

ORDINANCE NO.: \_\_\_\_\_

AN AMENDED ORDINANCE to create Article XIX of the Code of Ordinances for the City of La Crosse regarding short term rentals.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Article XIX is hereby created to read as follows:

## ARTICLE XIX. – SHORT-TERM RENTALS

### DIVISION 1. – GENERALLY

#### Sec. 10-936. – Purpose.

The purpose of this Article is to ensure that the quality of short-term rentals operating within the City is adequate for protecting public health, safety, and general welfare; to determine the responsibilities of owners, operators, and property managers offering these properties for tourists or transient occupants; 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.

#### Sec. 10-937. – Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*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 person or by two 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 fewer than thirty consecutive days and does not include bed and breakfast establishments.

#### Sec. 10-938. – License.

- (a) Required. No person shall maintain, manage, operate, or advertise a short-term rental for more than ten (10) nights within any consecutive 365-day period without a short-term rental license from the City.
- (b) Transferability. Licenses issued under this Article may not be transferred.
- (c) Compliance. All short-term rentals shall comply with other applicable state or local regulations which are not otherwise identified as part of this chapter.
- (d) Advertisement. No advertisement regarding the property's availability for use as a short-term rental shall be allowed until all required county, state, and local permits have been obtained. Advertising the availability of a short-term rental without the proper license shall be considered a violation of this section.
- (e) The total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days.

(f) The minimum rental period shall be a minimum of two consecutive days by any party.

Sec. 10-939. – Application.

- (a) Anyone wishing to operate a short-term rental dwelling must apply for a short-term rental license through the City Clerk's Office. All applications for a short-term rental license shall be filed with the City Clerk on forms provided by the Clerk. No license shall be issued unless the completed application form is accompanied by payment of a nonrefundable application fee as set by resolution, except there shall be no initial application fee until January 1, 2024 for licenses expiring July 31, 2024. The short-term rental application shall require the following information and documentation:
- (1) Name, address, and telephone number of the property owner;
  - (2) Name, address, and telephone number of a local property manager, authorized contact person; The local property management contact must be located within 30 miles of the short-term rental and must be available at all times when the dwelling is rented;
  - (3) Property address and all websites and places where the owner of operator of the short-term rental has-is advertised and-or intends-intended to be advertised, as a short-term rental;
  - (4) A copy of Wisconsin Tourist Rooming House license issued by the La Crosse County Health Department;
  - (5) A copy of pre-licensing inspection conducted by the La Crosse County Health Department as part of the Wisconsin Tourist Rooming House license;
  - (6) A seller's permit issued by the Wisconsin Department of Revenue unless otherwise provided by law;
  - (7) City of La Crosse Room Tax Application unless otherwise provided by law; and
  - (8) The property owner's contact information and property management's contact information and notice of application for a short-term rental license must be provided to all properties-owners within 100 feet of any property line of any proposed short-term rental prior to initial license approval. Documentation of notice to nearby residents-owners must be provided to the City Clerk's Office; and
  - (89) Any other information or documentation as determined by the City Clerk's Office.
- (b) Review from the Clerk may take up to 15 business days. Once the Clerk determines an application is complete and meets the requirements of this Article, a short-term rental license will be issued. 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.

- (c) Duration. Each short-term rental license shall have a term of one year. Each short-term rental license shall expire on the succeeding July 31, except for licenses issued during the period beginning on May 1 and ending on July 31, which will expire on July 31 of the subsequent year.

#### Sec. 10-940. – Renewal

- (a) The short-term rental license holder shall, on an annual basis, file a renewal application at least thirty days prior to the expiration of the license, in the same manner as the initial application. Renewal applications shall be accompanied by a renewal fee in the amount established by resolution.
- (b) Each application for renewal of a short-term rental license shall include any updated information or changes to any of the documentation required in the initial application.

#### Sec. 10-941. – Display of License.

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

#### Sec. 10-942. – Denial, Suspension, Revocation & Appeal

- (a) A license may be denied, suspended, or revoked for one or more of the following reasons:
  - (1) Outstanding fees, taxes, or forfeitures owed to the City by the property owner or applicant;
  - (2) Failure to make payment on room tax;
  - (3) Property is subject to an outstanding order to correct issued by the La Crosse Fire Department's Division of Community Risk Management to bring the property into compliance with City ordinances;
  - (4) Property qualifies as a chronic nuisance property, the owner has received notice, and has failed to abate as required by [Section 30-29](#);
  - (5) Failure to obtain any necessary local, county, and state permits and licenses; and
  - (6) Failure to maintain all required local, county, and state licensing requirements.
- (b) Initial Review. Any person aggrieved by the denial, suspension, or revocation of a short-term rental license may have the determination reviewed by written request mailed or delivered to the City Clerk within ten (10) days of receiving notice of such determination (denial, suspension, revocation). The request for review shall state the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed. The City Clerk shall review the initial determination

within fifteen (15) days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved. The City Clerk may affirm, reverse, or modify the initial determination and shall mail or deliver a copy of the decision on review of the person aggrieved. The decision shall advise the person aggrieved of the right to appeal the decision, the time within which appeal shall be taken, and that written notice of appeal shall be filed with the City Clerk.

- (c) Appeal. An aggrieved person may appeal the decision on review to the Judiciary and Administrative Committee for an evidentiary hearing and decision. The decision of the Judiciary and Administrative Committee shall be final. Pursuant to Wis. Stat. § 68.16, the City elects this method as the exclusive review procedure.
- (d) Citizen Complaint. Any resident of the City may file a sworn written complaint with the City Clerk alleging activities that may be grounds for suspension or revocation of a short-term rental license issued under this chapter. Said complaint shall set forth the activity allegedly committed, the date, time and place of said activity, and the facts constituting said alleged activity. Upon the filing of the complaint, the City Clerk shall notify the licensee of the complaint by certified mail. The notice shall direct the licensee to appear before the Judiciary and Administration Committee for a hearing where the licensee may show cause for why the license should not be suspended or revoked. The notice and a copy of the complaint shall be delivered to the licensee at least ten days before hearing.
  - (1) If the licensee does not appear, the allegations of the complaint shall be taken as true, and if the Judiciary and Administration Committee find the allegations sufficient, the license shall be suspended or revoked.
  - (2) If the licensee appears, the Judiciary and Administration Committee shall hold an evidentiary hearing and issue a decision in the same manner as Sec. 10-942 (3).
  - (3) The City Clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.