

TOWN OF SPIDER LAKE

ORDINANCE #2018-01

Short-Term Rental Ordinance

Purpose

The purpose of this Ordinance 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 of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators and property managers offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially residential areas, within the Town of Spider Lake; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

Definitions

- 1) For the purposes of administering and enforcing this Article, the terms or words used herein shall be interpreted as follows:
 - a) Words used in the present tense include the future.
 - b) Words in the singular number include the plural number.
 - c) Words in the plural number include the singular number.
- 2) The following definitions and conditions apply unless specifically modified:
 - a) Clerk. The Town of Spider Lake Clerk or designee.
 - b) Corporate Entity: A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.
 - c) Dwelling Unit: One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family. Dwelling Units include residential, tourist rooming house, seasonal employee housing and dormitory units.
 - d) License. The Short-Term Rental License issued under this ordinance.
 - e) Owner. The owner of a short-term rental.
 - f) Person. Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word

person is used in any section of this Article prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

- g) Property Manager. Any person that is not the property owner and is appointed to act as agent and/or provides property management services to one or more short-term rental.
- h) Short Term Rental. A residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days, as defined in Wis. Stat. Sec. 66.0615 (1)(dk).
- i) State. The State of Wisconsin Department of Health, or its designee.

Operation of Short-Term Rentals

- 1) No person may maintain, manage, or operate a short-term rental more than 10 nights each year without a short-term rental license. Every short-term rental shall be operated by a Property Owner or Property Manager
- 2) Each short-term rental is required to have the following licenses and permits:
 - a) A State of Wisconsin Tourist Rooming House License;
 - b) A seller's permit issued by the Wisconsin Department of Revenue;
 - c) A Room Tax Permit; and
 - d) A permit or license issued pursuant to the provisions of this Ordinance.
- 3) Each short-term rental shall comply with all of the following:
 - a) The total number of days within any 365 –day period that the dwelling may be rented shall not exceed 180 consecutive days.
 - b) The Property Owner or Property Manager shall notify the Clerk in writing when the first rental within a 365-day period begins.
 - c) All rentals must be for not less than 7 consecutive days.
 - d) No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.
 - e) There shall not be excessive noise, fumes, glare, vibrations generated during the use.
 - f) Name plates or other signage shall not exceed one square foot. No other signage advertising the short- term rental is permitted on site. Off-site advertising in media channels relating to the availability of the rental may take place only after all permits and licenses have been obtained and is subject to limitations prescribed by state, county or town laws.
 - g) The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable state, county and town housing

regulations based upon the number of bedrooms in each unit.

- h) No recreational vehicles (RVs), 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.
- i) Any outdoor event held at the short-term rental site shall last no longer than one day occurring between the hours of 8:00 a.m. and 10:00 p.m.
- j) Compliance with all applicable state, county, and local codes and regulations is required. Annual general building inspection is required prior to issuance or renewal of the license.
- k) A local property management contact must be on file with the Town at the time of application. The local Property Manager must be within twenty-five (25) miles of the short-term rental property and must be available 24 hours a day. The Property Owner must notify the Town within twenty-four (24) hours of a change in management contact information for the short-term rental.
- l) Short-term rental licenses are issued for one year period and must be renewed annually subject to Town approval or denial.
- m) The Property Owner of the short-term rental shall have appropriate insurance for the home that is used for short-term rental and provide proof of insurance with the license application and renewal.
- n) Each short-term rental shall provide a register and require all guests to register their true names and addresses before taking occupancy of the short-term rental. The register shall be kept intact and available for inspection by representatives of the Town for at least one year.
- o) Each short-term rental shall maintain the following written records for each rental of the dwelling unit: the full name and current address of any person renting the property, the time period for that rental, and the monetary amount or consideration paid for that rental.

Short-Term Rental License

- 1) The Clerk shall issue a short-term rental license to all applicants following the approval of an application and the filing of all documents and records required under this Article. The application shall also contain the following information:
 - a) Identify the Property Owner with contact information including mailing address, physical address, and 24 hour phone number;
 - b) Identify the Property Manager with contact information including mailing address,

- physical address, and 24 hour phone number;
- c) The maximum days of occupancy for the premises for individual rentals ;
- d) The license term; and
- e) State lodging license number, if any.

Short-Term Rental License Procedure

- 1) All applications for a short-term rental license shall be filed with the Clerk on forms provided. Applications must be filed by the Property Owner. No permit shall be issued unless the completed application form is accompanied by payment of the required fee.
- 2) Each application shall include the following information and documentation for each short-term rental unit:
 - a) A copy of State of Wisconsin License for a Tourist Rooming House License issued under Wis. Stat. Sec. 254.64;
 - b) A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal. If State Lodging Establishment Inspection is not available, the property may be subject to inspection by the Town.
 - c) Proof of Insurance;
 - d) A copy of Seller's Permit from the Department, if any;
 - e) Floor plan and requested maximum occupancy;
 - f) Site plan including available onsite parking;
 - g) Property Management Agreement (if applicable);
 - h) Designation of the Property Manager
 - i) Certification from the property owner that the property meets the requirements of this Ordinance;
 - j) An employer identification number issued by the Internal Revenue Service.
- 3) Terms and Filing date. Each permit and license shall run during a calendar year. The filing fee shall be paid upon filing of the application. The Clerk may conditionally accept late applications, subject to payment of the late filing fee. Any application which does not include all of the information and documentation shall not be considered as complete.
- 4) Application Review Procedure. When satisfied that the application is complete, the Clerk shall approve the application and issue the license. If the Clerk in consultation with Town staff determines that the application does not meet the requirements of this Article, the clerk may provisionally deny the application and refer it to the Town Board.
- 5) No permit or license shall be issued or renewed unless there is filed with the Clerk a

completed Fire Inspection Report dated not more than one (1) year before the date of issuance or renewal

- 6) No permit or license shall be issued or 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 Clerk.

Renewal

- 1) Each application for a renewal of a permit or license shall include updated information for the documentation on file with the Clerk and payment of the applicable fee. The Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Article. The Clerk shall request reports from the Sheriff's Department and the Zoning Administrator regarding any complaints received, calls for service or actions taken regarding the short-term rental properties. The Clerk shall issue renewal licenses within thirty (30) days of the filing of the application unless the information provided is incomplete or otherwise not in compliance with the requirements of this Article and/or the reports from the Sheriff's Department and the Zoning Administrator indicate that there are complaints or actions involving the property.
- 2) If the Clerk finds that the license or permit should not be renewed, the Clerk shall deny the renewal and refer the matter to the Town Board.

Standards for Short-term Rentals

- 1) Each short-term rental shall comply with this Article's requirements and any other applicable Town ordinance. Each short-term rental shall comply with the following minimum requirements:
 - a) One (1) internal bathroom for every four (4) occupants;
 - b) Not less one hundred fifty (150) square feet of floor space for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room area. Floor space is determined using interior measurements of each room. Floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people;
 - c) Not less than one (1) onsite off-street parking spaces for every four (4) occupants based

upon maximum occupancy;

- d) A safe, unobstructed means of egress from the short-term rental leading to safe, open space at ground level;
- e) Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 321 of the Wisconsin Administrative Code;
- f) Shall not have an accessible wood burning fireplace unless the property owner provides a certificate from a properly licensed inspector, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances;
- g) Shall not have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking or any other purpose on any balcony, deck or under any overhanging structure or within ten (10) feet of any structure;
- h) Shall not have a fire pit or other similar device used for heating or any other purpose on any balcony deck or under any overhanging structure or within twenty (25) feet of any structure;
- i) All rentals have casualty and liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than \$300,000 per individual and \$1,000,000 aggregate;

Room Tax

Each short-term rental shall comply with the room tax reporting requirements.

Display of Permit

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

Appeal and License Revocation

- 1) The denial of any license or permit application or renewal under this Article may be appealed by filing a written appeal request with the Clerk within ten (10) days of the Town's notice of denial. The appeal shall be heard by the Town Board.
- 2) A license may be revoked by the Town Plan Board for one or more of the following reasons:
 - a) Failure to make payment on property taxes or debt owed to town or County;
 - b) Failure to make payment on room tax;
 - c) Three (3) or more calls for police service, building inspection or the health department

- for nuisance activities or other law violations in a twelve (12) month period;
- d) Failure to comply with annual building inspection requirements; Failure to maintain all required local, county, and state licensing requirements;
 - e) Failure to use the property as a short-term rental within twelve (12) months of obtaining the Town license;
 - f) Any violation of local, county, or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

Penalties

- 1) Any person who shall violate any provision of this Article shall be subject to a penalty as provided in the forfeiture amounts provided in the bond schedule for the Town pursuant to Ordinance No. 2013-01.
- 2) Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Article or otherwise

Fees

Initial and Renewal Short-Term Rental application fee - \$500

Each additional unit added under a Short-Term Rental License - \$250

Late filing fee - \$125

Re-inspections - \$100

Severability

If any provision of this Article and its ordinances is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this Article or its ordinances. It is hereby declared to be the intention of the Town of Spider Lake that all provisions of this Article and its ordinances therein are separable.

Adopted by the Town Board this 10th day of JANUARY, 2018 .

Brian S. Hucker
Brian S. Hucker, Town Chair

ABSENT
George J. Brandt, Supervisor

Michael McGuinness
Michael McGuinness, Supervisor

John A. Cerman
John A. Cerman, Supervisor

VOTED NAY
Peter Huot, Supervisor

Attest: Christine Ferda
Christine Ferda, Clerk