

To: Neighborhood Revitalization Committee

Date: 11/18/2022

RE: Wisconsin short-term rental law – compilation

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**I. OVERVIEW:**

**The main Wisconsin statute governing political subdivision regulation of short-term rentals (STR):**

**66.1014 Limits on residential dwelling rental prohibited.**

**(1)** In this section:

**(a)** "Political subdivision" means any city, village, town, or county.

**(b)** "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 2 or more persons maintaining a common household, to the exclusion of all others.

**(2)**

**(a)** Subject to par. (d), a political subdivision may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer.

**(b)** If a political subdivision has in effect on September 23, 2017, an ordinance that is inconsistent with par. (a) or (d), the ordinance does not apply and may not be enforced.

**(c)** Nothing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling in a manner that is not inconsistent with the provisions of pars. (a) and (d).

**(d)**

**1.** If a residential dwelling is rented for periods of more than 6 but fewer than 30 consecutive days, a political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days. The political subdivision may not specify the period of time during which the residential dwelling may be rented, but the political subdivision may require that the maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents the person's residential dwelling shall notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins.

**2.** Any person who maintains, manages, or operates a short-term rental, as defined in s. 66.0615 (1) (dk), for more than 10 nights each year, shall do all of the following:

**a.** Obtain from the department of agriculture, trade and consumer protection a license as a tourist rooming house, as defined in s. 97.01 (15k).

b. Obtain from a political subdivision a license for conducting such activities, if a political subdivision enacts an ordinance requiring such a person to obtain a license.

**History:** 2017 a. 59; 2021 a. 55, 240; s. 35.17 correction in (2) (a).

**Definition of STR:**

“Short-term rental” means a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days. Wis. Stat. § 66.0615(1)(dk). STRs are sometimes referred to as a “tourist rooming house” as that is the title of the required license. The Department of Agriculture, Trade, and Consumer Protection is the governing state department.

**Department of Agriculture, Trade, and Consumer Protection (DATCP):**

The DATCP defines a tourist rooming house as all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, hotels, or bed and breakfast establishments. In general, tourist rooming house establishments are vacation homes, cabins, and cottages that are rented out to tourists and transients for a short period of time. Under this license, an operator may rent as many as four units (e.g., rooms, cottages, cabins). If more than five units are rented a hotel license is needed. There is an annual license fee and a one-time pre-inspection fee.

See website for further information:

[https://datcp.wi.gov/Pages/Programs\\_Services/TouristRoomingHouses.aspx](https://datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx)

**II. LOCAL GOVERNMENT REGULATION:**

At least the following cities regulate STRs: Appleton, Cedarburg, Madison, Mequon, and Oconomowoc. Some counties, such as Walworth and Marquette-do as well. Towns and villages may regulate as well.

Below are the primary STR regulations per each government entity listed above. Please note that while this includes the majority of the regulations related to STRs, not every Code cross reference is included or copied. This is due to the varying nature of STR organization in each Code.

**Cities:**

**Appleton:**

- Attached PDF: Chapter 9 – Licenses, Permits and Business Regulations, Article VII Hotels, Motels and Other Tourist Rooming Houses.
- Web resource: Appleton Tourist Rooming House License Information Sheet.  
<https://www.appleton.org/home/showpublisheddocument/24029/637562437009500000>
- Requires room tax.

**Cedarburg:**

- It does not appear that Cedarburg licenses STRs. Cedarburg Code defines tourist rooming house as follows: All lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients as regulated under Wisconsin Chapter DHS 195. Sec. 13-1-240.
- Tourist rooming houses are allowed via CUPs in Cedarburg’s central business district. Sec. 13-1-55.
- Requires room tax. Sec. 3-5-1.

**Madison:**

- Madison’s main STR related ordinances:
  - Sec. 9.29 (Chapter 9 – Licenses and Permits).
  - Sec. 23.12 (Chapter 23 – Offenses Against Public Policy).
  - Sec. 28.151 (Subchapter 28J: Supplemental Regulations, which is a subchapter of Chapter 28 – Zoning Code).
- Requires room tax. Sec. 4.21.
- Web resource: <https://www.cityofmadison.com/dpced/bi/short-term-rentals/3440/>

**9.29 REGULATION OF TOURIST ROOMING HOUSES.**

- (1) It shall be unlawful for any person to operate a tourist rooming house (TRH) in the City of Madison without a permit issued by the Zoning Administrator.
- (2) Definitions. For the purposes of this section:
  - (a) A "tourist rooming house" is defined in Section 28.211, MGO.
  - (b) An "operator" is a person who is the owner or lessee of property being used as a TRH and who is conducting the TRH business by, among other things, interacting digitally and in person with guests and is identified in TRH listings and advertisements as the TRH "host." An operator may not be a LLC, Trust, Nonprofit, or other corporate entity.
  - (c) A "primary residence" is defined in Section 28.211.
- (3) Application. Any person wishing to operate a TRH shall submit an application in writing to the City Zoning Administrator along with a non-refundable application fee of one hundred (\$100) dollars. Any submitted application that is not completed and still pending within one (1) year of the date the application is filed and the application fee is paid shall be administratively closed and the applicant must begin the licensing process anew.
  - (a) All applications shall state each of the following:
    1. The name and address of the TRH operator.
    2. The address of the proposed TRH.
    3. Whether the TRH operator is the owner or lessee of the property.

4. Whether the proposed TRH is the primary residence of the operator.
  5. Whether the TRH operator proposes to use the TRH solely for stays of more than six (6) but fewer than twenty-nine (29) consecutive days.
  6. Whether the proposed TRH is contained in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association.
  7. Any other information the Zoning Administrator may reasonably require.
- (b) All applications shall be accompanied by documented proof that:
1. The applicant has obtained a License from Public Health of Madison and Dane County;
  2. The applicant has registered with the City of Madison's Treasurer's office to pay room tax as required under Sec. 4.21, MGO;
  3. In the case of a renter/applicant, a signed lease explicitly allowing the renter to operate a TRH at the property, a copy of the form used to notify property owner of the TRH operation, acknowledgement from property owner that they have been notified of the TRH operation;
  4. In the case of an owner who proposes to operate a TRH in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association, a letter of permission from the condominium association which states that the operation of a TRH in the dwelling unit is allowed by the condominium association's rules, regulations, or bylaws; and
  5. Any other information the Zoning Administrator may reasonably require.
- (c) All applications shall be accompanied by the following documentation:
1. Floor plans of the dwelling unit intended for use as tourist rooming house.
  2. A guest registry as required by the Zoning Code.
  3. Contact phone numbers and email addresses of both the property owner and TRH operator as required by the Zoning Code.
  4. A listing of all websites and places where the TRH operator has advertised and intends to advertise the TRH.
  5. A signed and notarized affidavit stipulating that the TRH is the operator's primary residence or that the TRH will be used solely for stays of more than six (6) but fewer than twenty-nine (29) days.
  6. Any other information the Zoning Administrator may reasonably require.
- (4) Notice. Prior to receiving a TRH permit, the operator shall provide notice to the property owner (unless the property owner is also the operator). The notice shall be on a form provided by the Zoning Administrator and provide a brief description of the proposed TRH, including the maximum number of occupants and how the operation will meet the zoning code regulations contained in Sec. 28.151, MGO.
- (5) Inspection. Prior to issuing a permit to operate a TRH or approving the renewal of an existing permit, the Zoning Administrator shall inspect the premises to ensure compliance with

Chapter 28, MGO (Zoning Code). At all other times, a TRH shall be available for inspection by City staff with at least forty-eight (48) hours prior written notice. However, if the City has probable cause to believe that a violation of this ordinance has occurred or is occurring, an inspection may occur at other times.

- (6) Permit Issuance. The Zoning Administrator shall grant a TRH permit upon verification of a complete TRH application and compliance with Chapter 28, MGO (Zoning Code), including specifically the zoning regulations contained in Sec. 28.151 related to the operation of a TRH.
- (7) Compliance with Zoning Code. No permit shall be issued or maintained unless the proposed TRH is in full compliance with Chapter 28, MGO (Zoning Code), including specifically the zoning regulations contained in Sec. 28.151 related to the operation of a TRH.
- (8) Transferability. Permits issued under this Section shall not be transferrable.
- (9) Permit Fees. The fee for a TRH operator permit shall be one hundred dollars (\$100) per year. Annual permits shall expire on the thirtieth (30) day of June after the granting thereof. Renewal permits shall be obtained on or before June 30 of each year as provided in sub. (10) below or be subject to a late filing fee of one hundred dollars (\$100) in addition to the permit renewal fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a permit.
- (10) Renewal. TRH operator permits shall be renewed by the thirtieth (30) day of June of each year. Prior to receiving a renewal permit, the TRH operator shall provide the Zoning Administrator with any updates or changes to any of the documentation required in sub. (3) above or submit a statement to the Zoning Administrator stating there have been no changes to the information contained in the documentation. Prior to issuing a renewal permit, the Zoning Administrator may conduct a reinspection as provided in sub. (5) above.
- (11) Enforcement and Violations. The Director of Building Inspection or designee shall enforce this ordinance. Any person who operates a TRH without a permit or in violation of this ordinance, upon conviction thereof, shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000). Each day or portion thereof such violation continues shall be considered a separate offense. Any fine imposed under this subsection shall be doubled if the violator's permit has been revoked under Sub. (12) below.
- (12) Revocation. The Director of Building Inspection or the Common Council may suspend, deny or revoke a permit issued hereunder for failure of a permittee to comply or maintain compliance with, and/or for violation of, any applicable provisions of this ordinance. Any such suspension or revocation is reviewable under Sec. 9.49, MGO. A revocation shall result in a 6-month prohibition on the issuance of a new permit at the property.
- (13) Initial Compliance Date. This ordinance becomes effective on April 15, 2020. All TRH Operators in the City of Madison shall obtain a permit as required by this section no later than October 1, 2020.

(Cr. by ORD-20-00036, 4-14-20)

### **23.12 TRANSIENT HOTELS & MOTELS REGULATED.**

- (1) Transient Hotels.

- (a) Hourly Rentals Prohibited . No Hotel, Motel or Tourist Rooming House may rent a room designed for dwelling, lodging or sleeping purposes for hourly or other short-time rates or in any way advertise that any such room is available at hourly or other short-time rates. A room designed for dwelling, lodging or sleeping purposes shall not be rented more than once between 6:00 a.m. and 5:59 p.m. on any given day and no more than once between 6:00 p.m. and 5:59 a.m. of the following morning. For purposes of this section, renting hourly or other short-time rates shall be defined as the granting of the use or possession of a room for lodging or sleeping purposes for an amount less than the minimum daily rental rate.
- (b) Exception to Hourly Rental Prohibition . A hotel, motel or tourist rooming house may rent rooms designed for dwelling, lodging or sleeping purposes more than once between 6:00 a.m. and 5:59 p.m. on any given day and more than once between 6:00 p.m. and 5:59 a.m. of the following morning when such rental is for a specified legitimate and legal business purpose in which the persons occupying the room intend to be present within the City for a short period of time including but not limited to: traveling sports teams, performing artists, airlines, trucking/shipping companies and business meetings. Any hotel, motel or tourist rooming house renting rooms more than once during the specified hours in this subsection must maintain a registration record which indicates the nature of the room use, the name of the party or parties renting the room, and the time of check-in and check-out. Any room rented under this exception more than once during the specified hours must be thoroughly cleaned before being re-rented.

(2) Registration Required .

- (a) Every person who owns or operates a hotel, motel or tourist rooming house in the city shall keep and maintain a registration record for all guests renting a room or rooms at the hotel, motel or tourist rooming house. The registration record must indicate the room number rented, how many people will be in the room, the number of nights the guest is staying or has stayed, the guest's name, and the guest's signature and the type of identification offered to validate the reservation. The registration record shall indicate the date and time a guest checks in and the date and time the room is surrendered. No guest shall be allowed to register without first presenting valid identification that is verified by the hotel, motel or tourist rooming house to match the person registering.  
  
Valid identification may include: driver's license, non-driver's state issued identification card, government identification, military identification, passport or any form of identification that contains the guest's name. The type of identification presented by the guest shall be noted in the register and shall include the document's identification number and the state or country of issuance.
- (b) Every hotel, motel or tourist rooming house that does not offer its guests valet parking must record on the registration record the make, model, license plate number and State of issue for any motor vehicle brought to the hotel, motel or tourist rooming house by the guest registrant.
- (c) No person shall write or cause to be written, or knowingly permit to be written on any registration record in any hotel, motel or tourist rooming house, any other or different name or designation than the true name of the guest registering therein, or the name by

which such guest is generally known, unless registering under the guest's true name would compromise the guest's safety and/or peace and tranquility, i.e. a guest who has been placed at the hotel, motel or tourist rooming house through a victim/witness program, as a sequestered juror, or the guest is a well-known performing artist or athlete who regularly registers under an assumed name or a corporate name. The burden will be on the hotel, motel or tourist rooming house to show that the guest's safety and/or peace and tranquility would have been compromised had the guest registered under their true name.

- (d) Erasures or alterations to the registration record required by this subsection shall not be permitted or made for any purpose, and it shall be unlawful to erase a name or names or address or addresses or to permit such an erasure.
  - (e) Every peace officer shall have access to and the right to inspect at any time any registration record kept by any hotel, motel or tourist rooming house.
- (3) Any Hotel, Motel or Tourist Rooming House that violates Subsec. (1) of this Ordinance more than three (3) times in any one month, or more than six (6) times in any year shall constitute a public nuisance.
- (4) No Hotel, Motel or Tourist Rooming House may operate as a bawdyhouse, disorderly house, drug house, gambling place or criminal gang house, as those terms are defined in Chapter 823, Wis. Stats.
- (5) The Office of the City Attorney is hereby authorized to commence and maintain an action to recover damages or to abate a public nuisance under Wis. Stat. ch. 823, against any Hotel, Motel or Tourist Rooming House that violates Subsection (2) or Subsection (3) of this Ordinance or that otherwise constitutes a public nuisance pursuant to Wis. Stat. ch. 823.
- (6) Hotel, Motel or Tourist Rooming House Operator May Refuse Accommodations .
- (a) Any person who owns or operates a hotel, motel or tourist rooming house may refuse or deny the use of a room, accommodations, facilities or other privileges of the hotel to any of the following:
    1. An individual who is unwilling or unable to pay for the room, accommodations, facilities, or other privileges of the hotel, motel or tourist rooming house.
    2. An individual who is visibly intoxicated, under the influence of alcohol or other drug, and is disorderly so as to create a public nuisance;
    3. An individual who the hotel owner or operator reasonable believes is seeking to use a room, accommodations, facilities or other privileges of the hotel for an unlawful purpose;
    4. An individual who the hotel owner or operator reasonable believes is bringing in anything which may create an unreasonable danger or risk to other persons, including but not limited to explosives or the unlawful use of firearms;
    5. An individual whose use of the room, accommodations, facilities or other privileges of the hotel would result in a violation of the maximum capacity of such hotel.
    6. An individual who does not provide the registration information as required in Subdivision (2)(a).

- (7) Exception to 23.12(6). Any tourist or other person occupying a dwelling unit in a hotel, motel or tourist rooming house for more than sixty (60) days while traveling away from their permanent place of residence, or any transient person without a permanent place of residence may not be excluded, forcibly evicted or constructively evicted from a dwelling unit other than by an eviction procedure specified under ch. 799, Wis. Stats.
- (8) Penalty. Any person who violates any of the provisions of this section may be subject to a forfeiture of not less than \$100 and nor more than \$1000. Each day of violation shall constitute a separate offense.

(Sec. 23.12 Cr. by ORD-08-00028, 3-15-08)

### **28.151 - APPLICABILITY.**

Supplemental regulations are established to address the unique characteristics of certain land uses. The standards and conditions listed for land uses in this chapter are applicable to both permitted uses and uses permitted by conditional use permit, as specified for each zoning district, unless otherwise noted.

#### Tourist Rooming House.

- (a) The Tourist Rooming House shall have a valid Tourist Rooming House Permit from the City of Madison Zoning Administrator, as required by Sec. 9.29, MGO.
- (b) The Tourist Rooming House shall have a valid license from Public Health Madison and Dane County.
- (c) The owner or operator of the Tourist Rooming House shall register with Treasurer's office and shall pay room tax as required under Sec. 4.21, MGO.
- (d) Only the owner of the property may operate a Tourist Rooming House, except that a renter may operate if explicitly allowed in the lease. A property owner proposing to operate a TRH in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association may only operate the dwelling unit as TRH if explicitly allowed by the condominium association.
- (e) If the tourist rooming house is operated for stays of more than six (6) but fewer than twenty-nine (29) consecutive days, the tourist rooming house may be operated for no more than 180 days in any consecutive 365-day period as provided in Wis. Stat. § 66.1014(2)(d). The 180 allowable days in any 365-day period must run consecutively and the TRH operator must give the Zoning Administrator notice of the first rental of any 365-day period.
- (f) If the tourist rooming house is operated for stays of one (1) to six (6) consecutive days, the tourist rooming house shall be the operator's primary residence.
- (g) If an operator who is operating a TRH pursuant to sub. (f) above occupies the residence at the time of rental, there is no limit to the number of days the Tourist Rooming House may operate.
- (h) If an operator who is operating a TRH pursuant to sub. (f) above does not occupy the residence at the time of rental, the tourist rooming house may operate no more than thirty (30) days per permitting year; July 1 to June 30th.

- (i) If an operator who is operating a TRH pursuant to sub. (f) above does not occupy the residence at the time of the rental, the TRH may not be rented to Multiple Unassociated Parties at the same time.
- (j) Maximum tourist occupancy shall not exceed the lesser of two times the number of legal bedrooms in the dwelling unit or twelve (12). Children under the age of 12 shall not count toward the maximum tourist occupancy.
- (k) A TRH shall be available for inspection by City staff with at least forty-eight (48) hours prior written notice. However, in the event the City has probable cause to believe that a violation of this ordinance has occurred or is occurring, an inspection may occur at other times.
- (l) Each establishment shall have a registry available on-site for inspection, indicating the true name of the individual making the TRH reservation; the telephone number, mailing address, or e-mail address for the individual making the TRH reservation; dates of stay and whether the operator was present or absent during the stay. The registry shall include all information from the current registry year and the year immediately prior.
- (m) In addition to the requirement in sub. (l) above, each establishment shall provide the Zoning Administrator with a TRH report by February 1, May 1, August 1, and November 1 of each year indicating for the previous quarter dates of stay and whether the operator was present or absent during each date of the stay, and a listing of all websites and places where the TRH operator has advertised. Failure of the TRH operator to submit two (2) such reports by required deadlines in any one year period shall be grounds for automatic revocation of a TRH permit issued under Sec. 9.29.
- (n) All advertisements of the tourist rooming house, including advertisements on the website of a Lodging Marketplace, must contain a clearly displayed valid TRH permit number issued under Sec. 9.29.

(Cr. by ORD-13-00185, 11-5-13; Am. by ORD-20-00036 , 4-14-20)

**Mequon:**

- STRs are a permitted accessory use in certain zoning districts. Individuals operating STRs must obtain a permit from the City.
- Sec. 58-8 Definitions. *Short-term rental* means the use of a dwelling for consideration, other than for long-term rental, by someone other than its owner (as defined in the Wisconsin Uniform Dwelling Code) or the people with whom the owner maintains a common household. Short-term rentals shall only be allowed on the terms set forth in section 58-422.
- Sec. 58-422. Short-term rentals.

**Sec. 58-422. Short-term rentals.**

No dwelling may be used for short-term rental except as described in this section. Short-term rentals of dwellings shall only be allowed as an accessory use to the principal residential use of any property in those districts designated in this chapter and only on the following terms:

- (1) The owner of the dwelling shall, prior to allowing the dwelling to be used for short-term rental, obtain a short term rental permit from the City by completing and submitting an application together with the fee, if any, designated by the city.
- (2) No short-term rental permit shall be issued, and any permit issued hereunder may be revoked by the common council, if: (i) property taxes for the property are overdue; (ii) the owner otherwise owes money to the city beyond any applicable due date; (iii) there are any uncorrected municipal land use violations; or (iv) the property is a nuisance property. A property shall be deemed a nuisance property under this section if, during the three years immediately before the date of initial application, or during any three-year period after receiving a permit hereunder, the owner or its renters have been or are convicted of two or more violations of any of the following for activities occurring at or about the property: this section or the city's land use, public nuisance, safety nuisance or similar municipal ordinances, including without limitation the nuisance provisions of chapter 50.
- (3) The owner shall be responsible for the conduct of all renters and shall be subject to citation for municipal violations to the same extent as such renters.
- (4) A parcel may not be used for short-term rental while it is being used for long-term rental and may not have more than one short-term rental use at any time.
- (5) The maximum number of people occupying a dwelling at any time during a short-term rental shall not exceed the number of occupants allowed under chapter 10.
- (6) A short-term rental occupancy period shall be the shorter of the following periods: (1) the period specified in a written or oral rental agreement for such rental; or (2) the period in which substantially the same people occupy the dwelling without material interruption.
- (7) Each short-term rental occupancy period shall be for a minimum of two consecutive nights. Single night rentals shall not be allowed.

(Ord. No. 2016-1487, § III, 1-10-2017)

**Oconomowoc:**

- Chapter 29 Short Term Rentals.
- Requires room tax. Sec. 3.08.

**CHAPTER 29 SHORT-TERM RENTALS**

29.01	Purposes
29.02	Operation of Short-Term Rentals
29.03	Short-Term Rental License
29.04	Short-Term Rental License Procedure
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29.06	Standards for Short-Term Rentals
29.08	Display of Permit
29.09	Appeal of Licensing Decisions; License Revocation; Appeal Procedure; Judicial Review
29.10	Penalties
29.11	Fees
29.12	Severability

**29.01 PURPOSES. (Cr. #22-O1032)**

The purposes of this Chapter are to: (i) ensure that the quality of short-term rentals operating within the City is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and parking and for an adequate level of maintenance; (ii) 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); (iii) protect the character and stability of all areas, especially residential areas, within the City of Oconomowoc; (iv) provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; (v) 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 (vi) provide for the administration and enforcement hereof.

**29.02 OPERATION OF SHORT-TERM RENTALS. (Cr. #22-O1032)**

- (1) A Short-term Rental is defined pursuant to § 66.1014(1)(c), Wis. Stats., as a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days.
- (2) No person may maintain, manage or operate a short-term rental 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.
- (3) Each short-term rental Property Owner is required to have the following licenses and permits:
  - (a) A state of Wisconsin Tourist Rooming House license.
  - (b) A seller's permit issued by the Wisconsin Department of Revenue.

- (c) A license from the City issued pursuant to this chapter.
- (3) Each short-term rental shall comply with all of the following:
- (a) 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.
  - (b) 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.
  - (c) No recreational vehicles (RVs), campers, tents or other temporary lodging arrangements shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
  - (d) Compliance with all applicable state, county and local codes and regulations is required.
  - (e) 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.

**29.03 SHORT-TERM RENTAL LICENSE. (Cr. #22-O1032)**

- (1) The City Clerk shall issue a short-term rental license if an applicant demonstrates compliance with the provisions of Chapter 29 of the Municipal Code. A short-term rental license is issued for one License Year and may be renewed annually as provided in § 29.06. The license shall contain the following information:
- (a) The name of the Property Owner and Property Manager (if any), with contact information including mailing address and a telephone number at which the Property Owner (and Property Manager) is available.
  - (b) The state of Wisconsin Tourist Rooming House license number.

**29.04 SHORT-TERM RENTAL LICENSE PROCEDURE. (Cr. #22-O1032)**

- (1) All applications for a short-term rental license shall be filed with the City 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 non-refundable.
- (2) Each application shall include the following information and documentation for each short-term rental unit in order to demonstrate compliance with all requirements of this chapter, including:
- (a) The name of the Property Owner and Property Manager (if any), with contact information including mailing address and a telephone number at which the Property Owner (and Property Manager) is available.

- (b) A copy of a completed state of Wisconsin Lodging Establishment Inspection form dated within one year of such inspection.
  - (c) A copy of the current state of Wisconsin Tourist Rooming House license issued by Waukesha County.
  - (d) A copy of a current Seller's Permit issued by the Wisconsin Department of Revenue.
  - (e) For renewal licenses only, written certification that a guest register has been kept as required by the Wisconsin Administrative Code.
- (3) Unless earlier revoked, each license shall run from July 1st of one year to June 30th of the following year and may be renewed for additional one-year periods. The application fee shall be paid upon filing of the application.
- (4) When the City 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.
- 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.
- (5) No 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 City.

**29.05 RENEWAL. (Cr. #22-O1032)**

- (1) Each application for renewal of a short-term rental license shall include updated information for the documentation on file with the City Clerk, and payment of the renewal fee.
- (2) 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 his or her designee, to bring the premises into compliance with state, county or local laws, codes, rules or regulations.

**29.06 STANDARDS FOR SHORT-TERM RENTALS. (Cr. #22-O1032)**

- (1) Each short-term rental shall comply with this chapter's requirements and any other applicable state, county or local laws, codes, rules or regulations.

**29.08 DISPLAY OF PERMIT. (Cr. #22-O1032)**

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

**29.09 APPEAL OF LICENSING DECISIONS; LICENSE REVOCATION; APPEAL PROCEDURE; JUDICIAL REVIEW. (Cr. #22-O1032)**

- (1) The City Clerk's decision to deny an initial or renewal short-term rental license shall specify the reason(s) for such denial, in writing. The City Clerk shall notify the licensee in writing of the City's intention not to renew the license and notify the licensee of his or her right to an appeal hearing.

- (2) The City Clerk's decision to deny an initial or renewal short-term rental license may be appealed to the Common Council by filing a written appeal with the Clerk within 21 calendar days after the date of mailing of the written notice of the City Clerk's decision denying such license or renewal license. The Common Council shall conduct a due process hearing and issue a written decision on the appeal within 30 calendar days of the City's receipt of the written appeal. The appellant may produce and cross examine witnesses, present relevant evidence, and be represented by counsel at his or her expense. If the Common Council finds the City Clerk's reason(s) for denial sufficient, the decision shall be affirmed. If the Common Council finds the City Clerk's reason(s) for denial insufficient, the decision shall be reversed, and the license shall be granted and issued. The City Clerk shall give written notice of the Common Council's decision to the applicant or licensee.
- (3) A license may be revoked by the Common Council during the term of a License Year following a due process hearing for one or more of the following reasons:
  - (a) Failure by the licensee to make payment of delinquent fees, taxes, special charges, forfeitures or other debt owed to the City,
  - (b) Failure to maintain all required local, county and state licensing requirements.
  - (c) Any violation of local, county or state laws or regulations as determined by the Common Council 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), harms or adversely impacts the uses and nature of the surrounding neighborhood.
- (4) COMPLAINTS. Any resident of or owner of property within the City may file a sworn written complaint with the City Clerk alleging activities that may be grounds for revocation of a short-term rental license issued under this chapter. In the event the Clerk determines that the Complaint states grounds for possible revocation, the Clerk shall notify the complainant and licensee of the complaint by certified mail - return receipt requested and provide the licensee with a copy of the complaint. The notice shall direct the complainant and licensee to appear before the Common Council 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 that shall be conducted as provided in § 29.09(2). If a license is revoked, the City Clerk shall give notice of revocation to the licensee by certified mail - return receipt requested.
- (5) JUDICIAL REVIEW. The action of the Common Council in granting or renewing, refusing to grant or renew, or revoking or refusing to revoke a license under this chapter may be appealed to the Waukesha County Circuit Court if filed within 30 days of the date of mailing by the City Clerk of the notice of the Common Council's action.

**29.10 PENALTIES. (Cr. #22-O1032)**

- (1) Any person who violates any provision of this chapter shall be subject upon conviction thereof to a forfeiture of not less than \$5.00 nor more than \$1,000.00 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.

- (2) 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.

**29.11 FEES. (Cr. #22-O1032)**

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 Common Council.

**29.12 SEVERABILITY. (Cr. #22-O1032)**

Should any portion of this ordinance 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.

**Counties:**

**Walworth:**

- Chapter 26 – Environment, Article VII. Offering a Residential Dwelling as a Short Term Rental.
- Web resource: <https://www.co.walworth.wi.us/537/Short-Term-Rentals>
- Walworth County STR FAQs: <https://www.co.walworth.wi.us/DocumentCenter/View/991/Short-Term-Rental-FAQ-PDF>

**ARTICLE VII. OFFERING A RESIDENTIAL DWELLING AS A SHORT TERM RENTAL**

**Sec. 26-334. Short term rental license required.**

- a. Except as provided in (b), no person shall offer a residential dwelling for rent for a fee or similar consideration for less than 29 consecutive days, without first obtaining a license under this Section. Proof of the License and Property Rules shall be posted in a conspicuous location at all times while the property is rented and made available upon request for inspection. Offering a residential dwelling for rent for a fee or similar consideration for periods of less than seven days is prohibited except as allowed in the B-5 zone district.
- b. No license shall be required for a single rental of not greater than ten days which occurs in a calendar year.

(Ord. No. 1099-04/18, pt. I, 4-19-18; Ord. No. 1156-01/19, pt. I, 1-8-19)

**Sec. 26-335. Purpose.**

The purpose of this article is to ensure a short term rental operating in a residential dwelling within Walworth County is adequate for protecting public health, safety and general welfare, including establishing minimum standards for human occupancy; determining the responsibilities of owners, agents, and designated operators offering these properties for rent; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises as well as the surrounding community; and provisions for the administration and enforcement thereof.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

**Sec. 26-336. Applicability.**

This article shall apply to all rentals of a residential dwelling for periods less than 29 consecutive days, but shall not apply to a full month rental in the month of February, within unincorporated Walworth County. This article shall not apply to facilities approved as a hotel, motel, tourist court, rooming house, lodge, lodging house, or bed and breakfast as defined in sections 74-131 and 74-262 of the Walworth County Code of Ordinances.

(Ord. No. 1099-04/18, pt. I, 4-19-18; Ord. No. 1156-01/19, pt. II, 1-8-19)

**Sec. 26-337. Determination of application completeness.**

The Department of Land Use and Resource Management shall make a finding of completeness of the application. Applications determined to be complete will be approved and the license shall be issued. Upon license issuance, the Department will attempt to notify all owners located within 150 feet of the property and shall provide said owners with the name and contact information of the applicant and the designated operator. Once approved, each license shall be valid for a period of one year from July 1 to June 30. If a license is granted after April 1 of a license year, that license will extend to June 30 of the following year.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

**Sec. 26-338. Sanitary facilities.**

Adequate sanitary facilities shall be provided. Cesspools and non-plumbing sanitary systems such as composting toilets, incinerating toilets, privies, and portable restrooms are prohibited. If the property is not served by public sanitary sewer, a private onsite wastewater treatment system (POWTS) in full compliance with this article and in accordance with Chapter 70, Walworth County Code of Ordinances, and Wisconsin Administrative Code DSPS 383 must serve the property.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

**Sec. 26-339. Occupancy.**

If the property is served by public sanitary sewer, occupancy is limited to the number of occupants authorized by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Wisconsin Administrative Code ATCP 72. If the property is served by a POWTS, occupancy is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house [license], whichever is less.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

**Sec. 26-340. Parking.**

A minimum of two parking spaces shall be provided. No on-street parking for renters of the property will be allowed. Parking may be provided off-site. Parking spaces must meet the standards set forth in the Walworth County Zoning Code. The use of off-site parking for the rental property shall not cause a violation of the required parking for the off-site location where parking is to be provided.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

**Sec. 26-341. Solid waste disposal.**

Adequate refuse containers shall be available to prevent accumulation or scattering of solid waste, garbage and rubbish on the ground. Refuse containers shall be no larger than two cubic yards. Refuse must be picked up from the property one time each week and within 24 hours of placement for pick-up.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

**Sec. 26-342. Reserved.**

Editor's note(s)—Ord. No. 1139-09/18, pt. I, adopted April 19, 2018, amended the Code by repealing former § 26-342 in its entirety. Former § 26-342 pertained to guest registries, and derived from Ord. No. 1099-04/18, adopted April 19, 2018.

**Sec. 26-343. Property rules.**

A list of property rules must be posted at the property, provided to the guests and a copy submitted with the application for a license. Property rules must include the following minimum information:

- a. Maximum occupancy of the property.
- b. Contact information for the designated operator.
- c. Where to park.
- d. Quiet hours of 10:00 p.m. to 7:00 a.m.
- e. Pet policy. No more than four pets are allowed at the property.
- f. Outdoor burning regulations.
- g. Non-emergency contact information for law enforcement and fire.
- h. If applicable, information on the location of the high water alarm for the POWTS, and procedure to follow if the alarm is activated.
- i. What to do with the garbage after the rental period is done.
- j. Copy of the State of Wisconsin tourist rooming house license.
- k. Copy of the County short term rental license.
- l. Copy of the boating regulations if the property is located on a lake.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

**Sec. 26-344. License application and fees.**

Any property owner or person having a contractual interest in any residential dwelling in the county may file an application for a license to offer for rent a short term rental with the Department at

least 30 days in advance of the date the property is first offered for rent on forms furnished by the Department and shall include the following:

- a. The application shall include the following:
  1. Address and tax key of the residential dwelling.
  2. Names and addresses of the applicant, owner of the dwelling, and promoter or sponsor.
  3. Copy of State of Wisconsin tourist rooming house license.
  4. Name, address and phone number of a designated operator for the property.
  5. Proposed occupancy for the dwelling.
  6. Floor plan of all floors to be occupied in the dwelling, drawn neatly and accurately with dimensions clearly shown.
  7. Site plan drawn neatly and accurately of the parcel including but not limited to, lot lines, parking, and location of garbage collection areas.
  8. Copy of property rules.
  9. Schedule for refuse pickup and name of refuse hauler.
  10. Proof of adequate sanitation facilities.
- b. Any changes in ownership of the property, designated operator, or refuse hauler shall be forwarded to the Department within ten days of the change
- c. Permit fee schedule. The license application fees shall be established by the Walworth County Board of Supervisors, according to procedures set forth in chapter 30 of the County Code of Ordinances, in a fee schedule and may, from time to time, be modified. The fees shall be related to costs involved in processing license applications, reviewing plans, conducting inspections, and documentation. A schedule of the fees shall be available for review in the Walworth County Land Use and Resource Management Department or on the County website.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

**Sec. 26-345. Revocation.**

Revocation of the license shall commence when the owner of the property fails to comply with the requirements of this article as it existed at the time of the issuance of the license.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

**Sec. 26-346. Revocation process.**

- a. The owner of the property shall be notified of any noncompliance by the Department.
- b. The owner shall correct the violation within 24 hours to the satisfaction of the Department.

- c. The Department may notify the Walworth County Executive Committee of noncompliance and request permission to proceed with the revocation process.
- d. Upon scheduling of the hearing, the Department will notify the owner of the property at least two weeks prior to the hearing date.
- e. The Department will attempt to notify all property owners located within 150 feet of the property at least two weeks prior to the public hearing.
- f. A representative of the Department shall appear at the hearing before the Committee to present the evidence of noncompliance. All other interested parties may also give testimony to the Committee.
- g. A written decision of the Committee will be made and will be provided to the owner and the Department.
- h. If the license is revoked, the owner may apply for a new license after a 12 month revocation period.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

**Marquette:**

- Attached PDF: Chapter 35 – TOURIST ROOMING HOUSE.
- Requires payment of room tax to local governmental entity if required by said local government.
- Web resource: <https://www.co.marquette.wi.us/departments/zoning/tourist-rooming-house>