006. Definitions.

For the purposes of this chapter, all definitions as set forth in Wis. Stats. chs. 68, 97, 125, 251 and Wis. Stats. §§ 66.0119, 66.0417, and Wis. Admin. Code chs. ATP 72, 73, 74, 75, 76, 78, 79, are incorporated in this chapter by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. Additional words and terms are defined as follows:

Board of Health means the Sauk County Board of Health.

County means Sauk County, Wisconsin.

Health Department means the Sauk County Health Department.

Health Director means the Director of the Health Department.

Health Officer means a public official charged with the administration, enforcement, and interpretation of the Sauk County Food Safety and Recreational Licensing Ordinance.

Inspection fee means the fee to conduct an inspection without the intent of licensing an establishment.

License refers to a document issued to operate a facility as defined by this ordinance.

SUBCHAPTER III. PROCEDURES AND ADMINISTRATION

Sec. 29.007. Responsibilities and powers.

- (1) *General Provisions.* If any city or village becomes an agent under Wis. Stats. ch. 97, then the provisions of this ordinance shall not apply in that jurisdiction.
- (2) *Responsibilities of health officers or designees.* To ensure compliance with the purpose, requirements, and intent of this ordinance, and of Wisconsin Statutes and Codes.
- (3) *Powers.* The health officer or designee shall have all the powers necessary to enforce the provisions of this ordinance.

Sec. 29.008. Application.

Application for new licenses and renewal licenses shall be filed with the Health Department on forms developed and provided by the Health Department, as required by the applicable state regulations adopted by reference. In accordance with Section 29.013 of this ordinance, the Health Department shall either approve or deny the application within 30 days after receipt of a complete application.

Sec. 29.009. Fees.

- (1) All fees are established by and may be amended by the Sauk County Board of Health. The fee schedule will be on file with the Sauk County Health Department.
- (2) If a mobile or temporary unit with a current license from the State of Wisconsin is operating in Sauk County, an inspection for food safety practices will be conducted once per licensing year and an inspection fee assessed.

Sec. 29.010. Licensing.

The issuance of licenses shall be governed by this ordinance and applicable state regulations as adopted by reference.

Sec. 29.011. Public display of licenses.

Every establishment required to obtain a license pursuant to this ordinance shall prominently display the license at all times in a conspicuous, public place.

Sec. 29.012. Enforcement.

- (1) The provisions of this ordinance shall be enforced by employees of the Sauk County Sheriff's Department, the Sauk County Health Department, the designees of these departments, or other persons authorized by the Board of Supervisors. Non-compliance with the ordinance or with a temporary order from the health officer or designee shall be cause for enforcement action under this section of this ordinance.
- (2) This ordinance may be enforced by citation or civil forfeiture and the Sauk County Corporation Counsel is authorized to prosecute violations of this ordinance. Any person, business, corporation, property owner, or other entity violating this ordinance may be issued a citation in which case punishment shall occur for forfeiture provided in Sauk County Code Chapter 20. Failure to pay penalties in accordance with this ordinance may result in imprisonment in the Sauk County Jail.
- (3) An authorized agent of the Health Department shall be permitted to enter the public facility at any time in order to ensure that the provisions of this ordinance are being met. If violations are found, an order to correct shall be given to the owner or operator, in writing, noting specific changes that must be made in order to bring the facility into compliance. The order shall set forth the time period by which corrections must take place. In accordance with Section 29.013 of this ordinance, failure to correct may result in suspension of the establishments license to operate, and may invoke the penalty provisions of this ordinance.

Sec. 29.013. Denial, suspension, or revocation of license.

The health officer may deny any license application or suspend or revoke any license issued under this ordinance for noncompliance with this ordinance and regulations, rules, and laws adopted by reference under this ordinance. The procedures enumerated by statute and regulation adopted by reference shall be followed in the denial, suspension, or revocation of any permit issued under this subchapter.

Sec. 29.014. Violation and penalties.

- (1) Any person who violates and refuses to comply with any provision of this ordinance shall be subject to a citation and respective forfeiture as established in Sauk County Code Chapter 20 for each offense. The health officer or authorized representative may issue citations using the standard citation form used by Sauk County. Citations may be served in person or sent by certified mail. The health officer may also, or alternatively, revoke or amend any applicable permit. Each day a violation exists or continues shall be considered a new and separate offense.
- (2) The Sauk County Corporation Counsel may seek enforcement of violations of this ordinance in Sauk County Circuit Court or any other court of competent jurisdiction. A court may enforce this ordinance through injunctive relief.
- (3) Any person or entity violating this ordinance, or any rule promulgated in this subchapter or incorporated by reference, shall forfeit not less than \$25.00 per day and not more than \$200.00 per day for each violation. Each day that a violation exists shall constitute a separate offense.
- (4) Forfeitures are exclusive of any fees or costs imposed pursuant to the Wisconsin Statutes.

SUBCHAPTER IV. HOTELS, MOTELS, AND TOURIST ROOMING HOUSES

Sec. 29.015. Applicability.

The provisions of this subchapter shall apply to operator of any hotel, motel, or tourist rooming house in both the incorporated or unincorporated areas of Sauk County.

Sec. 29.016. Regulations, rules, and laws adopted by reference.

The applicable laws, rules, and regulations as set forth in Wis. Stats. chs. 68, 97 and Wis. Stats. § 66.0417, and Wis. Admin. Code ch. ATP 72, are incorporated in this regulation by reference and they shall be construed, read, and interpreted as fully set forth in this ordinance until amended, and then shall apply as amended. The expressed provisions of this ordinance shall control where more restrictive.

Sec. 29.017. Non-compliance.

Non-compliance with the provision of this ordinance, Wis. Stats. ch. 97, and Wis. Admin. Code ch. ATP 72, will be cause for enforcement under Subchapter III of this chapter.

Price County

☐ § 530-69 **Short-term rentals.**

[Added 4-21-2013 by Res. No. 23-13]

In order to have fair and consistent regulation of all short-term rentals of single-family residences, all short-term rentals must have a valid conditional use permit and shall adhere to the provisions as follows:

- A.** A permanent sign with black lettering and a white background measuring at least 16 inches by 16 inches shall be posted on the property on which there is a short-term rental in a location that is legible from a public road that contains the information as follows: the name(s) of the individual(s) who own(s) the property or the name of the business that manages the rental and a current phone number to contact the respective individual(s).
 - B.** Each rental must adhere to state regulations in collecting all applicable state and local taxes.
 - C.** Each rental must comply with all County ordinances, state laws, state statutes, state administrative rules, and federal regulations.
 - D.** Each rental must adhere to Wisconsin Department of Health Services requirements.
 - E.** Each rental must submit to the Price County Zoning Department an inspection report issued by a Wisconsin licensed plumber as proof of a compliant septic system prior to permit issuance.
 - F.** Each rental must list the maximum number of renters in the conditions.
 - G.** Failure to adhere to the provisions established in this section may result in the action of the Price County Land Use and UW Extension Committee terminating the conditional use permit for the parcel upon which noncompliance has been documented.
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Right to Rent

Five things REALTORS® need to know about Wisconsin's new short-term rental law

Tom Larson | November 09, 2017

As part of the 2017-19 state budget, Wisconsin lawmakers enacted a new law that protects the ability of homeowners to rent out their homes on a short-term basis. The law was passed in response to a growing number of communities banning the rental of residential dwellings for any period of time less than 30 days. Rather than regulating the behavior of the occupants of short-term rentals like any other property to ensure compliance with noise, parking and other local ordinances, these communities have placed blanket prohibitions on any rental less than a month.

Due to the growing popularity of short-term rentals through online platforms like AirBnB and VRBO, lawmakers feared these bans would negatively impact both the tourism industry and second-home real estate markets. Accordingly, the new law encourages local governments to regulate short-term rental activity rather than ban the activity altogether.

Background

As in other parts of the country, short-term rentals of personal residences have become a growing part of Wisconsin's rental real estate market, especially in high tourism areas. According to recent polling, 70 percent of Wisconsin residents would be either very or somewhat interested in renting a home or cabin if they took a vacation of one week or longer in Wisconsin. For those individuals who have vacationed in one place for a week or longer in Wisconsin, approximately 50 percent have rented a home or cabin.

Moreover, the ability to rent a home is becoming more important to prospective buyers in second-home real estate markets like Door County, Lake Geneva and Minocqua. In these markets, the consumer demand for owning second homes has declined over the last decade in part because busy lifestyles make the ownership and maintenance of a second home less attractive. Alternatively, consumers prefer to rent a home for several weeks during the year or, if they do purchase a home, they want to have the option of renting the properties on occasion to generate additional income to help pay for the property taxes and maintenance costs. Before buying a second home, one of the most common questions asked by prospective buyers is whether the property can be rented out on a short-term basis. When asked if they were to own a second home, over 40 percent of Wisconsin residents indicated that the ability to rent it out for a week or longer would be important to them.

With the passage of the right-to-rent law, Wisconsin joins a growing number of states that have either passed laws or have pending legislation pertaining to short-term rentals. Twenty-four states currently have legislation pending on the issue of short-term rentals. While each piece of legislation is unique, all of the legislative proposals fall into one of two categories: authorizing state and local governments to collect taxes on short-term rentals, and/or preempting local government regulation of short-term rentals. Wisconsin's law contains elements of both categories and is somewhat different from laws enacted in other states because it creates two categories of short-term rentals of less than seven days and short-term rentals of seven days or longer.

New law

With the growing popularity of short-term rentals, REALTORS® need to know the following five things about Wisconsin's right-to-rent law:

1. **Local governments can regulate but not prohibit short-term rentals:** The new law prohibits local governments — which include counties, cities, villages and towns — from banning the rental of a residential dwelling for a period of time of seven consecutive days or more. Under the law, "dwelling unit" is defined as "any building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others." This restriction on local government authority applies regardless of the zoning classification. In other words, a local government cannot prohibit the rental of a residential dwelling for seven days or more in any part of the community — such as shoreland areas — or in any zoning classification. The law does not prevent local governments from banning nightly rentals or rentals of less than seven consecutive days. The law treats rentals of less than seven consecutive days differently because lawmakers believe such rentals are more of a commercial use of property, which may be inappropriate in some residential areas. The law does not prohibit local governments from regulating short-term rentals of any duration. A community, therefore, may enact regulations that require property owners to comply with noise standards, parking requirements, obtaining a local permit, paying penalties for ordinance violations or comply with other local standards. REALTORS® should closely monitor local ordinances to ensure that any regulations are fair and reasonable.
2. **Local permits are allowed:** While local governments are not allowed to prohibit homeowners from renting out their homes for seven days or more under the new law, local governments can require property owners to obtain a permit to rent out their homes. The local permit, however, cannot be overly restrictive, resulting in a de facto prohibition on a short-term rental. Such local permits should be more administrative in nature and contain objective and reasonable standards. A common question is whether a local community can require a conditional use permit (CUP) for a short-term rental. The answer depends on the nature of the CUP requirement. If the CUP requirement is overly restrictive and either explicitly or implicitly makes certain residential dwellings ineligible for a permit, then the CUP requirement is in violation of the new law. REALTORS® who encounter local permit or CUP requirements that are unfair or overly restrictive should contact the WRA about a possible legal challenge to the ordinance through the WRA's Legal Action Program.
3. **Be aware of a six-month local cap:** Under the law, local governments are allowed to place a six-month/180-day cap on the amount of time property owners can rent out their home during any 365-day period. Moreover, the law allows but does not require local governments to require the 180 days to be continuous. In communities that have adopted a six-month cap,

property owners are allowed to choose which six-month period the dwelling is rented. For example, if the city adopted a six-month limit on short-term rentals, the property owner could choose March 1 through August 1, April 3 through September 3, May 7 through October 7, or whatever six-month time period the property owner prefers. The six-month requirement is another way in which lawmakers wanted to distinguish between commercial and residential uses of a home. From their perspective, a home that is rented for more than six months during the year is more of a commercial use of property and thus may be inappropriate in some residential areas.

4. **State licensing and inspection requirements:** While not a new requirement, most short-term rentals are required to obtain a “tourist rooming house” license from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). Such a license is required for vacation homes, cabins and cottages that are rented out to tourists and transients for more than 10 nights in a 12-month period. See complete details about this license on the DATCP’s tourist rooming house page online at datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx. The license is an annual license that extends from July 1 of one year through June 30 of the following year, with an annual license fee of \$110. A property owner may rent as many as four units under each tourist rooming house license. As part of the state licensing process, the state will send a sanitarian to inspect the property to ensure that it meets state health and safety requirements. A one-time fee of \$300 is required for the state inspection.
5. **Collection of state sales and local room taxes:** Finally, the law requires owners of short-term rentals and lodging marketplaces to collect state sales and use tax, which are 5 percent, and any room tax owed from the person renting the residential dwelling. Under the law, a “lodging marketplace” is defined as “an entity that provides a platform through which unaffiliated third parties offer to rent a short-term rental to an occupant and collect consideration for the rental from the occupant.” This would include AirBnB, VRBO, a property management company or any other entity that rents short-term rentals for the owner. An owner of a short-term rental also will have to collect two variations of tax: (a) the state sales tax and forward it to the department of revenue if annual sales are equal to or greater than \$1,000, and (b) any local room tax and forward it to the local government where the short-term rental is located if that local government charges a local room tax. Not all local governments charge a local room tax.

Wisconsin’s right to rent law is intended to provide a balance between the rights of property owners to rent their homes and the rights of their neighbors to use and enjoy their property. Each local government will likely regulate short-term rentals in a somewhat different manner, and this will present some challenges for both property owners and REALTORS®. The WRA will actively monitor the implementation of the new law at the local level and will provide resources to assist REALTORS® in this effort upon request. If you have questions or concerns about a proposed or existing short-term rental ordinance, contact the WRA Legal Hotline for additional information.

ORDINANCE TO REGULATE RENTAL PROPERTIES

Town of La Pointe

Madeline Island

Ashland County, Wisconsin

Ordinance 2014-01

Effective: **April 9, 2014**

Amended: April 9, 2019, May 28, 2019

TABLE OF CONTENTS	Page Number
SECTION 1. TITLE, PURPOSE, AUTHORITY	2
SECTION 2. DEFINITIONS	3-5
SECTION 3. REGULATION OF USES	6-11
SECTION 4. GENERAL PROVISIONS	12-13
SECTION 5. ADMINISTRATION	14-17
APPENDIX ZONING DISTRICT USE MATRIX	18-19

SECTION 1: TITLE, PURPOSE, AUTHORITY

1.1 TITLE

Town of La Pointe ordinance to regulate rental property.

1.2 PURPOSE

The purpose of this Ordinance is to fix the responsibility of owners, operators, occupants and government to provide a suitable environment for safe, healthy, and desirable living conditions in a variety of rental units in the Town of La Pointe.

1.3 AUTHORITY

The Town Board has the specific authority under 66.0413, 66.0415, 175.25 and Ch. 823 Wis. Stats., and the general authority under village powers in Ch. 61 in general and §61.34 in particular, and the police powers at §60.22 to adopt this ordinance.

SECTION 2: DEFINITIONS

(1) ACCESSORY DWELLING:

An Accessory Dwelling is any structure or part of a structure used for habitation other than the principal dwelling. Accessory Dwellings shall and do require a sanitary permit. Accessory Dwellings shall not exceed sixty-five percent (65%) of the square footage of the principal dwelling or up to fifteen hundred (1500) square feet, not including decks, whichever is lesser. The term “guest house” and “accessory dwelling” are synonymous for the purposes of this Ordinance.

(2) BED AND BREAKFAST:

A place of lodging that: a) provides six (6) or fewer rooms for rent to no more than sixteen (16) tourists or transients; b) provides no meals other than breakfast and provides breakfast only to renters of the place; c) is the owner’s personal residence; d) is occupied by the owner at the time of rental; e) was originally built or occupied as a single-family dwelling.

(3) BOARDING HOUSE:

A building where lodging and meals are offered for three (3) or more persons, but not to exceed eight (8), non-transients who are not members of a family. This definition includes employee housing.

(4) BUILDING INSPECTOR:

The Town staff person or contractor who inspects and administers building construction procedures and processes, code enforcement, and property maintenance for the Town of La Pointe according to Wisconsin statutes and codes.

(5) DESIGNATED TOWN AGENT:

The Town staff person designated to act on behalf of the Town in carrying out the responsibilities designated in this ordinance

(6) DORMITORY/STUDENT HOUSING:

A building or part of a building with sleeping accommodations for students enrolled in a commercial educational facility located in the Town of La Pointe.

(7) DWELLING:

A building or part thereof designed or used exclusively as a residence or sleeping place, but not used for transient occupancy, except when complying with Sections 3.1, 3.4, 3.5, and 3.7 of this Ordinance.

(8) DWELLING, MULTI-FAMILY:

A dwelling on one plot containing separate living units for two or more families, but no more than four (4), but which may have joint services or facilities or both.

(9) DWELLING, SINGLE-FAMILY:

Single-family Dwelling shall mean a building or structure designed or constructed to be occupied by a single-family for the purposes of human habitation.

(10) ESSENTIAL SERVICES:

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

(11) FAMILY:

A person living alone or two or more people living together as a single housekeeping unit as distinguished from a group occupying a boarding house or rooming house.

(12) INCIDENTAL STRUCTURE:

Items of personal property that may have been designed as transportable or as a vehicle but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures include campers, park or model units, buses, and motor homes.

(13) PARKING SPACE:

Each off-street parking space, whether inside or outside, shall be not less than nine (9) feet wide, not less than eighteen (18) feet long, not less than one hundred and sixty two (162) square feet in area, and be so located and situated so as to not block any on-street parking.

(14) RENTAL, SHORT TERM:

Rental for less than one month. "One month" means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days. The day of check-in is counted as a day; however, the day of check-out is not counted as a day.

(15) RENTAL, LONG TERM:

Rental for one month or more. “One month” means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days. The day of check-in is counted as a day; however, the day of check-out is not counted as a day.

(16) ROOMING HOUSE:

A building where lodging only is offered for three (3) or more persons, but not to exceed eight (8), non-transients who are not members of a family. This definition includes employee housing.

(17) SINGLE-FAMILY:

Single-family shall mean and refer to one family as opposed to more than one family.

(18) TOURIST/TRANSIENT:

A person who travels to a location away from his or her permanent physical address for less than one month for vacation, pleasure, recreation, culture, business, or employment. “One month” means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days. The day of check-in is counted as a day; however, the day of checkout is not counted as a day.

(19) TOURIST ROOMS:

A room rented to no more than two (2) adult tourists/transients and related children, without meals or cooking facilities and with or without an individual bathroom. A “Tourist Room” includes a room or rooms so rented in a principal single-family dwelling.

(20) UNIT:

A single residence, as an apartment, that is part of a complex (a rental unit).

SECTION 3: REGULATION OF RENTAL USES

A permit is required for the rental of rooms. Permit expiration is May 14 each calendar year. Annual permit renewal is required. All property owners/managers are responsible for familiarizing themselves with and following all other Town Ordinances relating to this Ordinance, especially Chapter 40: Finance and Taxation, Chapter 205: Buildings, and Chapter 350: Peace and Good Order.

3.1 BED AND BREAKFASTS

Bed and Breakfasts may be permitted within the Town of La Pointe in accordance with the following provisions:

- A. Parking. Off-street parking in accordance with Section 4.1 shall be provided.
- B. Type of dwelling. A Bed and Breakfast shall only occur within a single-family dwelling.
- C. Number of allowable guest rooms. No more than six (6) guest rooms shall be offered.
- D. Exterior character. The exterior appearance of the building shall not be altered from its single-family dwelling appearance.
- E. Food Preparation. No food preparation or cooking shall be allowed in guest rooms.
- F. Meals. Breakfast shall only be offered to overnight guests.
- G. Residency. The Bed and Breakfast shall be the owner's personal residence.
- H. Occupancy. The owner shall occupy the Bed and Breakfast at the time of rental.
- I. Licensing. Prior to establishment of this use, and at periodic intervals that may be required thereafter, the owner shall obtain and maintain a license as required by State law.

3.2 BOARDING HOUSES AND ROOMING HOUSES

Boarding and Rooming Houses may be permitted in accordance with the following provisions:

- A. Adequate sanitation shall service the building or buildings in accordance with applicable State, County, and/or municipal regulations.
- B. Minimum Requirements for Boarding Houses and Rooming Houses:
 - 1. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional

square feet of floor area for every additional occupant thereof, the floor area to be calculated on the basis of total habitable room floor area. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of habitable floor area and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of habitable floor area for each occupant thereof.

2. No dwelling unit containing two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. One bathroom/water closet compartment is required for every three (3) occupants.
 3. In all dwelling units the average ceiling height shall be not less than seven feet six inches (7'6") and the minimum ceiling height shall be not less than seven feet zero inches (7') in the entire first floor area. The minimum ceiling height shall be seven feet six inches (7'6") for all floor areas above the first floor except under sloping roofs where the minimum shall be seven feet six inches (7'6") for not less than fifty percent (50%) of the floor area, and that portion of the floor area under the sloping roof having a ceiling height of less than five (5) feet shall not be considered as part of the floor area in computing the maximum permissible occupancy thereof.
 4. No habitable room shall have its floor level below the alley, court, yard or street grade immediately adjoining or abutting upon said habitable room except that it may be permitted when constructed to comply with the building code.
 5. Every Boarding and Rooming House shall have a kitchen. A kitchen means any room or area that has provisions for a sink, stove, refrigerator, cabinets, and shelves for storage of food, equipment and utensils, and a counter or table for food preparation.
- C. Off-street parking in accordance with Section 4.1 of this Ordinance shall be provided.
- D. There shall be no accumulation of garbage, refuse, junk, or waste including boxes, scrap lumber, scrap metal, appliances, or motor vehicles in nonworking condition. Garbage, refuse, and waste shall be stored and disposed of in a clean and safe manner.
- E. Boarding and rooming houses shall not be the location of any condition that causes a nuisance. Persons housed, and their guests, shall respect the privacy of surrounding properties.
- F. Vegetative screening and/or fencing may be required to accomplish a visual and sound buffer with neighboring properties.
- G. No floodlights or spotlights shall be allowed.

- H. Windows and doors shall be closed and secured when the building is not occupied.
- I. All premises are to be supervised by the owner/operator or authorized agent.
- J. No camping unit may be converted or used as a boarding house or rooming house.

3.3 DORMITORIES AND STUDENT HOUSING

Dormitories/Student Housing may be permitted in accordance with the following provisions:

- A. Occupancy. Occupancy of dormitories/student housing shall be provided only to students and teachers currently enrolled in classes at the associated Town of La Pointe Commercial Educational Facility. The maximum number of occupants shall not exceed twenty-four (24) persons per parcel, and there shall be no more than three (3) dormitories/student housing per parcel.
- B. Off-street parking in accordance with Section 4.1 of this Ordinance shall be provided.
- C. There shall be no accumulation of garbage, refuse, junk, or waste including boxes, scrap lumber, scrap metal, appliances, or motor vehicles in nonworking condition. Garbage, refuse, and waste shall be stored and disposed of in a clean and safe manner.
- D. Dormitories/student housing shall not be the location of any condition that causes a nuisance. Students and teachers housed shall respect the privacy of surrounding properties.
- E. Vegetative screening and/or fencing may be required to accomplish a visual and sound buffer with neighboring properties.
- F. No floodlights or spotlights shall be allowed. This does not include lighting for safety and security.
- G. Windows and doors shall be closed and secured when the building is not occupied.
- H. All premises are to be supervised by the owner/operator or authorized agent while occupied by students and/or teachers.

3.4 RENTAL OF A PRINCIPAL SINGLE-FAMILY DWELLING

Rental of a principal single-family dwelling may be permitted in accordance with the following provisions:

- A. A Rental of Single-family Dwelling Permit is required for the long or short-term rental of a principal single-family dwelling. Permit expiration is May 15 each calendar year. Annual permit renewal is required.

- B. Off-street parking in accordance with Section 4.1 of this Ordinance shall be provided.
- C. Adequate sanitation shall service the dwelling in accordance with state and county regulations.
- D. Safe and sanitary removal and disposal of all refuse and garbage shall be provided.
- E. The rental of a principal single-family dwelling shall not result in excessive noise, traffic, and/or parking congestion. Renters shall respect the privacy of surrounding properties including private docks and beaches.
- F. Short-term rentals must obtain licensure and inspection through the Ashland County Health Department.
- G. Where the town official reasonably believes a rental does not continue in conformity with the requirements of this Section, the town official will notify the property owner and/or authorized agent. Upon receipt of such notification, the property owner shall abate such action or inaction so as to comply with this Ordinance as soon as reasonably possible under the circumstances. It shall be arguably presumed that this Section can be complied with immediately. The town official shall thereafter forward the matter to the Town Board for action thereon including but not limited to revocation of the Permit for rental of a principal single-family dwelling.
- H. Where a written complaint regarding a rental property is received by the town official, the procedure set forth in Section 5.6 of this Ordinance shall apply.

3.5 RENTAL OF ACCESSORY DWELLINGS

Long or short term rental of accessory dwellings on lots improved with a principal single-family dwelling-may be permitted in accordance with the following provisions:

- A. Provisions for the rental of a principal single-family dwelling shall be met.
- B. The principal single-family dwelling shall not be rented short or long term and shall not possess a permit to rent.
- C. The principal single-family dwelling shall not possess a permit for tourist room rental.

3.6 TOURIST ROOMS

Tourist rooms may be permitted in accordance with the following provisions:

- A. Parking. Off-street parking in accordance with Section 4.1 of this Ordinance shall be provided.

- B. Type of Dwelling. Tourist rooms shall only occur within a principal single-family dwelling.
- C. Number of allowable guest rooms. No more than two (2) guest rooms shall be offered. No more than two (2) adult guests are allowed per room.
- D. Exterior character. The exterior appearance of the building shall not be altered from its single-family dwelling appearance.
- E. Food preparation. No food preparation or cooking shall be allowed in guest rooms.
- F. Meals. No meals shall be offered to guests.
- G. Residency. The single-family dwelling offering tourist rooms shall be the owner's personal residence.
- H. Occupancy. The owner shall occupy the dwelling at the time of rental.
- I. Licensing. Prior to establishment of this use and at periodic intervals that may be required thereafter, the owner shall obtain and maintain a license as required by State law.

3.7 RENTAL OF INCIDENTAL STRUCTURES:

Long or short-term rental of incidental structures on lots improved with a principal single-family dwelling with or without an accessory dwelling may be permitted to be rented in accordance with the following provisions:

- A. The principal single-family dwelling on any lot shall not be rented short- or long-term and shall not possess a permit to rent or a permit for tourist room rental.
- B. Any accessory dwelling on any lot shall not be rented short- or long- term and shall not possess a permit to rent.
- C. The incidental structure, if located on a lot within the Madeline Sanitary District (MSD), must be permitted by the MSD and hooked to the MSD system.
- D. The incidental structure, if located on a lot not accessible to the Madeline Sanitary District, must first apply to be permitted by Ashland County to hook up to the principal single-family dwelling's holding tank.
- E. If the incidental structure cannot be located to access the lot's holding tank and/or does not receive an Ashland County permit to hook to the holding tank, the incidental structure must complete the required paperwork with the MSD and hire a licensed hauler to pump the camper trailer's holding tank on a regular basis.

Section 3.7 will be reviewed by the Town Board on or before April 9, 2021 to evaluate whether or not rental of incidental structures is in the Town's best interest. If the Town Board makes a decision to stop issuing rental permits for incidental structures for whatever reason, the Town Board will grandfather in the rental permits for any existing incidental structures holding permits in good standing.

Rental permits for any grandfathered incidental structure will remain valid until the property on which the structure sits changes ownership or the incidental structure is removed from the property on which it is permitted.

SECTION 4: GENERAL PROVISIONS

4.1 OFF-STREET PARKING

- A. Any incidental structure or building hereafter erected, or converted to commercial use, or placed on a lot, or added onto in such way as to increase the square footage of usable floor space, shall provide off-street parking spaces specific to its use and in the manner and number described below.
- B. All dwelling units, whether a single-family dwelling, condominium, multi-family dwelling, motel or other rental unit shall provide off street parking either on-premises or on adjacent premises in the number and manner described below:
1. Single-family dwellings shall each provide two (2) off-street parking spaces.
 2. Each rental unit and each unit in a multi-family dwelling, motel, hotel, condominium, bed and breakfast, or similar use shall provide at least two (2) off-street parking spaces.
 3. Loading and Unloading Requirements. Any use that requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no public street, alley, or access to any parking area is blocked by such activities.
 4. The number of off street parking spaces required for non-residential uses is shown in the following table:

<u>USE</u>	<u>MINIMUM PARKING REQUIRED</u>
Boarding House	One (1) space per bedroom or sleeping unit
Dormitory/Student Housing	One (1) space per bedroom or sleeping unit
Rooming House	One (1) space per bedroom or sleeping unit
Tourist Rooms	One (1) space per rental unit
Any Other Rented Structure	One (1) space per rental unit

- C. In the case of structures or uses not mentioned, the provision for a use that is similar shall apply, as determined by the Town Plan Commission.
- D. For structures and/or properties containing more than one use, the required number of spaces shall be computed by adding space required for each use.

E. Handicap Parking Requirements.

In addition to any other requirements relating to parking spaces contained in this Ordinance, the provisions contained in State Statute Section 101.13, 346.503, and 346.56 and any Wisconsin Administrative Code Sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

F. Landscaping.

All public and private off-street parking areas which serve four (4) vehicles or more, are located within fifteen (15) feet of any lot line or right of way and are created or redesigned and rebuilt subsequent to the adoption of this Section shall be provided with accessory landscape areas totaling not less than ten percent (10%) of the parking area. The minimum size for each landscaped area shall not be less than one hundred (100) square feet.

G. Lighting.

Any lighting used to illuminate an off-street parking area shall be directed away from residential properties and public or private streets in such a way as not to create a nuisance.

H. Abandonment.

No parking space or driveway providing access thereto shall be abandoned, closed, converted to another use, or in any way eliminated from use as a parking space or driveway, unless adequate off-street parking and access are provided to the property in full compliance with the provisions of this Ordinance.

4.2 SIGNS

Signs identifying or advertising the property must meet the requirements of the La Pointe Ordinances regarding signs.

SECTION 5.0 ADMINISTRATION

5.1 DESIGNATION

The provisions of this Ordinance shall be administered and enforced by the designated town official who shall be employed by the Town of La Pointe and shall be designated by and report directly to the Town Board and with guidance from the Town Plan Commission. This section (5.0) of the ordinance shall apply to all lodging permits in Section 3 – Regulation of Rental Uses.

5.2 PERMIT PROCESS

- A. Application by owner accompanied by necessary fees.
- B. Screening by the designated town official. Property must meet all applicable zoning requirements.
- C. Annual inspection by Ashland County Health Department's designated official.
- D. Decision by either the designated town official or the Town Plan Commission about whether to issue the permit.
- E. Issuance of permit within ten (10) days after approval by Town Plan Commission or designated town official, where applicable.

5.3 INSPECTION

- A. The Town of La Pointe designated Building Inspector shall inspect properties as requested/reported by the designated town official and as reported under Section 5.6. The Building Inspector shall inspect the premises with at least forty-eight (48) hours' notice to the owner, operator and/or authorized agent shall be granted entrance to any locked premises.
- B. Following the inspection, the designated Building Inspector shall advise the designated town official in writing whether the annual permit should be granted/continued.
- C. If the designated Building Inspector's report recommends denial/revocation, the basis for such decision shall be provided. The designated town official shall notify the owner of the rental property by certified mail within five (5) days of receipt of the report recommending denial/revocation including the basis for such decision. The designated town official shall not issue any rental permit contrary to the recommendation of the designated Building Inspector. The owner, operator and/or designated agent shall not occupy or let to another for occupancy any space unless it possesses a current rental permit, complies with the requirements of applicable building codes and zoning ordinances, and occupancy is limited to the maximum number of persons permitted.
- D. Non-occupancy for reason of non-compliance with this section for a period of twelve

(12) months will render the Permit void.

- E. Existing boarding and rooming houses operating at the time of amendment to this Ordinance may be allowed to continue. However, to further the purpose of this Section any boarding or rooming house not in compliance with the following provisions shall constitute a nuisance and will not be allowed to continue:
 - 1. Within six (6) months of amendment to this Ordinance, the owner must prove the legality of the nonconforming use by the greater weight of credible evidence. The original nonconforming use shall not in its lifetime have been added to, expanded, changed, or discontinued for a period of twelve (12) months.
 - 2. The Boarding or Rooming House and its premises shall comply with annual inspection and permitting requirements.
- F. In any case where a provision of this Section or of any regulation adopted pursuant thereto is found to be in conflict with a provision of any building, fire, safety, or health code or ordinance, the provision that established the higher standard for the promotion of health and safety of the public shall prevail.
- G. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provision of this Section may be found in violation of this ordinance. All clauses in rental agreements contrary to the expressed provisions of this Section and any Permit issued to the property are prohibited and will be interpreted as a violation of the Permit and of this Section of the La Pointe Ordinance to Regulate Rental Properties.

5.4 ENFORCEMENT

- A. The designated town official shall have the power and authority to enforce all provisions of this Ordinance on behalf of the Town.
- B. The designated town official shall have the power and authority on behalf of the Town to issue Orders charging any person with violating any provision of this Ordinance which he or she reasonably believes such person to have violated.

5.5 WRITTEN ORDERS

- A. The Building Inspector shall have the power and authority on behalf of the Town to issue a Written Order to any person, requiring such person to do an act or to cease from doing an act so as to comply with this Ordinance.
- B. A person, upon receipt of such a lawful Written Order, shall comply with such Written Order as soon as is reasonably possible under the circumstances then existing. It shall be rebuttably presumed that such Written Order can be complied with immediately.

- C. A person, who upon receipt of such a lawful Written Order fails to comply with the same as soon as is reasonably possible under the circumstances existing, shall be guilty of violating this Section of this Ordinance. The violation of such a lawful Written Order in and of itself shall constitute a separate violation of this Ordinance and the violation is subject to the penalty set out in this Ordinance whether or not such person is convicted of any other violation of this Ordinance. In the event such a Written Order was mailed, such Order shall be arguably presumed to have been received by the person to whom it was addressed upon evidence being presented that the same was mailed by certified mail via the Postal Service.

5.6 COMPLAINTS

Any person who reasonably believes that a person or entity owning, using or occupying real property in the Town is, by act or omission, violating a Permit, or lacks a required permit, or there is a life/safety issue, may file a written complaint with the designated town official. Such written complaint shall set forth the name, address and telephone number of the complainant, the name and address of the property being complained about and a detailed statement on the grounds and basis for such a complaint. Such complaint shall be signed by the complainant. Complaint forms will be available in the designated town official's office. The designated town official shall receive and evaluate all written complaints received at such office. The designated town official shall conduct a preliminary evaluation of complaints and may do any one of the following:

- A. Forward the matter to another agency.
- B. Forward the matter to the Town Plan Commission or Town Board for ordinance interpretation.
- C. Attempt to reconcile the matter between the complainant and the property owner, user, or occupier, if it is a minor dispute.
- D. Close the matter if it does not present sufficient information of cause to proceed.
- E. Investigate any complaint that presents significant information to support an allegation of possible violation of this Ordinance and upon completion of an investigation, the designated town official may do one or more of the following:
 - 1. Dismiss the complaint for lack of sufficient cause to proceed.
 - 2. Divert the matter to another agency.
 - 3. With the approval of the Town Plan Commission:
 - a. Request the Building Inspector issue a Stop-Work, Cease-and-Desist Order or Order of Correction

- b. Revoke a Rental of Single-family Rental Permit for the rental of a principal or accessory dwelling or other structure.
 - c. Issue one or more citations for apparent violations or, with the assistance of the Town's attorney, cause such violation to be prosecuted.
 - d. Pursue such court action as is appropriate including, but not limited to, seeking injunction, restraining order or restitution.
- F. Any person aggrieved by a decision of the designated town official or the Town Plan Commission regarding this ordinance may seek review in accord with Ch. 68 of the WI statutes or its successor statute in the event of renumbering.
- G. Nothing in this Section shall be construed as preventing the designated town official from pursuing enforcement of this ordinance under Section 5.4, 5.5, or 5.6 regardless of the manner in which the designated town official learned of an alleged violation of this ordinance.

5.7 VIOLATION

Any person found to have violated any provision of this Ordinance shall, upon conviction, be subject to a forfeiture of up to five hundred dollars (\$500) plus court costs plus any applicable fees and assessments. Each day a violation exists or continues shall constitute a separate offense. In addition to such forfeiture, a violator may also be required to reimburse the Town for the costs of prosecution, including reasonable attorney fees. A person who fails to pay any forfeitures, costs and assessments imposed by the Court, shall, upon being found in contempt of Court, be subject to imprisonment for not to exceed thirty (30) days.

5.8 NUISANCE

A violation of any provision of this Ordinance shall constitute a nuisance that the violator be required to abate. Injunctive relief may be ordered to terminate or prevent a violation of any provision of this Ordinance. There shall be an arguable presumption that any violation of this Ordinance causes irreparable harm to the public. A violator of any provision of this Ordinance may be required to pay for restitution performed by another party.

APPENDIX- ZONING DISTRICT USE MATRIX

USE	ZONING DISTRICT															
	W-P	W-1	W-2	R-1	R-2	R-3	S-1	S-2	C-1	LI-1	LI - 2	G-1R	C-V	T-P	M-1	
Accessory Dwelling (1 only)		P	P	P	P	P	P	P	P							
Accessory Dwelling, rental of		P	P	P	P	P	P	P	P							
Accessory Structure		P	P	P	P	P	P	P	P	P	P	P	P	C	P	P
Agricultural Crop Farming	C	P	P	P			P									
Agricultural Crops & Products	C	P	P	P			P						P	P	P	
Aircraft/Airplane Hangar										P						
Airport		C	C							P						
Automobile Sales Establishment									P	P	P					
Automobile Service & Supply Facility									P	P	P					
Bank									P							
Bed & Breakfast			C	C		C			C							
Boarding House and Rooming House			C	C		C			C							
Building, Municipal			C		C				P		P	P			C	
Campground		C	C						C				C			
Cemetery		C	C	C	C	C	C					C				
Commercial Entertainment Facility									P							
Contracting & Building Storage & Service										P	P					
Dormitory/Student Housing			C	C					C							
Dwelling, Multiple Family				C		P			P							
Dwelling, Multiple Family, Rental of				C	P	P			P							
Dwelling, Single Family (1 only)		P	P	P	P	P	P	P	P							
Dwelling, Single Family, rental of		P	P	P	P	P	P	P	P							
Educational Facility, Public									P			P				
Educational Facility, Commercial			C	C					P				C		C	
Fish Hatchery	C	C	C				C									
Forest Crops & Products		P	P	P			*			P	P		P	P	P	
Fuel Storage Facility		C	C							P	P					
Fuel Storage Retail Facility									C							C
Game Preserve	C	C	C				C						C	C	C	
Greenhouse Commercial		C	C	C			C		P	P	P					
Health Care Facility					C	C			P			P				
Home Business		C	P				*		P							
Home Occupation		P	P	P	P	P	*	C	P							

USE	W-P	W-1	W-2	R-1	R-2	R-3	S-1	S-2	C-1	LI-1	LI-2	G-I	P-R	C-V	T-P	M
Home Office/Studio		P	P	P	P	P	P	P	P							
Hotel, Motel, Resort									C							
Junk/Salvage Yard		C	C							P	P					
Land Disturbing Activity		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Laundry Facility									P		P					
Light Industry									C	P	P					
Livestock Production/Products		P	P				C									
Marina									C							P
Materials Recovery Facility												P				
Museum									P		P	P				
Non-Metallic Mining		C	C													
Open Air Market									P							
Park/Campground, Municipal							C								C	
Parking Lot				C					P	P	P	P	C	C	C	P
Planned Unit Residential Development		C	C	C		C	C					C				
Professional Office		C	C	C					P	P	P					P
Public Lake Access															P	
Public Service Utility	C	C	C	C	C	C	C	C	C	P	P	P	C	C	C	
Public Utility	C	C	C	C	C	C	C	C	C	P	P	P	C	C	C	
Recreational Facility						C			C				C		C	
Recreational Trail													P	P	P	
Religious Facility				P	P	P			P							
Restaurant									P							
Retail Trade Facility									P							P
Road Access	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Road/Driveway Extension	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Sewage Disposal Facility		C	C													
Sexually-Oriented Business									C							
Tavern									P							
Tourist Rooms		P	P	P		P			P							
Transportation Facility									P	P	P	P				C
Veterinary Care Facility		C	C						C							
Warehouse/Storage Facility			C						C	P	P					C
Wastewater Treatment Plant										P	P					
Wind Generator, Telecommunication, and Radio Tower, Solar Collector over thirty-five feet (35') high		C	C	C			C						C	C	C	C

5.9 EFFECTIVE DATE

This ordinance is effective on publication or posting.

The Office of the Town Clerk shall properly post or publish this ordinance, as required under s. 60.80, Wis. Stats.

Adopted this _____ day of _____, 20__.

James Patterson, Chairman

Attest,
Micaela Montagne, Town Clerk

Mike Anderson, Supervisor

Sue Brenna, Supervisor

John Carlson, Supervisor

Posted on _____

Glenn Carlson, Supervisor

Tourist Rooming House

A Tourist Rooming House (TRH) is defined as all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. Rentals are for less than 30 consecutive days.

Bed and Breakfast

A Bed and Breakfast Establishment (B&B) is defined as any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12 month period, is the owner's personal residence, is occupied by the owner at the time of rental and which the only meal served to guests is breakfast.

Columbia County Planning & Zoning

112 E. Edgewater Street
Portage, WI 53901
(608) 742-9660

Office Hours:

Monday—Friday 8:00 a.m. to 4:30 p.m.

planning.zoning@co.columbia.wi.us

www.co.columbia.wi.us/columbiacounty/planningzoning

This handout summarizes requirements for Tourist Rooming Homes & Bed and Breakfast Establishments but it is not all inclusive. Please contact Department Staff with specific questions regarding your project.



**Tourist Rooming House
& Bed and Breakfast
Establishments
Quick Facts**

Columbia County, Wisconsin

112 E. Edgewater Street * Portage, WI

Tourist Rooming House

What are the requirements?

- a. Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the unit.
- b. The number of guest vehicles allowed on site is limited to the number of bedrooms in the tourist rooming house. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.
- c. Must meet all requirements associated with a single-family dwelling.
- d. The appearance or use of the tourist rooming house shall not be altered in a manner that would cause the premises to differ from its residential character.
- e. No on-site advertising.
- f. Must be licensed by the State of Wisconsin
- g. In addition to any state required license fee, each operator of a TRH approved under the Columbia County Zoning Code or determined to be a legal nonconforming use shall provide the County with an annual fee and an annual report on a form furnished by the County to enable the County to confirm compliance with any conditions of approval, the standards of this chapter and any state reporting requirements.
- h. The Conditional Use Permit shall not be transferable to another owner.

Bed & Breakfast

What are the requirements?

- a. No premises shall be utilized for a bed and breakfast unless there are at least two exits to the outdoors from such premises.
- b. The dwelling unit in which the bed and breakfast takes place shall be the principal dwelling of the operator or owner and said operator or owner shall live on the premises when the bed and breakfast is active, as required under the Wisconsin Administrative Code.
- c. The Conditional Use permit shall not be transferable to another owner.
- d. The maximum stay for any occupants of a bed and breakfast establishment shall be 31 consecutive days.
- e. All such facilities shall be required to obtain a license to serve liquor, if applicable.
- f. In addition to any state required license fee, each operator of a B&B approved under the current or previous County codes or ordinances shall provide Columbia County with an annual fee to enable the County to confirm compliance with the standards of this chapter to fulfill state reporting requirements.
- g. Within the A-1 district, such use shall also be subject to the following additional limitations:
 - * Be conducted by the owners or operators of the farm, and employ no other persons.
 - * Require no buildings, structures or improvements other than a preexisting farm residence, an agricultural accessory structure or both.
 - * Not impair the current or future agricultural use of the farm or of other farmland that is within the A-1 district legally protected from nonagricultural development or both.

Annual Fees

Tourist Rooming House	\$110.00
Bed and Breakfast	\$100.00

One Time Fees:

Conditional Use Pre-Application	\$50.00
Conditional Use Application	\$500.00



Zoning Districts

The following Zoning Districts allow for Tourist Rooming Houses **with an approved Conditional Use Permit:**

- AO-1 Agriculture and Open Space
- A-2 General Agriculture
- RR-1 Rural Residential
- R-1 Single-Family Residence
- R-2 Multiple-Family Residence
- C-1 Light Commercial

The following Zoning Districts allow for Bed & Breakfast Establishments **without a Conditional Use Permit:**

- R-2 Multiple-Family Residence

The following Zoning Districts allow for Bed & Breakfast Establishments **with an approved Conditional Use Permit:**

- A-1 Agriculture
- AO-1 Agriculture and Open Space
- A-2 General Agriculture
- RR-1 Rural Residential
- R-1 Single-Family Residence
- C-1 Light Commercial

Tourist Rooming House Land Use Permit Conditions

A yearly license is required to continue to operate with a planned rental schedule for the upcoming year.

A maximum of ____ people are allowed on the property from 11:00p.m. to 7:00a.m.

A maximum of 12 occupants are allowed from 7:00 am to 11:00 pm regardless of the number of bedrooms, provided they meet the following conditions:

- (a) Accessory building must not have sleeping accommodations.
- (b) No RVs or campers allowed for overnight stay.
- (c) All parking to be on an impervious surface and must be contained on the property.
- (d) Applicant must obtain all proper licensing.
- (e) All fires & embers are to be extinguished by 11:00 p.m., with no unattended fires.
- (f) Applicant must have 24-hour contact number available to the public.
- (g) Property must remain free from citation and charges for nuisance, disorderly conduct, or any other illegal activity.
- (h) Quiet hours shall be imposed from 11:00 p.m. to 7:00 a.m.
- (i) Applicant and renters must comply with ALL applicable laws and regulations:
 - 1) Department of Natural Resources lake regulations to be included in rental information.
 - 2) Lake association rules to be included in rental information.
 - 3) Owner is responsible to state and local jurisdictions for compliance with firework regulations.
- (j) All pets must be contained on the rental property unless they are on public property.
- ** (k) Property lines must be surveyed with boundaries clearly staked by a professional land surveyor.
- (l) All conditions that apply to renters shall be included in rental information.
- ** (m) Existing septic system to be inspected and approved. The zoning office can inspect or require the septic system to be inspected annually.
- ** (n) Local uniform building inspector shall be hired by the applicant to determine the number of legal bedrooms in the dwelling. The zoning office can require additional building inspections performed by the local building inspector annually at the operator's expense.
- (o) Any advertisement shall include the land use permit number and the health department license number.
- * (p) Max rental of up to 7 days per month from May thru September, and a total of 174 days per year unless a conditional use permit is obtained to rent more days per month/year.

**Items to be completed PRIOR to applying for a land use permit application.

Suggestions for the ordinance for CUP for:

Air Bnb's, Tourist Rooms, VRBO's, motel, hotels, inns, any short-term rental of 7 days or less that is in the zoned area under the jurisdiction of Richland County.

Not in order of importance:

- All such entities must have registered with the Richland County Zoning Department and follow all restrictions listed with a CUP. It will be unlawful to rent such an entity without a permit.
- Any already established such entity, will have one year after the ordinance is passed to register with the Zoning Department and then after such year will be under the restrictions of the CUP.
- The CUP may not be passed on when selling the property except to a living spouse.
- Rentals must be limited to 180 days a year
- Quiet time is established between 10pm to 10am
- The Owner or agent of the owner must be within 30 minutes of such an entity if there are emergencies or concerns reported and be able to attend to those items.
- The activities of such a rental should not change or threaten the character of the residential area.
- Specific areas for parking must be delineated.
- Should there be a barrier- fence, wall, vegetation
- Bedrooms should be for 2 persons to the exclusion of all others and accessible for egress in emergencies.
- There will be a certain time period for renewal of permit.
- A special permit will be needed for an indoor or outdoor fire place
- A good neighbor policy will be written up and signed by the owner and then posted at the rental entity.
- A landline or reliable cellular service should be available in case of emergency.
- A definite posting of where and how to dispose of garbage and recyclables should be on site.
- consideration of outdoor lighting
- In case of necessity for enforcement of regulations, additional fees will be assessed.

A resolution to Repeal the requirements of Chapter 66.1014 Limits on Residential Rental

Whereas Wisconsin Chapter 66.1014 places restrictions on Political Subdivisions limiting the control of the rental of Residential Dwellings; and

Whereas those limitations within Chapter 66.1014 have led to unchecked expansion and proliferation of the tourist rooming house industry; and

Whereas the proliferation of tourist rooming houses leads to a transient guest population rather than a stable population embedded within the community; and

Whereas the proliferation of tourist rooming houses deprives working families of housing opportunities in areas already strained by limited housing options; and

Whereas the proliferation of tourist rooming houses amounts to quasi-commercialization of residential neighborhoods; and

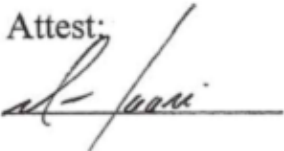
Whereas the proliferation of tourist rooming houses exacerbates housing shortages and increases gentrification within neighborhoods.

Therefore, be it resolved that the Iron County Board of Supervisors petition our Governor, our State Legislators and other counties in our state to repeal the requirements listed in Wisconsin Chapter 66.1014, and allow the local Political Subdivision greater control over short term rentals and the interaction of short-term rentals within the communities;

Be it further resolved that, this request be sent to our Governor, our local legislators, and all counties in the state.

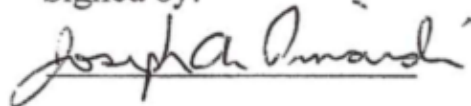
Approved and adopted this 30th day of August 2022.

Attest:



Michael Saari
Iron County Clerk

Signed by:



Joseph Pinardi, Chair
Iron County Board of Supervisors

Chapter ----. Short-Term Home Rentals

§ 1-1. Purpose.

A. The purpose of this section is to allow short-term home rental while mitigating impacts upon surrounding properties by implementing balanced regulations to protect the integrity of the City's neighborhoods as well as protect the general public health, safety and welfare.

B. These provisions establish the framework for City review of applications for short-term home rental operations, and the standards which apply to the operation of these businesses.

§ 1-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

GUEST BEDROOM

A room occupied exclusively for sleeping purposes by a transient guest. A bedroom shall contain at least 80 square feet of floor space for one occupant and shall contain at least 120 square feet of floor space for two occupants. A bedroom shall contain a maximum of two occupants, regardless of size. Bedrooms shall have a minimum of seven feet of ceiling height over 50% of the floor area of the bedroom. There shall be a minimum of two code-compliant means of egress; one shall be a window, as long as the window meets the Wisconsin Uniform Dwelling Code⁽¹⁾ requirements for egress, natural light, and ventilation. A bedroom shall not be located in an RV, camper, tent or similar temporary lodging arrangements.

OUTDOOR RECREATION AREA

~~Any man-made structure within someone's property that is used for outdoor recreational purposes which includes but is not limited to: pools, decks, gazebos, and children's playground equipment. This includes areas for smoking, playing yard games, or similar activities. (DC1)~~

PARKING MITIGATION PLAN

A plan that is comprised of existing parking conditions and proposed parking conditions within 300 feet of a proposed short-term home rental.

PRIMARY RESIDENCE

The dwelling unit within which a person lives for six months plus a day during a calendar year. A person shall only have one primary residence.

PRIMARY RESIDENT

A person living on a property where the property is the person's primary residence.

PROPERTY MANAGER

The person identified as being the person responsible for the short-term home rental, to respond to complaints, or be available to address the needs of transient guests in the absence of the property owner.

PROPERTY OWNER

The owner of the property being used as a short-term home rental.

RESIDENTIAL DWELLING

~~Any building, structure, or part of the building or structure that is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.~~

A residential unit providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, cooking, eating, and sanitation

SHORT-TERM HOME RENTAL^{[DC2][DC3]}

A residential dwelling unit that is offered for rent for a fee and for fewer than 29 consecutive days as defined in Wisconsin Stats. § 66.0615(1)(dk). This includes short-term home rental of any accessory dwelling units as defined in City of Ashland Unified Development Code § , the second unit of an owner-occupied duplex, mother-in-law apartments, and bed-and-breakfast establishments.

TRANSIENT GUEST

A person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business, or employment and rents a short-term home rental.

§ 1-3. License required.

A. No property may be used as a short-term home rental for more than 10 nights each year unless granted a license by the City.

B. License standards. All short-term home rentals shall be subject to the following performance standards and the property owner must certify on the application form that all applicable items found in this chapter are satisfied, including:

~~(1) Performance standards as found in § 1-4.~~^[DC4]

(2) Proof of sufficient and suitable property insurance identifying that the property is protected and the short-term rental business has commercial liability insurance.

~~(3) Proof of tourist rooming house or bed-and-breakfast license, as amended, from St. Croix County.~~^[DC5]

(4) The license application must supply information on any web-based booking service(s) used for the license property.

(5) Compliance with any other applicable state, county, or local regulations that are not otherwise identified as part of this chapter.

§ 1-4. Performance standards.

A. Maximum occupancy. The maximum number of transient guests shall be limited to two transient guests per legal guest bedroom, plus one additional transient guest. Maximum occupancy load shall not be exceeded at any time the home is used as a short-term home rental.

B. Proximity of assistance to short-term home rentals. The property owner or property manager must be within 30 miles of the short-term home rental property at any time the property is being used by transient guests.

C. Contact information. The City Clerk's Department must be notified within 10 days of a change in property owner's or property manager's contact information. The property owner and/or property manager must provide the property owner's or the property manager's (as applicable) contact information, including name, address and phone number, to all property owners within 300 feet of the property boundary. The property owner and property manager must notify neighboring properties within 10 days of a change in contact information.

D. Parking. In residential zoning districts, all guest parking must be accommodated on concrete or asphalt surface on the short-term home rental property. No on-street parking is allowed for transient guests. At a minimum, parking shall be provided at the following rate:

(1) Number of spaces.

(a) One to two guest bedroom unit: two spaces.[DC6]

(b) Three plus guest bedroom unit: number of parking spaces equal to the number of guest bedrooms.

(2) In (Commercial) [DC7] Zoning Districts, transient guest parking must either be accommodated on the property of the short-term home rental dwelling unit or a parking mitigation plan must be approved by City staff.

E. Exterior appearance and signage. There shall be no change in the exterior appearance of the home or premises, or other visible evidence of the conduct of a short-term home rental, except:

(1) Additional on-site City-code-compliant parking may be added to accommodate transient guests.

(2) One sign, up to six square feet, posted on the building identifying the short-term home rental.

F. Refuse. All waste shall be kept in approved watertight receptacles or containers with closed tops and shall be stored out of view as much as possible.

G. Noise. There shall be no amplified outdoor sound after 10:00 p.m. or before 8:00 a.m. ~~All outdoor recreation areas shall be a minimum of 100 feet from neighboring residences.~~[DC8]

H. Health and safety. Short-term home rental shall be equipped with the following:

(1) Smoke detector and carbon monoxide detectors in accordance with Wisconsin statutes on each floor level and sleeping area.

(2) Fire extinguishers shall be placed in the kitchen area, furnace area, and hallways adjoining bedrooms.

(3) Inside each bedroom door shall exhibit an evacuation plan, with a diagram of escape routes and emergency telephone numbers.

I. Guest disclosure posting. Each short-term home rental shall have posted inside within two feet of the main entrance, in writing, the following rules and regulations and must submit a copy of the disclosure to the City with the license application and renewal applications.

- (1) The name, phone number and address of the property owner or property manager.
- (2) The maximum number of transient guests allowed at the property.
- (3) The maximum number of vehicles allowed at the property and where they are to be parked.
- (4) Property rules related to use of outdoor recreation areas, such as decks, patios, grills, recreational fires, pools and other recreational facilities.
- (5) City nuisance ordinances will be enforced by the Ashland Police Department, including reduced noise levels between 10:00 p.m. and 8:00 a.m.

J. Inspections. All short-term home rentals shall be inspected annually by the City of Ashland Fire Department. Upon prior notice to the property owner or property manager, as applicable, City departments, including Police, Fire and Building Inspections, have permission to inspect the premises to investigate any complaints or possible violations.

§ 1-5. License application.^[DC9]

Any property owner desiring to operate a short-term home rental must apply to the City Clerk's office for a short-term home rental license. A license must be approved prior to operating within the City. The license application must be submitted on the form prescribed by the City Clerk and must include all the information requested on the application form, including:

A. A site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, smoking area, or pool.

B. A floor plan, drawn to scale, of the home identifying which rooms will be used as transient guest bedrooms.

C. The property owner shall request a time to have their property inspected before the application can be considered complete.

D. Incomplete applications will not be accepted.

§ 1-6. Application fee.^[DC10]

The license application form must be accompanied by payment in full of the required license application fee for short-term home rental. The application fee amounts will be as determined by the Common Council in the City fee schedule.

§ 1-7. License issuance.

All short-term home rentals are required to have an administratively issued license from the City.

A. Licenses are nontransferable and shall automatically expire upon change of ownership of the property.

B. A license constitutes a limited license granted to the applicant by the City and in no way creates a vested zoning right or property right to operate a short-term home rental.

C. Licenses are valid for a period of one year. A renewal license must be applied for 90 days prior to expiration every calendar year.

§ 1-8. Sales taxes and room tax.

In addition to state sales tax, the property owner is required to pay the City room tax.

A. The property owner is required to pay the City room tax quarterly. If no rentals are made during a quarter, a report must nonetheless be submitted to the City stating that no rentals were made or room tax collected during that quarter.

B. When a booking service or internet marketplace is used to coordinate rental of lodging facilities, the company providing the service shall be responsible to collect and pay the City room tax quarterly. If no rentals are made during a quarter, a report must nonetheless be submitted to the City stating that no rentals were made or room tax collected during that quarter.

§ 1-9. Appeal of licensing decisions; license revocation; appeal procedure; judicial review.

A. License decision. The City Clerk's decision to deny an initial short-term rental license or to deny renewal of a short-term rental license shall be in writing and shall specify the reason(s) for such denial. Prior to the time for the renewal of the license, the Clerk shall notify the licensee, in writing, of the City's intention not to renew the license and notify the licensee of his or her right to an appeal hearing as provided in § **1-9B**.

B. Appeal procedure. The applicant or licensee, as applicable, may appeal the Clerk's decision to deny an initial license or to deny renewal of a license to the Common Council by filing a written appeal with the Clerk within 20 business days after the date of mailing of the written notice of the Clerk's decision denying such license or renewal license. The Common Council shall conduct a due process hearing within 30 business days of the Clerk's receipt of the written appeal. The Clerk shall provide a minimum of 10 calendar days' notice to the appellant of the date, time, and location of the hearing. The Common Council shall issue a written decision on the appeal within 20 business days of the hearing. At the hearing, the appellant may produce and cross-examine witnesses, present relevant evidence, and be represented by counsel of the appellant's/licensee's choosing and at the appellant's/licensee's expense. If the Common Council finds the reason(s) for the Clerk's decision to be sufficient, the decision shall be affirmed. If the Common Council finds the reason(s) for the Clerk's decision to be insufficient, the decision shall be reversed, and the license shall be granted and issued. If the appellant does not appear at the hearing and the Common Council finds the reason(s) for the Clerk's decision to be sufficient, the decision shall be affirmed. The Common Council's written decision on the appeal must specify the reason(s) for its

determination. The Clerk shall give written notice of the Common Council's decision to the applicant or licensee.

C. Revocation. [DC11] A license may be revoked by the Common Council during the term of a license year and following a due process hearing as described in § 1-9B for one or more of the following reasons:

(1) Licensee's failure to pay any and all delinquent fees, taxes, special charges, forfeitures or other debt licensee owes to the City.

(2) Licensee's failure to maintain all required local, county and state licensing requirements.

(3) Any violation of local, county or state laws or regulations which, based upon their number, frequency and/or severity, and their relation to the short-term home rental property, its owner(s), tenant(s), occupant(s) or visitor(s), substantially harm or adversely impact the surrounding neighborhood.

D. Complaint. Any resident of or owner of property within the City may file a sworn written complaint with the Clerk alleging one or more of the reasons set forth in § 1-9C as grounds for revocation of a short-term home rental license issued under this chapter. Upon the filing of the complaint, the Clerk shall notify the licensee of the complaint by certified mail, return receipt requested, and provide the licensee with a copy of the complaint. The notice shall direct the licensee to appear before the Common Council on a day, time and place included in the notice, not less than 10 days and not more than 30 days from the date of the notice, and show cause why his or her license should not be revoked. The hearing shall be conducted as provided in § 1-9B. If a license is revoked, the Clerk shall give notice of revocation to the licensee by certified mail, return receipt requested. No part of the fee paid for any license so revoked may be refunded.

E. Judicial review. The action of the Common Council in granting or renewing, refusing to grant or renew, or revoking a license under this chapter may commence an action in Ashland County Circuit Court seeking the remedy available by certiorari. Such an action seeking certiorari review by the Ashland County Circuit Court shall be filed within 30 days of the date of mailing by the Clerk of the notice of the Common Council's action granting or renewing, refusing to grant or renew, or revoking a license. The procedure for certiorari review shall be the same as in civil actions commenced in the circuit court pursuant to Wisconsin Statutes regarding certiorari review.

§ 1-10. Violations and penalties.

A. Any person who violates any provision of this chapter shall be subject, upon conviction thereof, to a forfeiture of not less than \$250 nor more than \$750 [DC12] for each offense, together with the costs of prosecution. Each violation and each day a violation occurs or continues to exist shall constitute a separate offense.

B. The penalties set forth in this section shall be addition to all other remedies of injunction, abatement or costs, or any other remedy available under this chapter or Wisconsin or federal law.

1. Farm stay in Viola Guesthouse at Griff Run
2. Home in Richland Center Gramps Getaway
3. Cabin in Hill Point Big R's Retreat
4. Cottage in Richland Center Beautiful 1 Bedroom Cottage (maybe Ithaca)
5. Bungalow in Richland Center Gloryview Ridgetop Bungalow
6. Home in Richland Center ZZ Hilltop Farmhouse
7. Home in Richland Center Private Oasis with Hot Tub
8. Home in Viola TerraVista House in the Driftless (not in Viola)
9. Cabin in Muscoda Riverview Cabin LLC
10. Cabin in Richland Center The Spring Water Retreat
11. Cabin in Viola (maybe in Richland County)
12. Home in Richland Center 4 bedroom, 3 bath home with
13. Camper/RV in Richland Center. Glamping on the Pine
14. Home in Muscoda Cler's Valley View
15. Farm Stay in Hill Point (maybe Ithaca township)
16. Home in Muscoda Century Old Charming
17. Cabin in LaFarge Back Roads Cabin Retreat
18. Farm Stay in Richland Center Generations – An 8th generation
19. Cabin in Richland Center The Water Villa
20. Cabin in Richland Center Tree Bear Cabin on 67 acre
21. Cabin in Viola Newly build cabin retreat in the
22. Camper/RV in Hill Point Big R's Retreat 2 (maybe Ithaca township)
23. Home in Cazenovia. Willow Creek Cottage
24. Farm stay in Viola Eunice the Airstream
25. Cabin in Cazenovia. Willow Valley Get-away
26. Cabin in Soldiers Grove Amish cabin on beautiful 40 acres (maybe Crawford county)
27. Home in Viola The Dead Drift Lodge
28. Tiny Home in Richland Center Little Round Cabin on the Pine (I think outside city limits)
29. Farm Stay in Hill Point Ridgetop Retreat
30. Cottage in Muscoda River's Edge Cabin, LLC
31. Cabin in Richland Center Secluded cabin with views of..
32. Home in Viola Secluded cabin nestled in the
33. Apartment in Hillsboro. Yuba State Bank Apartment
34. Home in Richland Center 4 bedroom, 3 bath home with..
35. Home in Richland Center. Ewing's Southfork
36. Home in Cazenovia. Willow Creek Cottage
37. Apartment in Hillsboro. The Shopkeeper's Apartment
38. Farm Stay in Plain Grateful Farms Cabin: Hills, ...
39. Cabin in Hillpoint. Bear Valley Outdoor Inn, an...
40. Cabin in Richland Center The Sylvan Cabin w/small lake...
41. Home in Richland Center The Sweet Suite
42. Cabin in Richland Center The Driftless Escape Modern, ...
43. Farm Stay in Cazenovia Driftless area farmhouse with...
44. Cabin in Muscoda Riverview Cabin, LLC 3 beds
45. Cabin in Lone Rock Driftless Chalet Secluded...
46. Farm stay in Viola The Farmhouse Suite at Griff...
47. Cabin in Readstown. River's Edge Cabin LLC

48. Chalet in Muscoda Riverside Chalet LLC
49. Tiny Home in Richland Center. Little Round Cabin on the Pine...
50. Cabin in Richland Center. Secluded cabin with views of...
51. Cabin in Hillpoint Bear Valley Outdoor Inn, an...
52. Home in Soldiers Grove English Run Rental House – 4...
53. Cabin in Soldiers Grove Grand Family Cabin with ...
54. Guesthouse in WI. Bear Valley Outdoor Inn is a...
55. Cabin in Muscoda Spacious Lodge on the ...
56. Home in Spring Green. B Farm Charm
57. Guest suite in Richland Center Midwest Living in Spacious ...