

**TOWN OF MINOCQUA
ONEIDA COUNTY, WISCONSIN
ORDINANCE NO.
AN ORDINANCE CREATING LICENSING OF
SHORT-TERM RENTALS AND AGENTS**

WHEREAS, Section 66.1014 of the Wisconsin Statutes was created in 2017 Wisconsin Act 59 prohibiting political subdivisions from enacting ordinances limiting rental of residential dwellings to less than 29 consecutive days;

WHEREAS, prior to the enactment of Section 66.1014 the Oneida County Zoning Ordinance prohibited rentals of residential dwellings located in single family residential (District 2), Residential and Retail (District 14), Rural Residential (District 15), and Forestry 1-A, 1-B Districts ("Prohibited Districts") to periods not less than 30 consecutive days;

WHEREAS, Oneida County is precluded from enforcing that Ordinance and the Town has determined it is in the interest of residents and property owners of the Town that rentals of dwellings located in Prohibited Districts in the Town be regulated;

WHEREAS, the regulations enacted hereby are intended to protect and enhance the full enjoyment of property located in the Prohibited Districts for property owners who wish to engage in short-term rentals of their properties;

WHEREAS, it is also the intent of this Ordinance to limit negative impacts and potential conflicts between short-term rentals and exclusively owner-occupied dwellings within the Town.

THE TOWN BOARD OF THE TOWN OF MINOCQUA DOES ORDAIN THIS ORDINANCE CONCERNING LICENSING OF SHORT-TERM RENTALS AND AGENTS

I. 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, located in Prohibited Districts; within the Town of Minocqua; to provide minimum standards for the health and safety of persons occupying or using buildings, structures or premises in Prohibited Districts; and provisions for the administration and enforcement thereof.

II. Definitions.

A. For the purpose of administering and enforcing this Ordinance, the terms or words used herein shall be interpreted as follows:

1. Words used in the present tense include the future.
2. Words in the singular number include the plural number.

3. Words in the plural number include the singular number.

B. The following definitions and conditions apply unless specifically modified:

Clerk. The Town Clerk of the Town of Minocqua or designee.

Corporate Entity. A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.

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.

License. The Short-Term Rental License issued under Section V

Owner. The owner of a short-term rental.

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.

Resident Agent. Any person appointed by the owner of a short-term rental to act as agent on behalf of the owner.

Property Manager. Any person providing property management services to at least three (3) short-term rentals.

Short Term Rental. A residential dwelling unit, located in Prohibited Districts 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).

State. The State of Wisconsin Department of Health, or its designee.

III. This Ordinance shall apply exclusively to properties located in Prohibited Districts Zoning classification, according to the Oneida County Zoning Ordinance.

IV. **Operation of Short-Term Rentals.**

A. 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 and a Resident Agent or Property Manager.

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

1. A State of Wisconsin Tourist Rooming House License;
2. A seller's permit issued by the Wisconsin Department of Revenue;
3. An Administrative Review Permit issued by Oneida County Zoning Department, if necessary;
4. A Short Term Rental License issued pursuant to the provisions of this Article;
5. A Town of Minocqua room tax permit. All short term rentals must fully comply with the Minocqua Room Tax Ordinance.

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

1. No person may maintain, operate or offer a short-term rental for less than seven (7) consecutive days. Such use is expressly prohibited.
2. No vehicular traffic shall be generated that is greater than normal based on occupancy limits specified in Paragraph 5. Traffic in excess of such standard shall be a violation of this Ordinance.
3. There shall not be excessive noise, fumes, glare, vibrations generated during the use.
4. Name plates or other signage shall not exceed one square foot. No other signage advertising the short-term rental is permitted on site or on any adjoining lake or water body. Off-site advertising in media channels relating to the availability of the rental may take place only after all Town, County and State permits and licenses have been obtained.
5. The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code or other applicable county and Town housing regulations based upon the number of bedrooms in each unit.
6. 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.
7. Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 10:00 a.m. and 9:00 p.m. Any activities shall be in compliance with other noise regulations of the Town.
8. Compliance with all state, county, and local regulations is required.
9. The Owner shall provide proof that the sanitary disposal system for the property is in full compliance with all applicable ordinances.
10. A local property management contact must be on file with the Town at the time of application for an Administrative Review Permit. The local property manager must be located within twenty-five (25) miles of the short-term rental property and must be available 24 hours a day. The owner must notify the Town within twenty-four (24) hours of a change in management contact information for the short-term rental.
11. A short-term rental license will not be issued until the following contingencies have been met: a. County health department inspection completed; b. License from the County Health Department received.
12. Short-term rental licenses are issued for one year period (expiring June 30 each year) and must be renewed annually subject to Town approval or denial.
13. The owner of the short-term rental shall have appropriate insurance for the home that is used for short-term rental and provide proof of insurance with the license application and renewal. Liability insurance must be issued by Wisconsin authorized insurance company with liability limits not less than \$300,000 per individual and \$1,000,000 aggregate.
14. Parking spaces compliant with County Zoning standards shall be available and shown on the Application.
15. Trash and garbage removal shall be provided on a weekly basis. Such service shall be evidenced by a contract with a licensed garbage handler or, if not contracted, by name of private party responsible for weekly trash removal.

V. **Short-Term Rental Licenses.**

A. 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 Ordinance. The License shall contain the following information:

1. Identify the Property Owner and contact information for Owner;
2. Identify the Resident Agent/Property Manager with contact information;
3. The maximum occupants for the premises;
4. The license term; and
5. State Seller's Permit number.

B. The resident agent and/or property manager must be authorized to allow Town employees, officers and their designees, to enter the owner's property for purposes of inspection and enforcement of this Ordinance and the General Code of Ordinances for the Town of Minocqua, Wisconsin.

C. No person may act as a property manager for a short-term rental without a property manager license issued in accordance with the provisions of this Ordinance. The property manager license shall apply to all short-term rentals for which the property manager has exclusive rights for the rental of the property. The property manager must certify to the Town that each short-term rental operated by the property manager license complies with the terms of this Ordinance.

VI. **Short-Term Rental License Application Procedure. (Initial license)**

A. All applications for a short-term rental license shall be filed with the Town Clerk on forms provided. Applications must be filed by the property owner or on the owner's behalf by the Property Manager. No permit shall be issued unless the completed application form is accompanied by payment of the required fee.

B. Each application shall include the following information and documentation for each short-term rental unit:

1. State of Wisconsin License for a Tourist Rooming House issued under Wis. Stat. Sec. 97.605;
2. A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal in compliance with Wisc. Adm. Code ATP 72;
3. Proof of Insurance; with name of insurance company and certificate proving limits in compliance with this Ordinance;
4. Seller's Permit from the Department of Revenue;
5. Floor plan and requested maximum occupancy;
6. Site plan including available onsite parking;
7. Property Management Agreement (if applicable);
8. Designation of the Resident Agent (if applicable);
9. Certification from the owner or licensee that the property meets the requirements of this Ordinance including but not limited to Section IV.

C. Terms and Filing date. Each permit and license shall run from July 1 to June 30 of the following year. All applications must be filed on or before May 1, 2018 and by

May 1 of each subsequent year. The filing fee shall be paid upon filing of the application. The Town 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 complete.

D. Application Review Procedure. When satisfied that the application is complete, the Clerk shall forward initial applications for permits and licenses to the appropriate Town Staff. If the Clerk in consultation with Town staff determines that the application meets the requirements of this Article, they may approve the application. If the Clerk in consultation with Town staff determines that the application does not meet the requirements of this Ordinance, they may deny the application.

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

VII. Renewal.

A. 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 Ordinance. The Clerk may request reports from the Police 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 Police Department and the Zoning Administrator indicate that there are complaints or actions involving the property.

B. If the Clerk finds that the license or permit should not be renewed, the Clerk shall deny the renewal.

C. No permit or license shall be issued or renewed unless there is filed with the Clerk a completed Fire Inspection Report by the Town Fire Inspector or equivalent reported prepared by the County Department of Health Inspector dated within one (1) year of the issue date.

D. No permit or license shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the Town, or is under an order issued by the Building Inspector, or his designee, to bring the premises into compliance with Town ordinances, unless arrangements for payment have been approved by the Town Board.

VIII. Resident Agent; Property Manager.

A. All short-term rentals are required to appoint a Resident Agent for the receipt of notice of violation of this Ordinance's provisions and for service of process pursuant to this Ordinance. Such a designation shall be made by the owner and shall

accompany each application form. The applicant shall immediately notify the Clerk of any change in residence or information regarding the Resident Agent.

B. To qualify as a Resident Agent the person must meet the following requirements:

1. Be a natural person residing in or within twenty-five (25) miles of the Town of Minocqua or a corporate entity with offices located within twenty-five (25) miles of the Town.
2. The applicant does not have pending any criminal charge and has not been convicted of a felony or misdemeanor of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, as amended. Notwithstanding the foregoing prohibition, an applicant who complies with Section 452.25(1)(b) to (e) may be granted a Resident Agent Permit by the Board.
3. The applicant is authorized by owner to accept service of process for all Town communications, citations and orders.

C. Resident Agent Permit. Application for a Resident Agent permit, and payment of the application fee, shall be filed with the Clerk, who shall issue the permit to all qualified applicants. Each Resident Agent permit shall be for a period of one (1) year. No fee is required for the owner of a short-term rental residing within twenty-five (25) miles of the Town of Minocqua who is serving as Resident Agent.

D. Property Manager Permit. No person may act as a Property Manager for a short-term rental without a Property Manager Permit issued in accordance with the provisions of this Article. The Property Manager Permit shall apply to all short-term rentals for which the Property Manager has exclusive rights for the rental the property. The Property Manager shall serve as the Resident Agent for the property owner. The Property Manager must certify to the Town that each short-term rental operating under the short-term rental license complies with the standards of this Ordinance.

E. Property Manager Qualifications. To qualify as a Property Manager the applicant must meet the following requirements:

1. Comply with all requirements for a Resident Agent as set forth in section B above.
2. Shall be managing not less than three (3) short-term rentals operating in the Town of Minocqua.
3. Shall hold the following licenses and permits in its name:
 - a. a Seller's Permit issued by the Wisconsin Department of Revenue;
 - b. a Room Tax Permit issued by the Town of Minocqua;
 - c. an employer identification number issued by the Internal Revenue Service;

F. Each Resident Agent and Property Manager shall be authorized by the property owner to act as the agent for the owner for the receipt of service of notice of violation of this Ordinance's provisions and for service of process pursuant to this Article and shall be authorized by the owner to allow Town employees, officers and their designees, to enter the owner's property for purposes of inspection and enforcement of this Ordinance and/or the Town Municipal Code.

IX. Standards for Short-term Rentals.

Each short-term rental shall comply with this Ordinance's requirements or any other applicable Town ordinance. Each short-term rental shall comply with the following minimum requirements:

1. Not less than one (1) bathroom for every six (6) occupants;
2. Not less than one hundred (100) square feet of sleeping area floor space for the first occupant thereof and at least an additional fifty (50) 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;
3. Each short-term rental shall have a Property Manager or Resident Agent;
4. Not less than one and one quarter (1 ¼) onsite off-street parking spaces for every four (4) occupants based upon maximum occupancy;
5. A safe, unobstructed means of egress leading to safe, open space at ground level;
6. Shall have functional smoke detectors, fire extinguishers and carbon monoxide detectors in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code;
7. Shall not have an accessible wood burning fireplace unless the property owner provides a certificate from a licensed commercial building 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;
8. Shall not have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose on any balcony, deck or under any overhanging structure or within ten (10) feet of any structure;
9. All Property Managers shall carry 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;
10. Certification of compliance. As a condition of issuance of a license under this Article, the Property Manager shall certify that each managed property is in compliance with the terms and conditions of the license and this Article

X. Display of Permit.

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

XI. Appeal and License Revocation.

A. 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. The Town

Board shall consider the application or renewal and recommendations and may approve or deny the application or renewal.

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

1. Failure to make payment on taxes or debt owed to the Town;
2. 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;
3. Failure to obtain all necessary county and state permits and licenses within twelve (12) months of obtaining the Town license;
4. Failure to comply with annual Town building inspection requirements;
5. Failure to maintain all required local, county, and state licensing requirements;
6. Any violation of local, county, or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

XII. Penalties and Fees.

A. A violation of Section IV shall be punishable by a forfeiture of not less than Five Hundred Dollars (\$500), nor more than One thousand Dollars (\$1,000) for each violation committed hereunder. In addition, the property owner and/short term rental shall be ineligible to operate as a tourist rooming house for a period of twelve (12) months from the date of entry of judgment.

B. Any other violation of any provision of this Ordinance shall be punishable by a forfeiture of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) for each violation committed hereunder.

C. Each day a violation exists shall constitute a separate violation of this Ordinance.

D. In addition to the penalties set forth above, failure to permit the inspection of a premises subject to this Ordinance by the Town designee, Building Inspector or Fire Inspector, or their designee, may result in the suspension of a permit or license.

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

F. **Enforcement.** The provisions of this Ordinance shall be enforced by the Town Chairman and/or the Town Fire Chief or the Town Building Inspector, or their designee. It shall be the duty of the Clerk and the Clerk's designee to process applications, conduct inspections and investigate complaints of violations of this Ordinance and/or the existence of a nuisance.

XII. Fees.

Initial Short-Term Rental application fee \$500

Renewal Short-Term Rental renewal application fee \$100

New units added under a Property Management License \$250

Late fees – \$100
Inspections - \$100
Property Manager - \$100
Resident Agent - \$50

XIII. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

XIV. This ordinance shall take effect upon its adoption and publication.

Dated this _____ day of _____, 2018.

_____, Town Chairman

ATTEST:

_____, Town Clerk

DATE OF PUBLICATION:
