

Ordinance Number _____
Town of Ahnapee, Kewaunee County, Wisconsin
Short-Term Rentals

Purpose

The purpose of this ordinance is to ensure that the quality and nature of the short-term rentals operating within the Town of Ahnapee are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the town.

Authority

The Town Board of the Town of Ahnapee has been authorized to exercise village powers pursuant to Wis. Stats. § 60.10(2)(c) and 60.22(3). The Town Board adopts this ordinance under its general village powers authority and Wis. Stat. § 66.1014.

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.

Effective Date and Publication

This ordinance shall become effective upon adoption and publication as required under Wis. Stat. § 60.80.

The town board of the Town of Ahnapee does ordain as follows:

In the Code of Ordinances of the Town of Ahnapee, Kewaunee County, Wisconsin, dated February 2005, repeal Chapter 10.0520 in its entirety.

In the Code of Ordinances of the Town of Ahnapee, Kewaunee County, Wisconsin, dated February 2005, adopt Chapter xx.xxxx, seen below:

xx.xxxx Short-Term Rentals

A. Definitions –

1. “Property Manager” means a person who is not the property owner and who provides property management services for one or more short-term rentals and who is authorized to act as the agent of the property owner for the receipt of service of notice of municipal ordinance violations and for service of process pursuant to this ordinance.
2. “Property Owner” means the person who owns the residential dwelling that is being rented.
3. “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. (Wisconsin Statute 66.0615)
4. “Short-term rental” means a residential dwelling that is offered for rent for a fee and for fewer than thirty (30) consecutive days. (Wisconsin Statute 66.0615)

B. License Required

1. No person may maintain, manage, or operate a short-term rental more than 10 nights each year without a short-term rental license issued pursuant to this ordinance. (See Wisconsin Statute 66.1014 (2)(d)2b)
2. The Plan Commission may impose conditions intended to reduce the impact of the proposed use on neighboring properties and nearby bodies of water. The conditions may include, but are not limited to, the installation of a fence or vegetive screening along a property line, the maintenance of native vegetation as a buffer along the shoreline, or the imposition of specified quiet hours.

C. License - Information Required

1. Each short-term rental shall hold a valid State of Wisconsin Tourist Rooming House License (see Wisconsin Agriculture, Trade, and Consumer Protection Chapter ATCP 72) and shall provide proof of such license by attaching a copy to the initial license application and all subsequent license renewal applications.

2. The application for a license must include a report showing that a compliance inspection has been conducted for any private on-site wastewater treatment system (POWTS) and that the system meets all state and local requirements.
3. The applicant for a short-term rental license must include a site diagram, drawn to scale, showing the location and dimensions of the following:
 - (a) The structure used to provide sleeping accommodations
 - (b) All accessory structures
 - (c) Any private on-site wastewater treatment systems
 - (d) Each parking space
 - (e) The on-premises sign
4. The application for a short-term rental license must specify:
 - (a) The number of bedrooms in the unit
 - (b) The maximum number of overnight occupants who will be permitted to stay in the unit
 - (c) The number of parking spaces provided

D. License - Issuance Procedure

1. 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. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.
2. The town clerk shall issue a short-term rental license to all applicants who have:
 - (a) paid the required license fee,
 - (b) submitted all information and documentation requested by the license application, and
 - (c) received town board approval of the application.
3. A short-term rental permit shall be effective for one year and may be renewed with the town clerk at least 45 days prior to license expiration so that the town board has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application.
4. An existing license becomes void and a new application is required any time there is a change in the ownership of a residential dwelling licensed for short-term rental.

5. The town board may suspend, revoke, or non-renew a short-term rental license following a due process hearing if the board determines that the licensee:
 - (a) failed to comply with any of the requirements of this ordinance, or
 - (b) has been convicted or whose Property Manager or renters have been convicted of engaging in illegal activity while on the short-term rental premises on 2 or more separate occasions within the past 12 months, or
 - (c) has outstanding fees, taxes, or forfeitures owed to the town in violation of Town Ordinance No. _____ entitled, “Ordinance Requiring Payment of Local Claims As Condition of Obtaining or Renewing Town Issued Licenses.” (If this ordinance exists – it appears that TOA does not have this ordinance and will have to create it. There is a sample of such an ordinance available from WTA).

E. Penalties (See 1.0110 – Penalties)

1. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$200 nor more than \$2500, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.
2. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement, or costs whether existing under this ordinance or otherwise.

F. Fees

1. Initial Short-term Rental License Application fee: \$250
2. Renewal Short-term Rental License Application fee: \$250

G. On-Premises Sign

1. An on-premises sign must be posted in a conspicuous place near the entrance to the property. The sign must have an area of at least 3 square feet. The sign must be visible from and legible without the need to come on to the property.
2. The on-premises sign must comply with Ordinance 10.0700 SIGNS
3. The on-premises sign must include the following information:
 4. The property’s advertised name, if any;
 5. The property’s address;

6. The name and telephone number of the owner;
7. The name and telephone number of the owner's agent or the local contact responsible for managing the property, if any.

H. Operation of a Short-Term Rental

1. Each short-term rental shall comply with all the following requirements:
 - (a) Register - The owner of a short-term rental must keep a register detailing the use of the premises. The register must include, at a minimum, the name, address, and telephone number of each guest using the property, and the license number of each vehicle that is parked on the property. The register shall be kept on file for at least one year. The register shall also include the time period for the rental and the monetary amount or consideration paid for the rental. A copy of the register must be made available to the Town on request.
 - (b) Contact Information - The Property Owner and/or Property Manager must provide the town with current contact information and must be available 24 hours a day, 7 days a week by telephone during periods the property is being rented. The town must be notified within 24 hours of any change in contact information.
 - (c) Sleeping Accommodation - Only one structure on a parcel may be used to provide sleeping accommodation for a short-term rental. Accessory buildings may not be used to provide sleeping accommodations. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for occupants beyond the number of overnight guests authorized in the property owner's Tourist Rooming House Permit.
 - (d) Occupancy Limit - Occupancy is subject to the limitations described in the property's sanitary permit; otherwise based on Wisconsin Agriculture, Trade and Consumer Protection 72.10(6).
2. All rentals shall be subject to the Town of Ahnapee Room Tax Ordinance.

ADOPTED by a vote of ___ for and ___ against on this ___ day of _____, 20____.

By the Town Board of The Town of Ahnapee

Town Chair

Attested to this ___ day of _____, 20____.

Clerk