

ORDINANCE NO.: _____

AN ORDINANCE to create Article XIX, to repeal the definition of tourist roominghouse and revise the definition of bed and breakfast in Section 115-1, amend Section 115-149(c)(5), repeal Section 115-355 and Subsection 115-343(6), amend Subsection 115-142(a), Subsection 115-143(a), Subsection 115-144(a), Subsection 115-145(a), and Subsection 115-157(a), and to create Section 115-404 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.

- (1) 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.
- (2) Transferability. Licenses issued under this Article may not be transferred.
- (3) Compliance. All short-term rentals shall comply with other applicable state or local regulations which are not otherwise identified as part of this chapter.
- (4) 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.

Sec. 10-939. – Application.

- (1) 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 application fee until January 1, 2024. The short-term rental application shall require the following information and documentation:
 - a. Name, address, and telephone number of the property owner;
 - b. Name, address, and telephone number of authorized contact person;
 - c. Property address and all websites and places where the owner or operator of the short-term rental has advertised and intends to advertise the short-term rental;
 - d. A copy of Wisconsin Tourist Rooming House license issued by the La Crosse County Health Department;
 - e. A copy of pre-licensing inspection conducted by the La Crosse County Health Department as part of the Wisconsin Tourist Rooming House license;
 - f. A seller's permit issued by the Wisconsin Department of Revenue unless otherwise provided by law;
 - g. City of La Crosse Room Tax Application unless otherwise provided by law; and
 - h. Any other information or documentation as determined by the City Clerk's Office.
- (2) 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.
- (3) 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

- (1) 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.
- (2) 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

- (1) A license may be denied, suspended, or revoked for one or more of the following reasons:
 - a. Outstanding fees, taxes, or forfeitures owed to the City by the property owner or applicant;
 - b. Failure to make payment on room tax;
 - c. 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;
 - d. Property qualifies as a chronic nuisance property, the owner has received notice, and has failed to abate as required by [Section 30-29](#);
 - e. Failure to obtain any necessary local, county, and state permits and licenses; and
 - f. Failure to maintain all required local, county, and state licensing requirements.
- (2) 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.
- (3) 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.

- (4) 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.
- a. 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.
 - b. 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).
 - c. The City Clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.

SECTION II: Section 115-1 is hereby amended to remove the definition of tourist roominghouse and revise the definition of bed and breakfast establishment to read as follows:

Bed and breakfast establishment means any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

SECTION III: Section 115-149(c)(5) is hereby amended to read as follows:

- (5) *Lot area per family*. Every building hereafter erected or structurally altered in the Local Business District shall be provided with a lot area of not less than 1,000 square feet per family; provided, however, that this regulation shall not apply to ~~bed and breakfast establishments~~, motels, hotels or apartment hotels, where no cooking is done in any individual room, suite or apartment; provided, however, this requirement of having a lot area of not less than 1,000 square feet per family shall not pertain to high density residential units in the Central Business District defined as the area between Cameron Avenue, the Mississippi River, the La Crosse River and Seventh Street.

SECTION IV: Subsection 115-343(6) is hereby repealed.

SECTION V: Section 115-355 is hereby repealed.

SECTION VI: Subsection 115-142(a) is hereby amended as follows:

- (11) Bed and breakfast inns meeting the requirements in Sec. 115-404.

SECTION VII: Subsection 115-143(a) is hereby amended as follows:

- (11) Bed and breakfast inns meeting the requirements in Sec. 115-404.

SECTION VIII: Subsection 115-144(a) is hereby amended as follows:

(11) Bed and breakfast inns meeting the requirements in Sec. 115-404.

SECTION IX: Subsection 115-145(a) is hereby amended as follows:

(11) Bed and breakfast inns meeting the requirements in Sec. 115-404.

SECTION X: Subsection 115-157(a) is hereby amended as follows:

(13) Bed and breakfast inns meeting the requirements in Sec. 115-404.

SECTION XI: Section 115-404 is hereby created as follows:

Sec. 115-404. – Bed and Breakfast Inns.

Bed and Breakfast Inns must meet the following requirements:

- (a) The Inn shall be designated as a historic structure pursuant to the provisions of article II of chapter 20.
- (b) There shall be no substantial modifications to the exterior appearance of the structure, except for building code-compliant features added for public safety such as fire escapes and entrances for persons with disabilities.
- (c) No interior modification shall be injurious to this historic character of the structure, including but not limited to, floors, woodwork, chair rails, stairways, fireplaces, windows, doors, cornices, festoons, molding, and light fixtures.
- (d) Nothing which contributes to the historic nature of the neighborhood in which the bed and breakfast inn is located may be removed to provide additional space for the inn or parking for the inn.
- (e) The Inn shall contain at least 2,000 square feet of normal residential space, exclusive of garages and storage sheds.
- ~~(f) The Inn may have up to four rooms for rent.~~
- ~~(g)~~(f) An owner with a 25 percent or greater interest in the inn shall reside on site.
- ~~(g) There shall be no other bed and breakfast inn within 400 feet of the property. Since bed and breakfast inns are a commercial use, the intent of this buffer is to preserve the residential character of surrounding neighborhood.~~
- ~~(h)~~(g) Breakfast served on the premises shall only be for guests and employees of the inn; no other meals shall be provided on the premises.
- ~~(i)~~(h) Rooms may not be equipped with cooking facilities.
- ~~(k)~~(i) Lavatories and bathing facilities shall be building code-compliant and available to all persons staying at the Inn.
- (j) Bed and breakfasts are not required to meet the definition of family as stated in [Chapter 115-1](#).

SECTION VI: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION VII: This ordinance shall take effect and be in force from and after its passage and publication.

Mitch Reynolds, Mayor

Nikki M. Elsen, City Clerk

Passed:
Approved:
Published: