

CHAPTER 18
SHORT-TERM RENTALS ORDINANCE

18.1 Purpose.

The purposes of this chapter are to ensure that the quality of short-term rentals operating within the Town is adequate for protecting the public health, safety and general welfare, including establishing minimum standards of space for human occupancy and parking and for an adequate level of maintenance; determine the responsibilities of owners and property managers operating or managing these rental properties for tourists or transient occupants, including, but not limited to, the responsibility to expeditiously and personally respond to, stop, mitigate, or prevent the reoccurrence of unreasonable activities on, or conditions, uses or misuses of, these rental properties which adversely impact or substantially annoy, disturb, threaten, harm, offend or interfere with the residential uses, nature or values of other properties in the neighborhoods in which these rental properties operate, or with the comfort, health, enjoyment, security, life, health, or safety of others, or which substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any lane, street, road, bridge or other public or private way used by emergency vehicles or protective service personnel to gain access to property or a navigable body of water to provide services, (i.e., public nuisances); protect the character and stability of all areas, especially residential areas, within the Town of Wilson; provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; require the provision of liability insurance in connection with the operation of short-term rentals so that persons on these properties, and the owners and occupants of adjacent properties, who suffer bodily injury or property damage arising from the condition or operation of the short-term rental, or from acts or omissions occurring thereon, are afforded a potential source of recovery to pay such damage claims; and provide for the administration and enforcement hereof.

18.2 Definitions.

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

1. **Clerk.** The Town Clerk of the Town of Wilson or designee.
2. **Dwelling Unit.** One or more rooms designed, occupied, used, or intended to be occupied or used, as separate living quarters, with a food preparation area and sleeping and sanitary facilities provided within such room(s). Dwelling units include residential, tourist room house, seasonal employee housing and dormitory units.
3. **Entity.** A corporation, investment company, limited partnership, limited-liability partnership, limited-liability company, cooperative association, unincorporated

cooperative association, common law trust, or any other group or organization licensed to do business in this state.

4. **Food Preparation Area.** Any part of a building containing three or more of the following facilities:
 - a. Cooking, including stoves, ranges, ovens, cooktops, microwave ovens with a capacity of one cubic foot. or greater, or countertop appliances such as grills, hot plates, toaster ovens, roasters, and slow cookers, but excluding coffee makers, top-slot toasters, or microwave ovens with a capacity less than one cubic foot.
 - b. Refrigeration with a capacity greater than 3.5 cubic feet.
 - c. Sink with a bowl depth greater than four inches and any other bowl dimension greater than 13 inches.
 - d. Storage with a capacity greater than 24 cubic feet intended or used for food, cookware, dishes, or related utensils.
5. **Guest Register.** The official record provided and kept by a property owner or property manager in which short-term rental guests are required to list their true names and addresses before being assigned sleeping quarters, pursuant to Wis. Admin. Code § ATCP 72.16.
6. **License.** The short-term rental license issued under Section 18.4.
7. **License Year.** The period from July 1 of each year to June 30 of the following year.
8. **Occupant.** Any person, over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit.
9. **Offered for Rent.** Advertised, maintained, managed, operated, or presented for rent, and/or listed on or with a marketplace provider (including, but not limited to, airbnb.com, homeaway.com, vrbo.com, or similar websites).
10. **Person.** An individual, group of individuals, or an entity.
11. **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.
12. **Property Owner.** The owner of a short-term rental.
13. **Renewal License.** Any license issued under this Chapter 18 which will be or is in effect for the license year immediately following a license year for which the Town Clerk issued a license under this chapter for the same short-term rental property.
14. **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.

15. **Short-Term Rental.** A residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days, as defined in Wis. Stats., § 66.0615(1)(dk).

18.3 Operation of short-term rentals.

- A. No person may maintain, manage, or operate a short-term rental for more than 10 nights each license year without a short-term rental license. Every 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. A state of Wisconsin tourist rooming house license.
 - 2. A seller's permit issued by the Wisconsin Department of Revenue, unless all rentals of the property are exempt from such permit requirement by law.
 - 3. A license from the Town of Wilson issued pursuant to this chapter.
- C. Each short-term rental shall comply with all the following:
 - 1. No residential dwelling unit may be rented for a period of six or fewer consecutive days without a short-term rental license. However, after a short-term rental license has been issued for a residential dwelling unit under Section 18.4, then any subsequent rental of that dwelling unit during the license term may be for a period of six or fewer consecutive days or up to 29 consecutive days.
 - 2. There shall not be excessive noise, vibrations, light disturbances, obstruction of streets or any other nuisance activities as prohibited by Chapter 25 of the Town Code, dogs at large or other activities as prohibited by Chapter 62 of the Town Code, or trespass onto neighboring properties.
 - 3. Pets that accompany a renter are subject to Chapter 62 of the Town Code, 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.
 - 4. If the property is located near a public waterway, public access and riparian rights rules must be posted at the short-term rental property and provided to the guests to prevent trespassing onto private property.

5. Name plates or other signage related to the short-term rental property shall not exceed one square foot. No other signage advertising the short-term rental is permitted on site.
6. The number of occupants in any dwelling unit shall not exceed the limits set forth in Wis. Admin. Code § ATCP 72.14 for hotels, motels, and tourist rooming houses.
7. No recreational vehicles (RVs), campers, tents or other temporary lodging arrangements shall be permitted on site as a means of providing additional accommodation for paying guests or other invitees.
8. Compliance with all applicable state, county and local codes and regulations is required.
9. If the property owner resides less than 35.0 miles from the short-term rental property, as measured in a straight line between the short-term rental property and the residence using online global positioning system (GPS) resources, a local property manager is not required to be designated. In such case, the property owner shall be available between the hours of 8:00 a.m. and 11:00 p.m. on those days when the property is rented. The property owner must notify the Town Clerk within three business days of any change in the property owner's contact information and submit the revised contact information to the Town Clerk within the same time period.
10. Unless the property owner resides less than 35.0 miles from the short-term rental property as determined under Subsection 9, a local property manager must be designated for contact purposes and their name must be included in the application filed with the Town Clerk. The local property manager must reside less than 35.0 miles from the short-term rental property, as determined under Subsection 9, and shall be available between the hours of 8:00 a.m. and 11:00 p.m. on those days when the property is rented. The property owner must notify the Town Clerk within three 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.
11. 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.
12. The property owner or property manager of each short-term rental shall provide a guest register and require all guests to register their true names and addresses and rental time period(s) before being assigned sleeping quarters. The guest register shall be kept by the property owner or property manager and available for inspection for at least one year, as required by the Wisconsin Administrative Code. If the property

owner or property manager does not consent to inspection of the guest register, the register shall be subject to disclosure to an authorized official pursuant only to a proper search warrant, administrative subpoena, judicial subpoena, or other lawful procedure to compel the production of records that affords the property owner or property manager an opportunity for pre-compliance review by a neutral decisionmaker.

18.4 Short-term rental license.

- A. The Town Clerk shall issue a short-term rental license if an applicant demonstrates compliance with the provisions of Chapter 18 of the Town Code. A short-term rental license is issued for one license year and may be renewed annually as provided in Section 18.6. The license shall contain the following information:
1. The name of the property owner, with contact information including mailing address and a telephone number at which the property owner is available. If the property owner is also acting as the property manager, then the requirements of Subsection 2 shall apply to the property owner.
 2. The name of the property manager, with contact information, including mailing address, physical address (if different from mailing address) and a telephone number at which the property manager shall be available between the hours of 8:00 a.m. and 11:00 p.m. on those days when the property is rented.
 3. The license term, as provided in Section 18.5.C.
 4. The Town of Wilson short-term rental license number.

18.5 Short-term rental license procedure.

- A. All applications for a short-term rental license shall be filed with the Town Clerk on forms provided by the Clerk. Applications must be filed by the property owner or the property manager. No license shall be issued unless the completed application form is accompanied by payment of the required application fee, which fee shall be nonrefundable.
- B. Each application shall include the following information and documentation for each short-term rental unit to demonstrate compliance with all requirements of this chapter, including, but not limited to, Section 18.8:
1. The name of the property owner, with contact information including mailing address and a telephone number at which the property owner is available. If the property owner is also acting as the property manager, then the application shall include mailing address, physical address (if different from mailing address) and a telephone number at which the property owner shall be available between the hours of 8:00 a.m. and 11:00 p.m. on those days when the property is rented.

2. A copy of the state of Wisconsin tourist rooming house license issued under Wis. Stats. § 97.605; or proof that such state license has been applied for, in which event a provisional short-term rental license may be issued under this chapter for a period of 30 days but shall be conditioned upon the Town Clerk's receipt of a copy of such state license from the applicant within said thirty-day period, and if a copy of such state license is not received by the Clerk within said period, then such provisional license shall expire and be void at and after the end of said thirty-day period.
 3. A copy of the most recent lodging inspection report for a tourist rooming house issued by the State of Wisconsin, which should be dated within one year of the date of the license application to the Town.
 4. Written evidence of liability insurance as required by Section 18.3.C.11.
 5. A copy of a current seller's permit issued by the Wisconsin Department of Revenue, unless all rentals of the property are exempt from such permit requirement per state regulations.
 6. 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.
 7. Designation of a property manager, unless the property owner is acting as the property manager, with contact information, including mailing address, physical address (if different from mailing address) and a telephone number at which the property manager shall be available between the hours of 8:00 a.m. and 11:00 p.m. on those days when the property is rented, 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 or the Town Code relating to the licensed premises, and receiving service of notice of violation of this chapter's provisions.
 8. 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.
 9. An employer identification number issued by the Internal Revenue Service, if applicable.
 10. For renewal licenses only, written certification that a guest register has been kept as required by the Wisconsin Administrative Code.
- C. Unless earlier revoked, each license shall be effective commencing on the date of issuance or July 1st of the license year, whichever is later, through June 30th of the license year, and may be renewed for additional license year periods. The application fee shall be paid upon filing of the application. Any application that does not include all the information and supporting documentation required by this chapter shall not be considered as complete.

Except upon the prior approval of the Town Board and on a case-by-case basis, the Town Clerk shall have no authority to issue a short-term rental license retroactively.

- D. When the Town Clerk determines that an application is complete and meets the requirements of this chapter, the Clerk shall approve the application and issue a short-term rental license (or, if applicable, a provisional short-term rental license) to the applicant. If the Clerk determines that the application is incomplete or does not meet the requirements of this chapter, the Clerk shall deny the application and inform the applicant, in writing, of the reason(s) why the application was denied and what action is needed to obtain approval of the application.
- E. No short-term rental license (or, if applicable, a provisional short-term rental license) shall be issued or renewed if the applicant or short-term rental property has outstanding fees, taxes, special charges, or forfeitures owed to the Town.
- F. No short-term rental license (or, if applicable, a provisional short-term rental license) shall be issued if the applicant or short-term rental property is found to be subject to one of the grounds for revocation as provided in Section 18.9.D.

18.6 Renewal.

- A. Each application for renewal of a short-term rental license shall include updated information for the documentation on file with the Town Clerk, and payment of the renewal fee. A renewal application must be filed with, and a nonrefundable renewal fee must be paid to, the Clerk at least 90 days prior to the license expiration date to allow the Town Clerk adequate time to review the application. The Clerk shall determine whether the information provided in the renewal application is complete and meets the requirements of this chapter. The Clerk may also request reports from the Town Building Inspector, the Sheriff's Department and other law enforcement agencies regarding any enforcement actions taken with respect to the short-term rental properties and operations, and their owners, tenants, occupants, or visitors. The Clerk shall review the renewal application and may approve or deny the application after taking into consideration the number, frequency and/or severity of 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 Clerk determines not to renew the license, the Clerk shall notify the applicant in writing of the reason(s) for such decision, and the applicant's right to appeal the decision to the Town Board as provided in Section 18.9.
- B. No license shall be renewed if the short-term rental property is under an order issued by the Building Inspector or a local health officer, or their designee, to bring the premises into compliance with state, county or local laws, codes, rules, or regulations.

18.7 Standards for short-term rentals.

- A. Each short-term rental shall comply with this chapter's requirements and any other applicable state, county or local laws, codes, rules, or regulations. Each short-term rental shall comply with the following standards:
1. The number of occupants may not be more than allowed under Wis. Admin. Code § ATCP 72 or any other state regulation, state statute, or local ordinance.
 2. The minimum number of on-site, off-road parking spaces shall equal the short-term rental property's advertised maximum sleeping capacity divided by four, with the quotient rounded up to the nearest whole number. For a short-term rental property abutting a private road with fewer than two driving lanes, no parking spaces on the road may be considered and all parking spaces must be provided on-site. For a short-term rental property abutting a public road that has designated on-road parking spaces, the minimum number of required on-site parking spaces may be reduced by the total number of designated on-road parking spaces which lie within the abutting road frontage and within 100 feet of the short-term rental property's main entrance driveway or doorway.
 3. The short-term rental premises shall have functioning smoke detectors and carbon monoxide detectors pursuant to the requirements of Wis. Admin. Code § SPS 321.
 4. Certification of compliance: As a condition of issuance of a license under Chapter 18 of the Town Code, the property owner or property manager shall certify in writing in each initial application and renewal application form that the short-term term rental property is compliant with the terms and conditions of the license and this chapter.

18.8 Display of permit.

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

18.9 Appeal of licensing decisions; license revocation; appeal procedure; judicial review.

- A. The Town Clerk's decision to deny an initial short-term rental license or to deny renewal of a short-term rental license shall specify the reason(s) for such denial, in writing. Prior to the renewal of the license, the Town Clerk shall notify the licensee in writing of the Town's intention not to renew the license and notify the licensee of their right to an appeal hearing as provided by Subsection B.
- B. The Town Clerk's decision to deny an initial short-term rental license or to deny renewal of a short-term rental license may be appealed to the Town Board by filing a written appeal with the Clerk within 21 calendar days (excluding legal holidays) after the date of mailing of the written notice of the Town Clerk's decision denying such license or renewal license. The Town Board shall conduct a due process hearing and issue a written decision

on the appeal within 30 calendar days of the Town's receipt of the written appeal, or the short-term rental license shall be deemed granted. If the appellant appears at the hearing they may produce and cross-examine witnesses, present relevant evidence, and be represented by counsel of their choosing, at their expense. If the Town Board finds the Town Clerk's reason(s) for their decision sufficient, the decision shall be affirmed. If the Town Board finds the Clerk's reason(s) for their decision insufficient, the decision shall be reversed, and the short-term rental license shall be granted and issued. If the appellant does not appear at the hearing and the Town Board finds the Town Clerk's reason(s) for their decision sufficient, the decision shall be affirmed. The Town Board's written decision on the appeal must specify the reason(s) for its determination. The Town Clerk shall give written notice of the Town Board's decision to the applicant or licensee.

C. 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.

D. Revocation. Any resident of or owner of property within the Town may file a sworn written complaint with the Town Clerk alleging one or more of the reasons set forth in Subsection C as grounds for revocation of a short-term rental license issued under this chapter. Upon the filing of the complaint, the Town Board shall notify the licensee of the complaint by first class mail and provide the licensee with a copy of the complaint. The notice shall direct the licensee to appear before the Town Board on a day, time, and place included in the notice, not less than 10 days and not more than 45 days from the date of the notice for a hearing on the revocation. The hearing shall be conducted as provided in Subsection B. If the Board determines that grounds for revocation exist, it may revoke the license or impose a lesser penalty, including offering the licensee an opportunity to cure the violation. If a license is revoked, the Town Clerk shall give notice of revocation to the licensee by first class mail. No part of the fee paid for any license so revoked may be refunded.

E. Judicial review. The action of the Town Board in granting or renewing, refusing to grant or renew, or revoking a license under this chapter may be reviewed by the Sheboygan County Circuit Court upon appeal by the applicant, licensee, or a resident of or owner of property within the Town. Such appeal shall be filed within 30 days of the date of mailing by the Town Clerk of the notice of the Town Board's action granting or renewing,

refusing to grant or renew, or revoking a license. The procedure on review shall be the same as in civil actions commenced in the circuit court pursuant to Wis. Stats. § 801 to 807.

18.10 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 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 in addition to all other remedies of injunction, abatement, or costs, whether existing under this chapter or otherwise.

18.11 Fees.

Any person applying for an initial short-term rental license or renewing a license pursuant to this chapter shall be subject to the fees as established by resolution of the Town Board.

18.12 Severability.

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