

**TOWN OF LAFAYETTE
CHIPPEWA COUNTY
STATE OF WISCONSIN
ORDINANCE 2019-0 1**

SHORT-TERM RENTAL ORDINANCE

Section I: Purpose

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

Section II: Authority

The Town Board of the Town of Lafayette has been authorized to exercise village powers pursuant to ss. 60.10(2)(c) and s. 60.22(3), Wis. Stats. The Town Board adopts this ordinance under its general village powers authority and s. 66.1014 of the Wisconsin Statutes.

Section III: Definitions

“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, who is more than 21 years of age.

“Property Owner” means the person who owns the residential dwelling that is being rented.

“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.

“Short-term rental” means a residential dwelling that is offered for rent for a fee and for more than 6, but fewer than 29 consecutive days.

Section IV: Short-Term Rental License, Application, and Procedure

- A) No person may maintain, manage, or operate a short-term rental more than 10 nights each year without a town short-term rental license issued pursuant to this ordinance, and a Tourist Rooming House License from the Wisconsin Department of Agriculture, Trade and Consumer Protection. Notwithstanding the requirements of a short-term rental license in this Section IV, no short-term rental license shall be required for any person who is operating a short-term rental facility, or will operate a short-term rental facility in a commercial zone, or any person who has obtained a conditional use permit from the Chippewa County Planning and Zoning Department for operation of a short-term rental facility in a non-residential zone.

- B) Licenses shall be issued using the following procedures:
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 and the Property Owner provides proof of the following:
 - a. State of Wisconsin Tourist Rooming House License, if a short-term rental exceeds 10 nights.
 - b. A Seller's Permit issued by the Wisconsin Department of Revenue, unless sales-tax exemption applies.
 - c. A Zoning Permit from the Chippewa County Planning and Zoning Department.
 - d. A room tax permit.
 - e. General personal injury liability insurance covering the Property in the amount of at least \$1,000,000.00 for injury to or death of any one person, and at least \$1,000,000.00 for injury to or death of any number of persons in one occurrence, and property damage liability insurance in the amount of at least \$1,000,000.00 from an insurance company authorized to business in this State by the Wisconsin office of the Commissioner of Insurance.
 2. The town clerk shall issue a short-term rental license to all applicants following payment of the required fee, receipt of all information and documentation requested by the application, and town board approval of the application. Such license shall be displayed on the interior side of the main entrance door of each short-term rental.
 3. The short-term rental application shall contain the following information:
 - a. Property Owner mailing address and phone number, identification of individual owner(s), and registered agent/trustee identification, if Property Owner is an entity or trust.
 - b. Identification with contact information of Property Manager.
 - c. Physical address and legal description of short-term rental.
 - d. Maximum occupancy for the Residential Dwelling.
 - e. The license term.
 - f. State of Wisconsin Seller's Permit number.
 4. All short-term rental applications submitted to the town clerk shall comply and provide proof of compliance with all Chippewa County Zoning Ordinances.
 5. A short-term rental license shall be effective for one year and may be renewed for additional one-year periods. A renewal application and renewal fee must be filed 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. An existing license becomes void and a new application is required any time the ownership of a residential dwelling licensed for short-term rentals changes. Reapplication to the town shall also be required during alterations to the operational rules, noncompliance with the standards of this Ordinance, or documented violations of this Ordinance.

Section V: Operation of a Short-Term Rental

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

1. If a residential dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days.
2. The Property Owner or Property Manager shall notify the town clerk in writing when the first rental within a 365-day period begins.
3. No recreational vehicle, 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.
4. Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 8:00 am and 10:00 pm. At minimum, a six-consecutive day interval must occur between outdoor events held at the short-term rental. Any activities occurring at the short-term rental shall comply with other applicable noise regulations.
5. A local property management contact (either the Property Owner or an appointed Property Manager) must be on file with the town at all times and must be located within ten (10) miles of the short-term rental. 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. The town must be notified within 24 hours of any change in contact information.
6. Each short-term rental shall maintain a register and require all guests to register with their actual names and addresses. 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.
7. The occupancy of each short-term rental for overnight accommodations shall not exceed two (2) persons per bedroom, plus two (2) persons. Regardless of overnight accommodations, the number of occupants of a short-term rental shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable county and town housing regulations.
8. Each short-term rental shall hold a valid State of Wisconsin Tourist Rooming House License and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications.
9. All rentals shall be subject to the Town of Lafayette Room Tax Ordinance 2019-01.

10. Each short-term rental shall comply with the Chippewa County Ordinance 70-116, as amended, and shall obtain a zoning permit from the Chippewa County Planning and Zoning Department, prior to a license issued under this Ordinance.
11. The Owner shall provide proof to the town that the sanitary disposal system for the property is in full compliance with all applicable ordinances.
12. All short-term rental guests shall comply with Section III. Restrictions on Keeping of Domestic Animals in Town of Lafayette Ordinance No. 89-7, as amended.
13. Each short-term rental shall allow annual inspection of the residential dwelling by the Chippewa Fire District, to verify a sufficient number, proper placement, and operation of smoke alarms, carbon monoxide alarms, and charged portable fire extinguishers.
14. Each short-term rental shall prominently display a list of emergency phone numbers for fire, EMS, law enforcement, and applicable utility companies.
15. Each short-term rental shall prominently display copies of the Town of Lafayette Ordinance 96-7 (Fires and Open Burning), Fireworks Ordinance, and Ordinance 89-7 (Dog License and Domestic Animal Regulation), as amended.
16. Each short-term rental supplying watercraft shall comply with Wis. Admin. Code § NR 5-Boat Rules and Registration, as amended, including Personal Flotation Device (PFD) requirements.
17. All short-term rental guests shall be required to park motor vehicles within the boundaries of the Property Owner's lot. No short-term rental guest parking shall occur within any highway or town road right-of-way. Each short-term rental shall comply with Chippewa County zoning automobile parking restrictions for tourist rooming houses and such parking spaces shall be available and appropriately displayed.
18. A copy of the operational rules of this Section V shall be provided to adjoining property owners.

Section VI: 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 town 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) The town board may suspend, revoke, or non-renew a short-term rental license after a due-process public hearing before 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 maintain all necessary County and State permits and licenses after obtaining a short-term rental license from the town.
 4. Failure to comply with annual town building inspection requirements.
 5. Failure to comply with any of the requirements of this Ordinance.

6. Conviction of a renter, Property Owner, or Property Manager for engaging in illegal activity while on the short-term rental premises on 2 or more separate occasions within the past 12 months.
7. A Property Owner has outstanding fees, taxes, or forfeitures owed to the town in violation of Town of Lafayette Ordinance No. 2019-01.

Section VII: Penalties

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 \$50.00 nor more than \$1,000, plus the applicable surcharges, assessments and costs for each violation, including applicable attorney’s fees for the town necessary for prosecution of violations of this ordinance. Each day a violation exists or continues constitutes a separate offense under this ordinance.

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.

Section VIII: Fees

Initial Short-term Rental License Application fee: \$100.00

Renewal Short-term Rental License Application fee: \$50.00

Section IX: 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.

Section X: Effective Date and Publication

This ordinance is effective on publication or posting. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats. adopted by a vote of ___ to ___ this _____ day of _____, 2019.

Town Board:

David Staber

Jeff Peck

Tom Larson

Dave Hunt

Sharon McIlquham

Attest:

Laura Konwinski, Clerk