

## **CHAPTER 18: SHORT-TERM RENTAL ORDINANCE**

### **#1 TITLE AND PURPOSE**

The title of this chapter is the “Town of Red River Short-Term Rental Ordinance”. The purpose of this chapter is to ensure that the quality of short-term rentals operating within the Town is adequate for protecting public health, safety and general welfare, including establishing minimum standards for human occupancy; determining the responsibilities of owners, operators and property managers offering these properties for rent to protect the character and stability of all areas; providing minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and providing provisions for the administration and enforcement thereof.

### **#2 AUTHORITY**

Pursuant to the authority of Wis. Stat. § 66.1014, as may be amended from time to time hereafter, the Town of Red River has specific authority to adopt this chapter.

### **#3 EFFECT OF ADOPTION**

The Town Board of the Town of Red River, by this chapter, provides authority for the Town of Red River to regulate short term rental of residential dwellings.

### **#4 APPLICABILITY**

This ordinance shall apply to the rental of residential dwellings in all zoning districts in the Town of Red River.

### **#5 DEFINITIONS**

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

**OCCUPANT** – Any person living, sleeping, cooking or eating, or having actual possession of, a residential dwelling unit.

**PERSON** – An individual, group of individuals, or an entity.

**PROPERTY MANAGER** – Any person who is not the property owner and is authorized by the property owner, expressly or impliedly, to act as agent and as the local contact person on behalf of the property owner for one or more short-term rental, and to take remedial action and promptly respond to any violation of this chapter or the Town Code relating to the licensed premises.

**PROPERTY OWNER** – The owner of a short-term 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 2 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 for fewer than 29 consecutive days.

**SHORT-TERM RENTAL LICENSE** - A short-term rental license issued under this chapter.

**TOWN CLERK** – The Town Clerk of the Town of Red River or designee.

**TOWN ZONING ADMINISTRATOR** – The Town Zoning Administrator of the Town of Red River.

## **#6 OPERATION OF SHORT-TERM RENTALS**

A. No person may maintain, manage, or operate a short-term rental without a short-term rental license. Each short-term rental shall be operated by a property owner or property manager.

B. Each short-term rental property owner is required to have the following licenses and permits:

1. State of Wisconsin License for a tourist rooming house as defined in Wis. Stat. § 97.01(15k).
2. A seller's permit issued by the State of Wisconsin Department of Revenue, if required by the State of Wisconsin.
3. A short-term rental license from the Town of Red River issued pursuant to this chapter.

C. Each short-term rental shall comply with all of the following:

1. Compliance with all state, county and local codes.
2. No residential dwelling unit may be rented for a fee for a period of six (6) or less consecutive days nor more than 180 days in a 365 consecutive day period. Rental of residential dwellings for 6 consecutive days or less is expressly prohibited.
3. The number of occupants in any residential dwelling shall not exceed the limits set forth in Wis. Admin. Code § ATCP 72.14 for hotels, motels and tourist rooming houses.
4. No recreational vehicles (RVs), campers, tents or other temporary lodging arrangements shall be permitted on site as a means of providing additional accommodations for paying occupants and/or guests or other invitees.
5. No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.

6. Trash and refuse shall not be left stored in public view except in proper containers for the purpose of collection by the authorized waste hauler on scheduled trash days.
7. General compliance with building and fire code inspection requirements.
8. No signage advertising for the short-term rental is permitted on site. This prohibition is necessary due to safety and security concerns associated with potential burglaries, theft, trespassing, and other property-related crimes, which may result from on-site advertising of the availability of a single-family residential dwelling.
9. A minimum of one parking space per approved bedroom in the residential dwelling shall be provided. No on-street parking is allowed unless the on-street parking complies with the Town code and county regulations.
10. The property owner shall have and maintain homeowner's liability or business liability insurance effective during all short-term rental periods 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. This insurance requirement may be satisfied through such sources as the property owner may choose, including, but not limited to, conventional insurance or insurance offered through a lodging marketplace.
11. The property owner or property manager shall, upon notification that the responsible person and/or any occupant and/or guest of the short-term rental has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term rental, promptly respond in a timely and appropriate manner to immediately halt or prevent a recurrence of such conduct by the responsible person and/or any occupants and/or guests. Failure of the property owner or property manager to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental in a timely and appropriate manner shall be subject to all administrative, legal and equitable remedies available to the Town.

## **#7 SHORT TERM RENTAL LICENSE**

The Town Clerk shall issue a short-term rental license to applicants following the approval of the application by the Town Board and of the filing of the documents, records and payment required under this chapter. A short-term rental license is issued for a period of one year from July 1st of the current year to June 30 of the following year, and each license and may be renewed annually. The license shall contain the following information:

- A. The name of the property owner and if applicable, the property manager, with contact information including mailing addresses and a telephone numbers at which the property owner, and property manager if applicable, are available.
- B. The license term.
- C. The State of Wisconsin tourist room housing license number.

## **#8 SHORT TERM RENTAL LICENSE PROCEDURE**

A. Application for a short-term rental permit shall be made to the Town zoning administrator by the property owner or property manager. The applicant, upon filing of the application for the short-term rental permit with the Town zoning administrator, shall pay a non-refundable fee to the Town zoning administrator for a conditional use hearing in accordance with the Town's Schedule for Costs. Prior to issuing a short-term rental permit, the Town Board shall hold a public hearing. Notice of such Public Hearing specifying the time, place and matters to come before the Town Board shall be given at least 15 business days prior to the hearing as a class 2 notice as referred to in Chapter 985 of the Wisconsin Statutes, and posted for the public, and given to parties of interest as well as owners of property within 500 feet of the proposed short-term rental. Upon approval of the short-term rental license, the applicant shall pay a fee for the short-term rental license to the Town zoning administrator in accordance with the Town's Schedule for Costs.

B. Each application shall include the following information and documentation for each short-term rental unit in order to demonstrate compliance with all requirements of this chapter:

1. The name of the property owner and if applicable, the property manager, with contact information, including mailing addresses and a telephone numbers at which the property owner, and property manager if applicable, is available.
2. State of Wisconsin License for a tourist rooming house as defined in Wis. Stat. §97.01(15k).
3. A copy of a completed State of Wisconsin Lodging Establishment Inspection report dated within one (1) year of the date of the license application to the Town.
4. Proof of homeowner's liability or business liability insurance as required in this chapter.
5. Seller's permit from the State of Wisconsin Department of Revenue, if required by the State of Wisconsin.
6. A floor plan and requested maximum occupancy.
7. A site plan showing the location of buildings and on-site and off-street parking areas designated for tenants and invitees.

8. A Property Management Agreement, if applicable, with the designation of a property manager with contact information including mailing address and telephone number at which the property manager is available, and an affirmative statement that the property manager is authorized to act as agent and as the local contact person for the property owner with respect to operation of the short-term rental, including taking remedial action and promptly responding to any violation of this chapter of the Town code relating to license premises, and receiving service of notice of violation of this chapter's provisions.
9. Written certification by the property owner that the short-term rental meets the requirements of this chapter and applicable state and county laws, ordinances and regulations.
10. An employer identification number issued by the Internal Revenue Service, if applicable.
11. For renewal licenses only, written certification that a guest register, the official record provided and kept by a property owner or property manager in which short-term rental occupants and/or guests are required to keep their true names and addresses before being assigned sleeping quarters, has been kept as required by the Wisconsin Administrative Code §ATCP 72.16.

## **#9 RENEWAL OF LICENSE**

A. Each application for renewal of a short-term rental license shall include updated information for the documentation on file with the Town Board and payment of the applicable non-refundable fee. The Town Zoning Administrator shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this chapter. The Town Zoning Administrator may request reports from the Sheriff's Department and other law enforcement agencies regarding any complaints received, calls for service or actions taken regarding the short-term rental properties. The Town Board shall review the renewal application and any law violations relating to the short-term rental property and operations, and its owner(s), tenant(s), occupant(s) or visitor(s), and whether such violations substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood. If after such consideration the Town Board determines not to renew the license, the Town Board shall notify the application in writing of the reason(s) for such decision.

B. No license shall be renewed if the short-term rental property is under an order to bring the premises into compliance with the State, county or local laws, codes, rules or regulations.

C. No license shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the Town unless arrangements for payment have been approved by the Town Board.

**#10 REVOCATION OF LICENSE**

A license may be revoked by the Town Board for one or more of the following reasons:

- A. Violations of the Standards Applicable to all conditional use permits pursuant to Town chapter 10.0503.
- B. Failure to pay when due taxes or debts owed to the Town.
- C. Three (3) or more calls for police service or the county health department for nuisance activities or other law violations in a twelve (12) month period.
- D. Failure to maintain all required local, county and state licensing requirements.
- E. Any violation of local, county or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

**#11 DISPLAY OF LICENSE**

Each short-term rental license shall be displayed on the inside of the main entrance door for each short-term rental.

**#12 SEVERABILITY**

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application.

**#13 EFFECTIVE DATE**

This chapter is effective on publication or posting. The town clerk shall properly post or publish this chapter as required under Wis. Stat. §60.80.

Adopted this 25<sup>th</sup> day of March, 2021.

Sampo, Town Board Chairman

Jeff Dorner, Supervisor #1

Chuck Kinnard, Supervisor #2

Attest: Eric Corroy, Town Clerk