



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Agenda

Neighborhood Revitalization Commission

Wednesday, July 12, 2023

6:00 PM

Council Chambers- City Hall- 400 La Crosse St

Members of the public will be able to attend the meeting in person in the Council Chambers at City Hall located at 400 La Crosse St in La Crosse, or online via video conferencing with the links below.

Join Zoom Meeting:

<https://cityoflacrosseorg.zoom.us/j/82155464093pwd=aGw1NWRRUE4xM1RxajJxaTM0QkNUQT09>

Meeting ID: 821 5546 4093

Passcode: 543969

Participate by phone: 1-312-626-6799

Call to Order

Roll Call

Approval of Minutes

Approval of the June 7, 2023 Meeting Minutes.

Agenda Items:

1. [22-1153](#) Discussion on possible regulation/legislation of AirBnBs/short-term rentals.

Attachments: [Updated Short-term Rental Draft Ordinance 7-12-2023](#)
[Updated Short-term Rental Draft Application 7-12-2023](#)
[Other Cities Short-term Rental Policies 7-12-2023](#)
[Updated Short-term Rental Draft Ordinance 6-7-2023](#)
[Updated Short-term Rental Draft Application 6-7-2023](#)
[Short-term rental draft ordinance 3-30-2023](#)
[Short-term rental draft application 3-30-2023](#)
[Short-term rental ordinance information from other cities 12-7-2022](#)
[WI Munis & STR Ordinances 12-7- 2022.pdf](#)
[Marquette County Chapter 35 Tourist Rooming Houses 12-7-2022](#)
[Appleton Ordinance Tourist Rooming Houses 12-7-2022](#)
[Tourist Rooming Houses/STR Q&A 11-7-22](#)
[Licensing and Regulations Short Term Rentals Article](#)
[Tourist Rooming House \(City of Madison\)](#)

[Burfield Letter 7.10.2023.docx](#)

[Leinfelder Letter 6.7.2023](#)

[Opposition Letter - B. Schafer - 9.7.2022](#)

[Opposition Letter - J. Neumann - 9.7.2022](#)

[Opposition Letter - C. Colley - 9.7.2022](#)

[Opposition Letter - M. Walleser - 9.7.2022](#)

2. [23-0382](#) Update and discussion on Accessory Dwelling Unit policy research - Lewis Kuhlman

Attachments: [ADU Draft Ordinance 5/3/2023](#)

[Memo on ADU Research \(April 2023\)](#)

[Support Letter E. Halvorson 6.7.2023](#)

3. Updates: Comprehensive Plan, Tree Walk, Neighborhood Reports.
4. Call for items for next meeting.

Adjournment

Notice is further given that members of other governmental bodies may be present at the above scheduled meeting to gather information about a subject over which they have decision-making responsibility.

NOTICE TO PERSONS WITH A DISABILITY

Requests from persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (608) 789-7510 or send an email to ADAcityclerk@cityoflacrosse.org, with as much advance notice as possible.

Neighborhood Revitalization Commission Members:

CM Jennifer Trost, CM Larry Slezniow, Jessica Stanton, Jim Bagniewski, Greg Clark, Ralph Geary, Robert McDonnell, Sean Hurtubise, Steve Nicolai, Will Kratt



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Text File

File Number: 22-1153

Agenda Date:

Version: 1

Status: Agenda Ready

In Control: Neighborhood Revitalization Commission

File Type: General Item

Agenda Number: 1.

SHORT TERM RENTALS

1) 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.

2) 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:

- a) *“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.
- b) *“Short-term rental”* means a residential dwelling that is offered for rent for a fee and for fewer than thirty consecutive days.

3) 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.

4) 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 application fee until January 1, 2024. The short-term rental application shall require the following information and documentation:
 - i) Name, address, and telephone number of the property owner;
 - ii) Name, address, and telephone number of authorized contact person;

- iii) 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;
 - iv) A copy of Wisconsin Tourist Rooming House license issued by the La Crosse County Health Department;
 - v) A copy of pre-licensing inspection conducted by the La Crosse County Health Department as part of the Wisconsin Tourist Rooming House license;
 - vi) A seller's permit issued by the Wisconsin Department of Revenue unless otherwise provided by law;
 - vii) City of La Crosse Room Tax Application unless otherwise provided by law; and
 - viii) 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.

5) 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 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.

6) Display of license.

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

7) Denial, Suspension, Revocation & Appeal

- a) A license may be denied, suspended, or revoked for one or more of the following reasons:
 - i) Outstanding fees, taxes, or forfeitures owed to the City by the property owner or applicant;
 - ii) Failure to make payment on room tax;
 - iii) 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;

- iv) Property qualifies as a chronic nuisance property, the owner has received notice, and has failed to abate as required by [Section 30-29](#);
 - v) Failure to obtain any necessary local, county, and state permits and licenses; and
 - vi) 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 to 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.
 - i) 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.
 - ii) If the licensee appears, the Judiciary and Administration Committee shall hold an evidentiary hearing and issue a decision in in the same manner as 7)c).
 - iii) The City Clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.



City of La Crosse
Application for
Short Term Rental of
Property

License expires each year on July 31*

Type

- ☐ New Application
☐ Renewal Application

Please complete and submit the following information to the La Crosse City Clerk's Office:

Incomplete or illegible applications will be returned.

Property Owner Information

Property Owner Name	Date
Mailing Address	
Site Address	
Phone	Email

Authorized Contact/Operator Information

Only Complete the following section if authorized contact or operator is different than Property Owner

Property Manager Name	
Mailing address	
Phone	Email

What sites, if any, do you use to advertise and book your short-term rental?

Zoning information

Search your short-term rental property on the City of La Crosse [GIS maps](#).

Zoning District (Check one)	Acknowledgement
☐ R1 ☐ R2 ☐ R3 ☐ R4 ☐ R5 ☐ Other _____	I acknowledge that certain zoning districts have certain regulations including, but not limited to, number of unrelated persons allowed, parking requirements, and other property related regulations. For more information about the regulations in your zoning district, see here. ☐ I understand.



City of La Crosse

Application for Short Term Rental of Property

Additional Items to submit with Application – Required at the time of Submittal:

*Please note that short-term rental properties are obligated to obtain a State of Wisconsin Seller's Permit from the Wisconsin Department of Revenue unless their short-term rental property is **only** listed, advertised, and rented through a marketplace provider that will collect, report, and remit sales or use tax on the marketplace seller's behalf.*

- | | |
|---|--|
| ☐ La Crosse County Tourist Rooming House License issued under Wis. Stat. Sec. 254.64; | |
| ☐ Copy of completed inspection by La Crosse County Health Department; | |
| ☐ Completed application form; | |
| ☐ Application fee; and | |
| ☐ Seller's permit from the Wisconsin Department of Revenue and City of La Crosse room tax application. * OR | ☐ Proof and copy of all websites and places where the short-term rental is or will be advertised. |

**Need to submit if property is advertised and booked outside of a marketplace provider website (Airbnb, Expedia, Homeaway, etc.)*

Additional information for property owners:

- ☐ Visit the Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP) [website](#) for additional information about tourist rooming houses (short-term rentals).
 - ☐ La Crosse County Health Department is an agent for the WDATCP for licensing and inspecting Tourist Rooming Houses.
- ☐ [La Crosse County Health Department License and Inspection Form](#)
- ☐ To access information on a Department of Revenue seller's permit, click [here](#).
- ☐ To read more about the City's room tax, click [here](#).

I hereby certify that to the best of my knowledge all required application material is included with this application. I am aware that failure to submit the required completed application materials may result in denial or delay of the application request.

Signature of Applicant

Date

City	Population	Type of Rental	Requirements of short-term rentals in ordinance	What is needed for short-term rental application	Who administers the program	Is there renewal	Room tax policy	Display of permit	Fee associated with registration	Enforcement	application link	Restrictions
Oshkosh	66,607	Short-term Rental	- County Tourist Rooming House license - Seller's permit issued by the Wisconsin Dept. of Revenue - Room Tax Permit - Permit or license issued pursuant of article	- County TRH License - Copy of completed state lodging establishment inspection form - seller's permit from the Dept. of Revenue - Designation of resident agent - certification from owner that property meets requirements of article	Department of Community Development	Yes	Must comply with the room tax reporting requirements of the city municipal code	Yes-inside of entrance door	says fees are applicable but cannot find fee amount	Yes-\$75-\$500 fine	https://www.ci.oshkosh.wi.us/PlanningServices/Documents/Short_Term_Rental_Application.pdf	- Total number of days the dwelling may be rented shall not exceed 180 days - No vehicular traffic generated that is greater than normally expected - no excessive noise, fumes, glare - signage shall not exceed zoning code allowances - number of occupants shall not exceed limits of Wisconsin Uniform Dwelling code - No RVs, camper, tnets - outdoor events can be held between *,00 am-10:00 pm
Green Bay	107,015	Short-term Rental	- State of Wisconsin tourist rooming house permit - State of Wisconsin sale and use tax permit - proof of registration with treasurer regarding county room tax requirements - proof of registration with county health department - lease agreement indicating compliance with city ordinances - City of GB short-term rental permit	- completed STRP application - application/review fee - proof of insurance - necessary permits as required in previous section	Department of Community and Economic Development	Yes-renewal fee is \$250	Must prove State of Wisconsin Sale and Use Tax Permit-even if renting through rental agency site	Yes-should be visible from exterior of structure and include number of local representative	Yes fee is \$500	Yes-each violation should be imposed in an amount not to exceed \$500 and possible permit suspension or revocation	https://greenbaywi.gov/DocumentCenter/View/3421/Short-Term-Rental-Process-and-Application-PDF	- Number of occupants shall not exceed limits of Wisconsin Uniform Dwelling Code - Placard visible from street right-of-way containing telephone number and name of local representative - No Rv, camper, tents
De Pere	25,335	short-term rental	- Room tax to city - Room tax identification number for each lodging location - City permit to operate - Notification of first rental - Tourist Rooming House license - Tax return filed	- Registration with the City Health Department - Property inspection by health department - Tourist Rooming House License	Development Services Department (Economic Development, Planning and Building Inspections)	Yes	Owner is responsible for collecting 10% room tax and forwarding to corporate trust coordinator	No	Yes-fee is \$350 and \$135 health inspection fee and annual \$115 fee from City Health Department	Yes-failure to pay room tax results in forfeiture of 25% of room tax due for previous year or \$5000, whichever is less.	https://www.deperewi.gov/egov/documents/1674674351_99589.pdf	if property is zoned R-1 or R-2 your space must be rented to each short-term renter for a minimum of 7 consecutive days
Waunakee	14,950	short-term rental	- State of Wisconsin Tourist Rooming House License - seller's permit issued by WI Dept. or revenue - room tax permit - permit issued pursuant of this article	- Copy of Wisconsin license for tourist rooming house license - Copy of completed state lodging establishment inspection form - proof of insurance - Copy of seller's permit (if any) - floor plan and requested maximum occupancy - site plan - property manager agreement (if any) - designation of the property manager - Room tax permit issued by village - EIN used by IRS - Owner contact info - property manager contact information - maximum days of occupancy for renters - License term - State lodging license number	Clerk's Office	Yes-renewal fee is \$500 license expires each year on December 31	Must file room tax permit	Yes-short-term rental license must be displayed on inside of main entrance door	Yes-\$1000 initial fee	Yes- subject to general penalty provisions of the village code	https://www.vil.waunakee.wi.us/DocumentCenter/View/5459/Short-Term-Rental-Application_September-2019?bidid=	- every short-term rental shall be primary residence of this owner - should be rented for minimum of 6 consecutive days by each guest - total number of days the dwelling may be rented shall not exceed 180 days - if owner does not occupy short-term rental, cannot be rented for more than 30 days - no vehicular traffic generated greater than normally expected in neighborhood - no excessive noise, fumes, glare - Number of occupants in unit shall not exceed limits of Wisconsin Uniform Dwelling code - No RV, camper, tent - Outdoor evetns take place ebetween 7:00 am and 10:00 pm
Twin Lakes	6,388	Short-term rental	- state of Wisconsin tourist rooming house license - a seller's permit from WI Dept. of Revenue unless short term rental rented exclusively through a lodging marketplace*** - permit or license issued pursuant to the provisions of this article	- Application fee - state of Wisconsin tourism rooming house license - seller's permit - floor plan of house and site plan including parking - property manager agreement (if any)	Clerk's Office	Yes	Proof of Seller's permit unless exclusively renting through lodging marketplace	Yes-short-term rental license should be displayed on inside of main entrance door	Yes-\$150 Annual fee	Yes- subject to \$500 penalty after one waring	http://www.villageoftwinlakes.net/wp-content/uploads/2021/10/Short-Term-Rental-Application_with-Updated-Ordinance_Aug-2021.pdf	- No vehicular traffic shall be generated that is greater than normally expected - No excessive nosie, fumes, glare - number of occupants shall no exceed limits of Wisconsin Uniform Dwelling Code - No RV, Camper, tent - compliance with other applicable noise regulations
Fitchburg	30,674	short-term rental	- short term rental license issued by city - proof of property and liability insurance - copy of public health Madison and Dane county tourist rooming house license - confirmation of successful inspection	- short term rental application - proof of property and liability insurance - copy of public health Madison and Dane county tourist rooming house license - confirmation of successful city inspection	Clerk's Office	Yes-Licensing year starts July 1st	Tax can be submitted through city or through lodging marketplace	Yes-rental license should be displayed at place it was issued for.	Yes-\$100	Yes - first violation (\$0-\$100) - second violation w/in 1 year (\$0-\$200) - third violation w/in 1 year (\$0-\$300) - fourth and subsequent offenses w/in 1 year (\$0-\$400)	https://www.fitchburgwi.gov/DocumentCenter/View/20436/Short-Term-Rental-Application-Fillable?bidid=	None
Sister Bay	1,160	Short-term Rental	- Register with State of Wisconsin as business and receive a business tax registration number (BTR) unless contracted with resident agent - valid State of Wisconsin Tourist Rooming House License by DATCP - Licenses by the Door County Tourism zone commission	- Obtain tourist rooming house license and property inspection through Wisconsin DATCP - Obtain lodging permit for short-term rental through Door County Tourism Zone Commission - Fill out application form - Fee	Clerk's Office	Yes-Licensing year starts July 1st	Tax must be paid monthly to municipality	Not mentioned	Yes-\$500 annually	Yes-fine of \$20-\$100 for each violation	https://sisterbaywi.gov/wp-content/uploads/file-manager-advanced/PublicDocuments/Official%20Documents/Forms/STR%20LICENSE%20APPLICATION.pdf?t=1670517057	- No RV, camper, tents - occupants limited to number of occupants that POWTS was designed for - sufficient off-street parking available - Outdoor events held between 10:00 am-10:00 PM - Owner must reside within 30 miles of STR - Neighboring residential property owners will be forwarded contact info, datcp license number, and copy of property rules

Hudson	15,149	Short-term rental	•performance standards as found in 141-4 of ordinance (additional rules) •proof of sufficient property insurance •proof of tourist rooming house license from county •web-based booking services used for license property •compliance with any other applicable state, county, or local regulations that are not otherwise identified as part of this chapter	•site plan drawn to scale •floor plan drawn to scale •proof of current insurance for property •copy of tourist rooming house license from St Croix County •information on web-based booking services used •copy of guest disclosure posting	Clerk's Office	Yes- renewal should be applied for 90 days prior to expiration	Tax can be paid to city or through lodging marketplace quarterly	Not mentioned	Yes-\$250 annually	Yes-fine of \$250 to \$750 for each offense	https://www.hudsonwi.gov/DocumentCenter/View/4082/Short-Term-Home-Rental-License-8-2021?bidId=	•Parking requirements •Property owner must be within 30 miles of STR •Property owner must provide contact info to all property owners within 300 feet •No amplified outdoor sound between 10:00 pm and 8:00 am
Town of Delevan	5,334	short-term rental	•State of Wisconsin Seller's Permit •Tourist Rooming House License Application •Walworth County Short term rental application •Town STR licensing application •Room tax forms •Town of Delevan general business registration	•completion of application •Copy of the state license issued by the department •application fee •all additional paperwork to be sent to Town	Clerk's Office	Yes-each license expires on succeeding July 31. Licenses excepted during period of May 1-July 31	Marketplace provider can be used, but owners are responsible for reporting taxes to Town quarterly. Owners can obtain quarterly report from market place provider by contacting them	Yes-displayed on or near the inside of the main entrance door of rental property	Yes -\$100	Yes-fine of \$10-\$5000	https://townofdelevan.com/wp-content/uploads/2021/02/Short-Term-Licensing-Application.pdf	•Rented for minimum of 6 consecutive days by each guest •Should not be rented for more than 180 consecutive days total

SHORT TERM RENTALS

1) 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.

2) 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:

- a) *“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.
- b) *“Short-term rental”* means a residential dwelling that is offered for rent for a fee and for fewer than thirty consecutive days.

3) 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.

4) 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 application fee until January 1, 2024. The short-term rental application shall require the following information and documentation:
 - i) Name, address, and telephone number of the property owner;
 - ii) Name, address, and telephone number of authorized contact person;
 - iii) 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;
 - iv) A copy of Wisconsin Tourist Rooming House license or Bed and Breakfast license issued by the La Crosse County Health Department;
 - v) A copy of pre-licensing inspection conducted by the La Crosse County Health Department as part of the Wisconsin Tourist Rooming House license;

- vi) A seller's permit issued by the Wisconsin Department of Revenue unless otherwise provided by law;
 - vii) City of La Crosse Room Tax Application unless otherwise provided by law; and
 - viii) 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, assuming all needed information is supplied. 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.
- 5) 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 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.
- 6) Display of license.
- a) Each license shall be displayed on or near the inside of the main entrance door of each short-term rental.
- 7) Denial, Suspension, Revocation & Appeal
- a) A license may be denied, suspended, or revoked for one or more of the following reasons:
 - i) Outstanding fees, taxes, or forfeitures owed to the City by the property owner or applicant;
 - ii) Failure to make payment on room tax;
 - iii) 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;
 - iv) Property qualifies as a chronic nuisance property, the owner has received notice, and has failed to abate as required by [Section 30-29](#);
 - v) Failure to obtain any necessary local, county, and state permits and licenses; and
 - vi) 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 to 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.



City of La Crosse
Application for
Short Term Rental of
Property

License expires each year on July 31*

Type

- ☐ New Application
☐ Renewal Application

Please complete and submit the following information to the La Crosse City Clerk's Office:

Incomplete or illegible applications will be returned.

Property Owner Information

Property Owner Name	Date
Mailing Address	
Site Address	
Phone	Email

Authorized Contact/Operator Information

Property Manager Name	
Mailing address	
Phone	Email

Only Complete the following section if authorized contact or operator is different than Property Owner

Short Term Rental Address(es) if owning or managing additional properties:

What sites, if any, do you use to advertise and book your short-term rental?



City of La Crosse

Application for Short Term Rental of Property

Additional Items to submit with Application – Required at the time of Submittal:

*Please note that short-term rental properties are obligated to obtain a State of Wisconsin Seller's Permit from the Wisconsin Department of Revenue unless their short-term rental property is **only** listed, advertised, and rented through a marketplace provider that will collect, report, and remit sales or use tax on the marketplace seller's behalf.*

- | | |
|--|---|
| ☐ La Crosse County Tourist Rooming House License or La Crosse County Bed and Breakfast License issued under Wis. Stat. Sec. 254.64; | |
| ☐ Copy of completed inspection by La Crosse County Health Department; | |
| ☐ Completed application form; | |
| ☐ Application fee; and | |
| ☐ Seller's permit from the Wisconsin Department of Revenue and City of La Crosse room tax application* OR | ☐ Proof and copy of all websites and places where the short-term rental is or will be advertised |

**Need to submit if property is advertised and booked outside of a marketplace provider website (Airbnb, Expedia, Homeaway, etc.)*

Additional information for property owners:

- ☐ Visit the Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP) [website](#) for additional information about tourist rooming houses (short-term rentals).
 - ☐ La Crosse County Health Department is an agent for the WDATCP for licensing and inspecting Tourist Rooming Houses.
- ☐ [La Crosse County Health Department License and Inspection Form](#)
- ☐ To access information on a Department of Revenue seller's permit, click [here](#).
- ☐ To read more about the City's room tax, click [here](#).

I hereby certify that to the best of my knowledge all required application material is included with this application. I am aware that failure to submit the required completed application materials may result in denial or delay of the application request.

Signature of Applicant

Date

SHORT TERM RENTALS

1) 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.

2) Definitions.

The following definitions apply unless specifically modified.

- a) *Property owner*: The owner of the short-term rental property.
- b) *Property manager*: Any person appointed by the property owner of the short-term rental to act on behalf of the owner.
- c) *Short-term rental*: Residential dwelling unit where sleeping accommodations are offered for pay to tourists or transients for periods less than 30 consecutive days.
- d) *Tourist Rooming House*: Any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourists. This language is used by the state to describe short-term rental accommodations.
- e) *Marketplace provider*: A third-party entity that provides a platform to rent a short-term rental to an occupant on behalf of another seller and who processes the payment from the purchaser.

3) Operation of Short-Term Rentals.

- a) No person shall maintain, manage, or operate a short-term rental for more than 10 nights each year without a short-term rental license from the City. Every short-term rental shall have a designated operator which includes a property owner or property manager.
- b) Short-term rentals operating within City limits must have the following license and registration:
 - i) La Crosse County Tourist Rooming House license or La Crosse **County Bed and Breakfast License**;
 - ii) Seller's permit from the Wisconsin Department of Revenue if applicable;
 - iii) A **Room Tax Permit/form** if applicable;
 - iv) A license issued pursuant to the provisions of this Article;
 - v) Compliance with any other applicable state, county, or local regulations which are not otherwise identified as part of this chapter.

4) Short-Term Rental License and Registration.

- a) All property owners wishing to operate a short-term rental dwelling must apply for a short-term rental license through the City of La Crosse. The license must be approved prior to operating within the City unless rental was operating prior to this ordinance passage and publication. The short-term rental application shall contain the following information:
 - i) Property owner and property manager information;
 - ii) Property details and information;

- iii) Copy of La Crosse County Tourist Rooming House license;
 - iv) Copy of inspection by La Crosse County Health Department;
 - v) Seller's permit from the Wisconsin Department of Revenue if applicable;
 - vi) Room tax permit if applicable.
- b) All applications for short-term rental license shall be filed with the City of La Crosse. Applications must be filled out by the property owner or by the property manager on the owner's behalf. Permits will be issued once completed application is submitted and processed along with the required fee.
- c) The City of La Crosse shall issue a property manager license to all applicants following the approval of the application.
- d) No license shall be issued if the applicant or property has outstanding fees, taxes or forfeitures owed to the City, or is under order issued by the Building Inspector to bring the premises into compliance with City ordinances.
- 5) Renewal.
- a) Short-term rental license shall be issued annually and must be submitted and renewed 30 days prior to expiration.
 - b) Each short-term rental license shall expire on the succeeding July 31, except for license issued during the period beginning on May 1 and ending on July 31, which will expire on July 31 of the subsequent year.
 - c) Applications submitted for renewal of a short-term rental permit shall include any updated information in addition to proof of renewed or process of renewal for a County Tourist Rooming House license or County Bed and Breakfast License.
- 6) Seller's Permit and Room tax.
- a) Each short-term rental shall comply with the room tax reporting requirements of the City Municipal Code Chapter 42-47.
 - b) Short-term rental properties are obligated to obtain a State of Wisconsin Seller's Permit from the Wisconsin Department of Revenue unless their short-term rental property is only listed, advertised, and rented through a marketplace provider that will collect, report, and remit sales or use tax on the marketplace seller's behalf.
 - c) Short-term rental properties are obligated to obtain a room tax permit with the City of La Crosse unless their short-term rental property is listed and advertised solely through a marketplace provider which automatically deducts and submits the room tax for the rental property.
- 7) Display of Permit.
- a) Each license or permit shall be displayed on or near the inside of the main entrance door of each short-term rental.

8) Appeal and License Revocation?

- a) The denial of any license application or renewal under this Article may be appealed by filing a written appeal request with the City within ten days of the City's notice of denial. The appeal shall be heard by the ____.
- b) A license may be revoked for one or more of the following reasons:
 - i) Outstanding fees, taxes, or forfeitures owed to the City by the property owner or applicant;
 - ii) Failure to make payment on room tax;
 - iii) Three or more legitimate calls for police services, building inspection or the health department for nuisance activities or other law violations in a twelve-month period;
 - iv) Failure to obtain necessary county and state permits and licenses;
 - v) Failure to maintain all required local, county, and state licensing requirements;
 - vi) Any violation of local, county or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

9) Penalties.

- a) Any person who shall violate any provision of this Article shall be subject to a \$__ penalty after one warning.
- b) Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Article or otherwise.



City of La Crosse

Application for Short Term Rental of Property

License expires each year on July 31*

Type

- ☐ New Application
☐ Renewal Application

Please complete and submit the following information to the City of La Crosse:

Property Owner Information

Property Owner Name	Date
Mailing Address	
Site Address	
Phone	Email

Property Manager Information

Only Complete the following section if Property Manager is different than Property Owner

Property Manager Name	
Mailing address	
Phone	Email

Short Term Rental Address(es) if owning or managing additional properties:

What sites, if any, do you use to advertise and book your short-term rental?



City of La Crosse

Application for Short Term Rental of Property

Additional Items to submit with Application – Required at the time of Submittal:

- ☐ La Crosse County Tourist Rooming House License or La Crosse County Bed and Breakfast License issued under Wis. Stat. Sec. 254.64;
- ☐ Copy of completed inspection by La Crosse County Health Department;
- ☐ Seller's permit from the Wisconsin Department of Revenue; *
- ☐ Room tax permit; *
- ☐ Completed application form;
- ☐ Application fee

**Only need to be submitted if property is not solely listed on a marketplace provider website (Airbnb, Vrbo, Homeaway, etc.)*

Additional information for property owners:

- ☐ Visit the Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP) [website](#) for additional information about tourist rooming houses (short-term rentals).
 - ☐ La Crosse County is an agent for the WDATCP for licensing and inspecting Tourist Rooming Houses. Short-term rentals in La Crosse County do not need to submit an application or receive inspection from the WDATCP.
- ☐ [La Crosse County Health Department License and Inspection Form](#)
- ☐ To access information on a Department of Revenue seller's permit, click [here](#).
- ☐ To read more about the City's room tax, click [here](#).

I hereby certify that to the best of my knowledge all required application material is included with this application. I am aware that failure to submit the required completed application materials may result in denial or delay of the application request.

Signature of Applicant

Date

Eau Claire

- We spoke to Ryan Petrie, Associate Planner, in the City of Eau Claire.
- Eau Claire still has conditional-use permits for rentals of less than 30 days.
- Eau Claire is updating ordinance and rules to resemble the rules of the City of La Crosse. Eau Claire is loosening rules and going to treat short-term housing similar to rental property. It is then up to property owners to follow the rules.
- Ryan said they had no issues with short-term housing except for during the weekend of Country Jam.
 - Eau Claire does not have enough draw per weekend for short-term housing to be an issue.
- Ryan said he estimates that there are around 30 short-term housing rentals in Eau Claire, increasing to 60-70 during the Summer.
 - He estimated this makes up less than 1% of the housing stock.

Oshkosh

- We spoke with Brian Slusarek, Planner, in the City of Oshkosh.
- Oshkosh has a short-term housing ordinance as a response to the increase in popularity of Airbnb's and other short-term rentals.
 - The only issue they have is during EAA, but Brian said there was no huge issue.
- They decided to implement an ordinance because there were no real regulations on them and they decided to put some ground rules in place.
- Oshkosh short-term rentals make up less than 1% of the housing stock.

Appleton

- We spoke to Jessica Titel, Principal Planner, in the City of Appleton.
- Appleton has no ordinance specific to short-term rentals.
 - The County Health Department issues license to short-term rentals as it would to hotels.
 - These licenses are called tourist room housing license.
 - They are issued on the authority of the DATCP.
- Some Alderperson's in Appleton were interested in regulating STRs because of some localized complaints. However, the solutions offered was to prohibit them outright, which municipalities cannot legally do. The complaints about short-term housing was not city-wide.
- Appleton short-term housing makes up less than 1% of the housing stock.

Oconomowoc

- We talked to Jason Gallo, City Planner and Zoning Administrator, in the City of Oconomowoc.
- Most of the regulations in Oconomowoc are led by Waukesha County including inspections and licensing. Oconomowoc requires a one-time \$100 fee for license.

- They decided to begin regulating them to make sure the taxes were being paid and to keep track of where the rental properties were. Oconomowoc had received some complaints about the operations of short-term housing. However, there were no complaints of it taking away housing stock.
- Short-term housing in Oconomowoc makes up less than 1% of the cities housing stock.

To: Neighborhood Revitalization Committee
Date: 11/18/2022
RE: Wisconsin short-term rental law – compilation

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

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
29.05	Renewal

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>

Chapter 35 – TOURIST ROOMING HOUSE

35.01	Purpose
35.02	Exemptions
35.03	Definitions
35.04	License Requirements
35.05	License Process
35.06	License
35.07	Inspections
35.08	Resident Agent Designation
35.09	Nontransferable License
35.10	Renewal
35.11	Fees
35.12	Marketing
35.13	Penalties
35.14	Enforcement
35.15	Public Hearing
35.16	Application after License Denial or Revocation
35.17	Conditions on License

35.01 Purpose

The purpose of this Chapter is to ensure that the quality of tourist rooming houses operating within the County is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators and resident agents offering these properties for tourists, for the proper collection of taxes, to protect the character and stability of persons occupying or using buildings, structures or premises; and provisions for administration and enforcement thereof.

35.02 Exemptions

The following operations are exempt from complying with the requirements of this Chapter:

- A. A private boarding or rooming house, ordinarily conducted as such, not accommodating tourist or transients.
- B. A hotel, motel or resort license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to §97.605, Wis. Stats., or a designated local health department pursuant to §97.615, Wis. Stats., directly or through its agent.
- C. Bed and Breakfast establishments.

35.03 Definitions

- A. For the purposes of administering and enforcing this chapter, the terms or words used herein shall be interpreted as follows:
 - 1. Words used in the present tense include the future.
 - 2. Words in the singular number include the plural number.
 - 3. Words in the plural number include the singular number.
- B. The following definitions and conditions apply unless specifically modified:
 - 1. **Bathroom** means full bath
 - 2. **Corporate Entity** means a corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in the state.

3. **Dwelling Unit** means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family. Dwelling units include tourist rooming houses, seasonal employ housing and dormitory units.
4. **Habitable Room** means any room used for sleeping, living, or dining purposes, excluding such enclosed places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.
5. **Health License** means the license described in Section 35.02(B).
6. **License** means Property Management License issued under Section 35.02(B)(2) and an individual Tourist Rooming House License issued under Section 35.04.
7. **Owner** means the natural persons, firms or corporate entity holding legal title of a tourist rooming house property.
8. **Resident Agent** means an owner meeting the qualifications under Section 35.08 or a person appointed by the owner of a tourist rooming house to act as agent on behalf of the owner.
9. **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 (1) person or by two (2) or more persons maintaining a common household, to the exclusion of all others.
10. **Short Term Rental** means a residential dwelling that is offered for rent for a fee and for fewer than thirty (30) consecutive days.
11. **State** means the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (ATCP), or its designee.
12. **Tourist or Transient** means a person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business, or employment.
13. **Tourist Rooming House** means 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 for fewer than thirty (30) consecutive days. It does not include private boarding or rooming houses not accommodating tourist or transients, or bed and breakfast establishments regulated under ATCP 73.

35.04 License Requirements

- A. No person may operate a tourist rooming house without a tourist rooming house license.
- B. Every tourist rooming house shall be operated by a resident agent.
- C. Each tourist rooming house shall comply with all other County Chapters.
- D. Each tourist rooming house shall comply with the following minimum requirements:
 1. One (1) bathroom for every six (6) occupants.
 2. Not less than one hundred fifty (150) square feet of floor space for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof; the floor space shall be calculated based on total habitable room area and is determined using interior measurements of each room. For purposes of this Section, floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Wisconsin Uniform Dwelling Code (Chapters SPS 320-325 of the Wisconsin Administrative Code) requirements for habitable rooms and occupancy. The maximum occupancy for any dwelling without a separate enclosed bedroom is two (2) people.
 3. If occupancy calculated under 35.04(D)(2) exceeds the design occupancy for the septic system serving the tourist rooming house the following shall apply:
 - a. The applicant may choose to limit occupancy to the septic system design.
 - b. If the applicant seeks to exceed the septic system design occupancy a water meter shall be installed by the property owner on the water service entering the tourist rooming house subject to the following:
 - i. An inspection of the water meter shall be done by the Marquette County Planning, Zoning and Land Information Department (Department) prior to the tourist rooming house being offered for rental.

- ii. Water meter readings shall be provided to the Department on the 1st of every month.
 - iii. If the water meter calculated daily flow average exceeds the daily design flow of the septic system occupancy shall be reduced or the septic system shall be upgraded to meet the increased flow.
 - iv. At the request of the Zoning Administrator a visual inspection of the water meter may be done by the Department.
- 4. Sleeping rooms that meet the requirements set forth in ATCP 72.14.
- 5. Outdoor parking for overnight and day guests shall be limited to designated parking areas on the short-term rental property. In no event shall parking for short term rental occupants include spaces in any public street right-of-way or on any lawns or vegetated areas.
- 6. A safe, unobstructed means of egress leading to safe, open space at ground level.
- 7. Each area and room designated or used for sleeping shall have at least one (1) means of exit to the exterior, by door or egress window. If a room does not meet these qualifications, a sign shall be posted notifying occupants that the room shall not be used for sleeping due to lack of safe egress.
- 8. Basement areas designated or used for sleeping shall have at least two (2) exits to the exterior, by door or egress window. If a basement does not meet these qualifications, a sign shall be posted notifying occupants that the basement area shall not be used for sleeping due to lack of safe egress.
- 9. Functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code.
- 10. Shall not have a wood or solid fuel burning stove or fireplace unless the owner provides a certificate from a licensed commercial building inspector, fire inspector, or a verified statement from a reputable stove or fireplace sales/installer entity, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney has been inspected and are in compliance with the National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances; OR the applicant demonstrates that appropriate measures have been taken to block access to the woodstove or fireplace by any tourists or transients.
- 11. Shall not have a hibachi, gas-fired grill, charcoal grill, or any other similar devices used for cooking, heating, or any other purpose on any balcony, deck, or any overhanging structure or within ten (10) feet of any structure.
- 12. Shall have insurance against claims of personal injury and property damage for tourist rooming house rentals.
- 13. Has obtained a health license from the State of Wisconsin or its designee for operation as a tourist rooming house.
- 14. Has received the appropriate zoning designation, if required, under the County or other local zoning chapter.
- 15. Must pass a Lodging Establishment Health Inspection by the State of Wisconsin's designee before issuance of a license under this Chapter.
- 16. A visible and accessible fire extinguisher that has passed a fire inspection dated not more than one (1) year before the date of issuance or renewal by the local fire department or equivalent inspector.
- 17. Has an available Resident Agent as required under this Chapter.
- 18. Neither the applicant, the property that is the subject of the application, nor any property owned by the applicant within the county, has outstanding taxes, fees, penalties, or forfeitures owed to the County or room tax due and owing to any local government entity.
- 19. If the property is not served by a public sanitary sewer, a private onsite wastewater treatment system (POWTS) in full compliance with Chapter 74 of the Marquette County code must serve the property.
- 20. The property shall remain in compliance with all other Marquette County ordinances.
- E. A tourist rooming house shall not:
 - 1. Endanger, or threaten to endanger, the public health, safety, comfort, or general welfare.
 - 2. Have an adverse environmental impact.
 - 3. Have excessive noise complaints.
 - 4. Have an excessive response required from law enforcement.

5. Have poor property condition, such as garbage or refuse complaints, condition complaints, and general care and maintenance complaints.
6. Have traffic and parking complaints.
7. Have other issues that may impact the use, value, and enjoyment of other property in the neighborhood.
8. Have other issues that may be deemed a nuisance to neighboring properties.
9. Have any outside appearance indicating a change of use from surrounding residential uses.
10. Have overnight occupancy of recreational vehicles, camper trailers and tents at the property where the tourist rooming house is located. Outdoor overnight sleeping of occupants or guests of the tourist rooming house is prohibited.

35.05 License Process

- A.** All applications for a tourist room house license shall be filed with the Zoning Administrator or designee on forms provided. Applications must be submitted by the owner of the tourist rooming house. Each applicant shall certify that the tourist rooming house that is the subject of the application can meet the requirements set forth in Section 35.04(D).
- B.** An application for a tourist rooming house license shall include the following and shall not be considered complete until all the following has been submitted:
 1. A tourist rooming house license issued under §97.605, Wis. Stats. (A license under this chapter may be conditionally granted upon issuance of this license and shall not take effect unless this license is issued.)
 2. A copy of a completed Lodging Establishment Health Inspection form dated within two (2) years of the date of issuance or renewal.
 3. The Wisconsin Department of Revenue Seller's Permit Sales and Use Tax number.
 4. Proof of Personal Injury and Property Damage Insurance.
 5. Dwelling Unit floor plan with square footage identified.
 6. Property site plan including designated onsite parking.
 7. Property Management Agreement, if applicable.
 8. Designation of Resident Agent, if applicable.
 9. Applicant certification that the property meets the requirements of Section 35.04(D).
 10. The appropriate application fees.
 11. Signed certification from the local governmental entity that no room tax is due and owing.
- C. Terms and Filing Date**
 1. Each license shall run for two (2) years from July 1 through June 30th. Licenses issued within the two (2) year period will be effective until the next renewal period. The filing fee shall be paid upon filing of the application. Any application which does not include all the information and documentation shall be considered incomplete.
- D. Application Review Procedures**
 1. Within thirty (30) days of determining that an initial tourist rooming house license application is complete, the Zoning Administrator or designee shall arrange for inspection of the property and act on the application.
 2. If the Department determines that the application or the tourist rooming house does not meet all requirements of this Chapter, the application shall be denied, and the reasons therefore shall be set forth in writing to the applicant.
 3. A license shall be issued if the Department determines that the initial application and the tourist rooming house meets the requirements of this Chapter. The Department does not have the authority to enforce private covenants or homeowner associations restrictions when considering an application for a license.
- E. Hardship Exceptions**
 1. Any applicant asking to be relieved from the strict enforcement of this Chapter's provisions may apply for a Hardship Exception. The application shall be on a form provided by the Zoning Administrator or designee. The completed form and all supporting documents shall be filed with

the Zoning Administrator along with the filing fee. Within thirty (30) days of receiving the application for Hardship Exception, the Zoning Administrator shall issue a written report to the Planning and Zoning Committee, including their recommendation.

2. Following the review and issuance of a report by the Zoning Administrator, the application will be reviewed and voted on by the Planning and Zoning Committee. The Planning and Zoning Committee may require the applicant to furnish additional information it deems necessary in its review of the application.
3. When reviewing an application for a Hardship Exception, the Planning and Zoning Committee will take into consideration the following factors:
 - a. The Hardship Exception will not be unreasonably detrimental to or endanger the public health, safety, comfort, or general welfare.
 - b. The uses, values, and enjoyment of other properties in the neighborhood shall not be substantially impaired or diminished by the proposed Hardship Exception.
 - c. The Hardship Exception will not unduly create a danger to pedestrians or traffic.
 - d. The past experience with the applicant and previous violation of this Chapter.
 - e. The Hardship Exception must comply with all other local chapters and applicable state law.
 - f. Such other factors due to the specific circumstances that the Planning and Zoning Committee deems appropriate.

35.06 License

A. Contents of License.

1. The name, address, and telephone number of the owner of the tourist rooming house.
2. The name, address, telephone number and cell phone number for the Resident Agent.
3. The maximum overnight occupancy.
4. The license term.
5. The lodging license number.
6. The name, address, and telephone number of the Zoning Department's tourist rooming house inspector.
7. The name, address, and telephone number of the County's Health Inspector.

B. Display of License.

1. Each license shall be displayed in a public location of each tourist rooming house.

35.07 Inspections

A. Inspection Intervals

1. Each tourist rooming house is required to be inspected every year by the State of Wisconsin, or its designee.

35.08 Resident Agent Designation

A. An approved Resident Agent is required for all tourist rooming houses.

B. The owner of a tourist rooming house shall designate a resident agent.

C. Resident Agents shall meet the following requirements:

1. Be an adult person residing in or within twenty-five (25) miles of the location of the tourist rooming house or a corporate entity with offices located within twenty-five (25) miles of the tourist rooming house that is the subject of the application.
2. Be authorized by the owner to act as the agent of the owner for the receipt of service of notice of violation of the chapter's provisions and for service of process pursuant to this chapter or other local zoning chapter and shall be authorized by the owner to allow County employees, officers, and their designees, to enter the owner's property for purposes of inspection and enforcement of this ordinance.

D. An owner that meets the qualifications for a Resident Agent is not required to pay a fee for a Resident Agent designation.

35.09 Nontransferable License

- A. Any license issued under this Chapter is nontransferable. The holder of any license shall notify the Zoning Administrator in writing of any transfer of the legal control of any property covered by the license.

35.10 Renewal

- A. Each application for a renewal of a license shall include updated information for the documentation on the file with the Zoning Office and payment of the applicable fees. All renewal applications shall be filed by June 1 of the year of renewal. The Zoning Administrator or designee may conditionally accept late applications, subject to payment of the late filing fee. The Zoning Administrator or designee shall verify that the information provided on the renewal application is complete, and in accordance with the requirements of this Chapter, and that local taxes, including room taxes, have been paid.
- B. The Zoning Administrator or designee shall issue renewal licenses within thirty (30) days of filing of the renewal application, unless the information provided is incomplete, or otherwise not in compliance with the requirements of this Chapter, reports from local law enforcement or the Health Department indicate that there are complaints or actions involving the property, taxes have not been paid, and/or there is a request for a public hearing.
- C. If the Zoning Administrator finds that the license should not be renewed, or that there has been a complaint, the Zoning Administrator shall forward the application to the Planning and Zoning Committee for action along with written explanation of the reason for referral. The Planning and Zoning Committee shall then determine if a renewal shall be denied. If a license is denied, the reasons therefore shall be set forth in writing.
- D. No license shall be renewed if the applicant or a property has outstanding fees, taxes or forfeitures owed to the County, or is under an order to bring the premises into compliance under applicable codes or other law.

35.11 Fees

- A. License fees shall be established by the Planning and Zoning Committee in a fee schedule and may, from time to time, be modified. The fees shall be related to costs involved in processing individual license applications, conducting inspections, ordinance compliance and documentation. Fees are nonrefundable and shall not be prorated. A schedule of the fees shall be available for review on request.
- B. Listed fees and penalties do not include those issued by other entities such as the State license issued by the State of Wisconsin, or its designee, or any rezoning fees.
- C. Any residential dwelling operating a tourist rooming house prior to the issuance of a license will be assessed double fees on all required fees listed in 35.11(D).
- D. License fees include:
 - 1. Initial License Application fee – four hundred dollars (\$400.00)
 - 2. Renewal License Application fee – two hundred dollars (\$200.00)
 - 3. Hardship Exception Application fee – two hundred fifty dollars (\$250.00)
 - 4. Late Renewal License Application fee – Double Fee of total
 - 5. Resident Agent – one hundred dollars (\$100.00)
 - 6. Public Hearing fee – five hundred dollars (\$500.00)

35.12 Marketing

- A. The marketing of a tourist rooming house in which the advertised occupancy exceeds the maximum occupancy requirements permitted by the Chapter, or which promotes any other activity which is prohibited by this Chapter, shall be a violation of this Chapter.
- B. Outdoor signage shall conform to applicable Marquette County ordinances.

35.13 Penalties

- A. Penalties shall be set forth in Chapter 100.

35.14 Enforcement

- A. The provisions of this Chapter shall be enforced by the Zoning Department and/or its designee. It shall be the duty of the Zoning Department to process applications, conduct inspections and investigate complaints of violations of this Chapter. Violation will be prosecuted by Corporation Counsel.

35.15 Public Hearing

- A. Any person may request a hearing regarding a license holder to determine whether the license holder has committed violations of this Chapter such that the license should be revoked. A person shall request a public hearing by submitting a written statement to the Zoning Administrator, setting forth in detail, complaints against the license holder. The Zoning Administrator shall investigate the allegations and determine whether an enforcement proceeding should be initiated under Section 35.14 and/or whether a hearing is warranted to determine if a license should be revoked. If the Zoning Administrator determines a hearing is warranted, it shall be held before the Planning and Zoning Committee pursuant to the procedure set forth in Section 35.15(C). There shall be no appeal from the Zoning Administrator's denial of a request for a hearing or to refer a matter for enforcement. The Zoning Administrator shall also have the authority to initiate enforcement or hearing under Section 35.04.
- B. Any person may request a public hearing under Section 35.15(A) by making a written request to the Zoning Administrator.
- C. The hearing procedure shall be as follows for public hearings and hearings under Section 35.15:
 - 1. The hearing shall be held before the Planning and Zoning Committee.
 - 2. Written notice of the date, time and place of the hearing shall be mailed by regular mail to the license holder at least ten (10) calendar days prior to the date of the hearing.
 - 3. The license holder shall have the right to be represented by the Resident Agent and/or legal counsel and need not be present at the hearing.
 - 4. If the hearing is for possible revocation of the license, a written summary of the alleged violations shall be provided with the written notice.
 - 5. At the public hearing, the license holder, or representative shall have the right to make a statement, question witnesses and the Zoning Administrator regarding the basis of any complaints or alleged violations of this chapter.
 - 6. Written statements may be submitted by any person regarding the license at issue prior to the start of the hearing. The Planning and Zoning Committee shall only consider written statements that set forth the identity of the individual(s) making the statement.
 - 7. The Planning and Zoning Committee shall hear, consider, and weigh all verbal and written statements prior to the making its decision.
 - 8. After the close of the hearing, the Planning and Zoning Committee may go into closed session to deliberate regarding the issue presented, at its discretion and upon proper notice.
 - 9. The Planning and Zoning Committee shall have the right to adjourn and reconvene as it deems necessary and need not decide immediately upon conclusion of the hearing.
 - 10. The Planning and Zoning Committee shall consider these factors when determining whether to revoke a license:
 - a. Past and present compliance with this Chapter.
 - b. Past and present compliance with room and sale tax requirements.
 - c. Past and present compliance with federal, state, and local laws.
 - d. Matters that endanger, or threaten to endanger, the public health, safety, comfort, or general welfare.
 - e. Adverse environmental impact.
 - f. Noise complaints.

- g. Excessive response required from law enforcement.
 - h. Property condition including garbage or refuse complaints, condition complaints, and general care and maintenance.
 - i. Traffic and parking complaints.
 - j. Matters that may impact the use, value, and enjoyment of other property in the neighborhood.
 - k. Other matters that may be deemed a nuisance to neighboring properties.
11. If the license is denied or revoked, the Planning and Zoning Committee shall set forth in writing the reason(s) for the denial or revocation. For a reason to form the basis for a denial or revocation, a majority of the Committee members present shall agree that the facts presented were sufficient to support that reason. The written decision shall set forth the Committee members who supported each reason.
 12. The license holder shall be required to pay the public hearing fee if it is determined that a public hearing is required under this Chapter.

35.16 Application After Denial or Revocation

- A. No applicant may reapply for twenty-four (24) months from the date of denial or revocation.

35.17 Conditions on License

- A. The Planning and Zoning Committee shall have the authority to place reasonable conditions on a license when necessary to meet the requirements of this Chapter, Section 35.15(C)(10) or Section 35.05(E) regarding matters set forth in the Chapter.

**ARTICLE VII. HOTELS, MOTELS AND OTHER
TOURIST ROOMING HOUSES**

DIVISION 1. GENERALLY

Sec. 9-296. Application for license.

Application for a license required in this article shall be made to the Health Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee.
(Code 1965, §7.15(2); Ord 111-91, §1, 11-6-91; Ord 125-91, §1, 11-20-91)

Sec. 9-297. Issuance of license generally.

Licenses required under this article, when approved by the Health Department, shall be issued by the Health Officer. A selective or restrictive permit may be issued by the Health Officer on his determination of conformance with appropriate standards and good public health practices, which permit shall entitle the holder to store, display and sell such products in such manner as may be specified by the Health Officer.
(Code 1965, §7.15(3); Ord 111-91, §1, 11-6-91; Ord 125-91, §1, 11-20-91)

Sec. 9-298. Inspection required prior to granting of license; fee.

A license will not be granted under this article to an operator of a new establishment or to a new operator of an existing establishment without a preinspection. A preinspection fee will be assessed for each establishment according to the schedule on file with the Department of Health.
(Code 1965, §7.15(10); Ord 100-90, §1J(10), 11-7-90; Ord 111-91, §1, 11-6-91; Ord 125-91, §1, 11-20-91; Ord 40-93, §1, 3-17-93)

Sec. 9-299. Transfer of license; issuance to agent or employee.

No license issued under this article may be transferred unless otherwise provided by the ordinances of the City. No license shall be issued to or used by any person acting as agent for or in the employ of another.
(Code 1965, §7.15(9); Ord 111-91, §1, 11-6-91; Ord 125-91, §1, 11-20-91)

Sec. 9-300. Expiration and renewal of license.

Except where otherwise provided, every Health Department license shall terminate or expire on June 30 of each year and may be renewed annually thereafter. The application for renewal shall be filed with the Health Department on or before June 30, together with payment of

the required fee. The fee for said license shall be on file with the Health Department. In addition, the applicant must pay any state administrative fees, the amount of which is also on file with the Health Department. If the annual renewal fee has not been paid on or before June 30, an additional late payment fee shall be required, the amount if which is on file with the Health Department. Establishments operating on July 15 without a proper license shall be ordered closed by the Health Officer. Failure to comply will result in the issuance of a uniform citation with current bond as set forth in §1-18. Each violation and each day a violation continues or occurs shall constitute a separate offense.

(Code 1965, §7.15(4); Ord 100-90, §1J(4), 11-7-90; Ord 111-91, §1, 11-6-91; Ord 125-91, §1, 11-20-91; Ord 20-92, §1, 3-4-92, Ord 106-95, §1, 11-15-95; Ord 74-96, §1, 9-4-96)

Sec. 9-301. Suspension or revocation of license.

The Health Officer may suspend or revoke any license issued pursuant to this article for violations of ordinances or laws regulating the licensed activity and for other good cause.

(Code 1965, §7.15(8)(a); Ord 111-91, §1, 11-6-91; Ord 125-91, §1, 11-20-91)

Sec. 9-302. Right of entry; testing of samples.

The Health Officer may enter any establishment required to be licensed in this article at all reasonable times to inspect the premises, secure samples or specimens, examine and copy documents, obtain photographs or take any other action he deems necessary to properly enforce the provisions of applicable laws regulating such business or activity. Samples of food, drink or water from any licensed premises may be taken from any licensed premises and examined by the Health Officer at such times as he deems necessary, for detection of unwholesomeness, adulteration, microbiological quality, or any other enforcement proposes. Adulteration and microbiological quality standards and definitions set forth in W.S.A. §97.02 or the State Department of Agriculture, Trade and Consumer Protection, Food Division's Policies and Procedures Manual section 14.1 and 14.2 are hereby adopted by reference and incorporated as part of this section.

(Code 1965, §7.15(5); Ord 111-91, §1, 11-6-91; Ord 125-91, §1, 11-20-91; Ord 3-95, §1, 1-4-95, Ord 22-03, §1, 1-21-03; Ord 7-13, §1, 3-26-13)

Sec. 9-303. Correction of violations; citations.

Whenever the Health Officer finds that any establishment required to obtain a license in this article is not operating or equipped in any manner required by ordinances or laws regulating such establishment, the Health Officer may notify, in writing, the person operating

the premises, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and specify the time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the license may be suspended or revoked by the Health Officer. The Health Officer may also request the issuance of citations for any such violations pursuant to the provisions of §1-17.

(Code 1965, §7.15(6); Ord 111-91, §1, 11-6-91; Ord 125-91, §1, 11-20-91)

Sec. 9-304. Emergency powers of Health Officer.

Whenever the Health Officer has reasonable or probable cause to believe that any food, sanitary condition, equipment, premises or method of operation thereof creates a danger to public health, the Health Officer may issue a temporary order prohibiting the sale or movement of food for any purpose, or an order prohibiting the continued operation of the premises or any part thereof which creates the immediate danger to health. The Health Officer may suspend any license without notice whenever the licensed premises constitutes an immediate health hazard.

(Code 1965, §7.15(7); Ord 111-91, §1, 11-6-91; Ord 125-91, §1, 11-20-91)

Sec. 9-305. Appeals.

Any person aggrieved by the denial of a license or by suspension or revocation of a license required under this article by the Health Officer or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of suspension, revocation or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such other pending determination of the appeal. The Board of Health may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings relating to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record

(Code 1965, §7.15(8)(b); Ord 111-91, §1, 11-6-91; Ord 125-91, §1, 11-20-91)

Secs. 9-306—9-320. Reserved.

**DIVISION 2. BED AND BREAKFAST
ESTABLISHMENTS***

Sec. 9-321. Definition.

For the purposes of this division, *bed and breakfast establishment* means any place of lodging that provides eight (8) or fewer rooms for rent to no more than a total of twenty (20) tourists or other transients for more than ten (10) nights in a twelve- (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.

(Code 1965, §7.24(2); Ord 146-94, §1, 12-7-94; Ord 48-97, §1, 6-4-97; Ord 68-07, §1, 6-26-07; Ord 33-14, §1, 5-27-14)

Sec. 9-322. License required; fees.

No person shall operate or carry on a bed and breakfast establishment without obtaining a license from the Health Department. The fee for the license is on file with the Department of Health. In addition, the applicant must pay any state administrative fees, the amount of which is on file with the Department of Health.

(Code 1965, §7.15(1)(h), 7.24(1); Ord 100-90, §1(h), 11-7-90; Ord 111-91, §1, 11-6-91; Ord 125-91, §1, 11-20-91; Ord 20-92, §1, 3-4-92; Ord 41-93, §1, 3-17-93)

Sec. 9-323. State sanitation regulations adopted.

All bed and breakfast establishments and licensees under this division shall be subject to and comply with Wisconsin Administrative Code, ATCP §73.01 through ATCP §73.15, which are hereby adopted by reference and incorporated as part of this division.

(Code 1965, §7.24(3), Ord 22-03, §1, 1-21-03; Ord 34-14, §1, 5-27-14 ; Ord 83-16, §1, 11-8-16)

***Cross reference(s)**--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 9-324. Guest register.

Each bed and breakfast establishment shall provide a register and require all guests to register their true names and addresses before being assigned sleeping quarters. The register shall be kept intact and available for inspection by representatives of the Health Department for at least one (1) year.

(Code 1965, §7.24(3))

Secs. 9-325 – 9-340. Reserved.

**DIVISION 3. HOTELS, MOTELS AND TOURIST
ROOMING HOUSES***

**ARTICLE VIII. JUNKYARDS AND
SECONDHAND GOODS DEALERS***

Sec. 9-341. Definition.

For purposes of this division, hotel, motel and tourist rooming house shall mean any premises defined by Wisconsin Administrative Code, ATCP 72.03.
(Code 1965, §7.21(2), Ord 22-03, §1, 1-21-03)

Sec. 9-342. License required; fee.

(a) No person shall operate a hotel, motel or tourist rooming house without obtaining a license from the Health Department.

(b) The fee for such license is according to the schedule on file with the Health Department.

(c) In addition, the applicant must pay any state administrative fees, the amount of which is on file with the Department of Health.

(Code 1965, §§7.15(1)(E), 7.21(1); Ord 100-90, §1(e), 11-7-90; Ord 111-91, §1, 11-6-91; Ord 125-91, §1, 11-20-91; Ord 20-92, §1, 3-4-92; Ord 42-93, §1, 3-17-93)

Sec. 9-343. State sanitation regulations adopted.

All hotels, motels and tourist rooming houses and licensees under this division shall be subject to and comply with the provisions of Wisconsin Administrative Code, ATCP §72.01 through ATCP §72.16, which are hereby adopted by reference and incorporated as part of this division.

(Code 1965, §7.21(3), Ord 22-03, §1, 1-21-03; Ord 84-16, §1, 11-8-16)

***Cross references**--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Secs. 9-344 – 9-360. Reserved.

DIVISION 1. GENERALLY

Secs. 9-361—9-385. Reserved.

Tourist Rooming Houses

What is it?

- A tourist rooming house is a lodging place, other than motels, hotels, and bed and breakfasts, where tourists pay for sleeping accommodations.
- AKA Airbnb, VRBO

How many units can one own?

- Under the tourist rooming house license, the owner can rent up to [four units](#). Any more units require a hotel license.

How many are licensed in La Crosse?

- As of July 1, 2022, there were only [eight licensed tourist rooming houses](#) in the City of La Crosse. However, I believe this number does not fully represent the number of short-term rentals within the City.

Type	Street Address	City	State	Phone	Licensee Name
Tourist Rooming House (LTR)	1803 CHARLES ST	LA CROSSE	WI	(608)516-2178	SIGNE GRONBECK-JOHNSON
Tourist Rooming House (LTR)	938 CASS ST	LA CROSSE	WI	(608)784-9360	BENTLEY WHEELER B&B INC
Tourist Rooming House (LTR)	2518 STATE ST	LA CROSSE	WI	(615)838-0798	JILLIAN OLSON
Tourist Rooming House (LTR)	W4933 WOLF RIDGE CT	LA CROSSE	WI	(608)790-5253	MAIDEN ROCK HOLDINGS, LLC
Tourist Rooming House (LTR)	143 9TH STREET SOUTH	LA CROSSE	WI	(608)769-5408	STEVEN AHLBORN
Tourist Rooming House (LTR)	1627 LAKESHORE DR	LA CROSSE	WI	(608)385-0229	KRISTINA HARBAUGH
Tourist Rooming House (LTR)	W1436 STATE RD 33	LA CROSSE	WI	(608)769-0176	LEO AND LEONAS INC
Tourist Rooming House (LTR)	5720 US HWY 14/61	LA CROSSE	WI	(608)787-1982	WILSON SCHOOL HOUSE INC

How many short-term rentals are really in La Crosse?

- According to [AirDNA](#), a short-term rental data and analytics website, there are about 106 short-term rentals that have been used within the last 12 months in the City of La Crosse.
- When browsing Airbnb and VRBO, I found at least 92 short-term rentals of all types.

What are the regulations per Wisconsin State Code?

- Any person who operates a short-term rental for more than 10 nights a year is required to:
 - Obtain a license as a tourist rooming house from the department of agriculture, trade, and consumer protection. Although this license is required for all lodging facilities in Wisconsin it seems unlikely that everyone is going through the necessary requirements. There seems to be little to no regulation pertaining to who is licensed and who is not.
- If a short-term rental is used for periods of more than 6 but fewer than 29 consecutive days, municipalities can limit the total number of days in a year to no fewer than 180 days and require it to be consecutive. However, they cannot specify the season or time in which those consecutive days can be during the year.
- The Wisconsin legislature also left other powers up to municipalities such as short-term rentals having to obtain a local license.
- Helpful Information regarding logistics of short-term rental code Wis. Stat. sec. 66.1014: <https://www.lwm-info.org/DocumentCenter/View/3990/Licensing-and-Regulations-403-Short-Term-Rentals>

How much of the housing stock does it take up?

- According to the [US Census](#), La Crosse has 21,239 households. This means short-term rentals account for much less than 1% of housing in La Crosse

How many use the entire unit?

- On Airbnb and VRBO there are at least 40 short-term rentals which use the entire home as a short-term rental. There are 23 homes where the owners also live there with 14 renting out only a room. Seven rentals have another part of the home used for something else such as long-term rentals. Lastly, there are 15 rentals where the entire apartment is rented out, but the rental is inside an apartment building.

How much are short-term rentals making in La Crosse?

- According to [AirDNA](#), the average monthly revenue within the last year was \$2,299 per rental.

What is the average minimum stay in La Crosse?

- According to [AirDNA](#), about 41% of rentals allow one-night stays. Another 46% allow a two-night stay or more. This means only 13% of rentals require a three-night stay or more.

Do short-term rentals create a housing-issue in Wisconsin?

This question can be answered differently depending on who you ask. According to an article by [WPR](#), there are many variables that go into the current lack of affordable housing in Wisconsin. This includes slow housing development, low inventory, expensive building costs, and investors buying up homes. The investors buying homes typically look to rent the property as a short-term rental and are able to out-buy Wisconsin families looking to purchase a home.

There are many residents throughout Wisconsin frustrated with the state of short-term rentals. Here are some examples in communities around the state:

- Last March, the [City of Eau Claire](#) Third Ward Neighborhood Association was looking at drafting recommendations for short-term rentals to eventually present to the city for ordinance. To start, they launched an application to get all short-term rentals to register with the City. The survey is said to be the first step to being able to update the ordinance regarding short-term rentals. In Eau Claire, homes used as short-term rentals are supposed to have [permits](#) to run their property as a bed and breakfast. Additionally, they need a transient rooming house license, which requires health and safety inspections by Eau Claire City-County Health Department. Only four properties in the city have met all requirements since 2019. Nothing further has moved forward as of now.
- According to [TMJ4](#), the City of Oconomowoc introduced a new ordinance this summer which regulates short-term rentals in their city. Renters now need to complete a state inspection, Wisconsin Tourist and Rooming license, seller's permit issued by Wisconsin State Revenue Department, and a license from the City of Oconomowoc for approval and rent. Non-compliance can result in fines up to \$1,000.
- According to the [Ripon Press](#), the City of Green Lake has struggled with what to do about short-term rentals. Two councilmembers said the city is facing a shortage of affordable housing, and short-term rentals perpetuate the issue. Some councilmembers were working on writing an ordinance to help with regulation. [Last fall](#), the ordinance requiring a license from the city passed.
- [Madison](#), WI has stricter regulations on short-term rentals than most municipalities. In Dane County, short-term rentals are required to be licensed by Public Health Madison & Dane County, pass inspection every year, and pay nightly room taxes. In 2020, they passed a new ordinance requiring a city license and requiring documentation confirming they comply with other city regulations.

The frustration continues around the Midwest and the entire country. Here are some problems the surrounding states face:

- The [Twin Cities](#) and their surrounding areas have struggled with noise complaints, neighborhood disturbances, and limitations on affordable housing due to short-term rentals. In 2017, Minneapolis passed regulation requiring short-term rental hosts to have a standard rental license. In 2020, they amended their ordinance to also require a cap on short-term rentals. This requires hosts to only own one property other than the property they live at. Additionally, they capped short-term rentals in a building to be no more than 10% of the units. St. Paul has similar

but different rules. Also in 2017, they created a new short-term rental ordinance for annual fees, proof of insurance and required license.

- In Michigan, the controversy is so vast it has made its way to the state assembly. The Michigan legislature passed a bill allowing short-term rentals in all residential zones and loosening regulations on short-term rentals. The [Michigan Municipal League](#) is lobbying to keep decisions local and working to cease it from passing in the Senate. They hope to leave it up for the cities to decide on regulations they put on short-term rentals.



Short-Term Rentals

Remzy Bitar, Attorney, Municipal Law & Litigation Group, S.C.

As short-term rentals (STRs) such as Airbnb and VRBO become more popular, local governments face classic issues associated with the influx of new uses that can create adverse side effects for the community. Some communities welcome the trend; others do not. For those questioning STRs, two competing interests arise: NIMBY versus “fundamental right to unfettered use of my property.” For unprepared communities, residential zoning and other public and private land use controls do not adequately address this growing trend. Some communities have tried to adopt amendments to their zoning ordinances to expressly restrict and/or regulate short-term rentals, but those amendments have fallen flat in court.

Seeking to address the competing interests, the Legislature created Wis. Stat. § 66.1014 in the 2017 WI Act 59, Biennial Budget Act. The statute contains one relevant definition for “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 2 or more persons maintaining a common household, to the exclusion of all others”).¹

Section 66.1014 has several features of note.

First, municipalities cannot prohibit STRs for 7 consecutive days or longer, referred to here as the “prohibition” provision.²

Second, the Legislature addressed regulation of the “durational” aspects of

STRs. If a residential dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, a municipality may limit the total number of days within any consecutive 365-day period to no fewer than 180 days and may require those maximum days to run consecutively. However, it may not specify the period of time during which the residential dwelling may be rented, such as requiring rentals stretch over winter.³

Third, the Legislature unambiguously retained local power – “[n]othing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling...”⁴ That section leaves local government free to regulate other aspects of STRs in a manner that is “not inconsistent” with the prohibition or durational provisions noted above. Significantly, “[a]ny person who *maintains, manages, or operates*” an STR “shall” obtain a local license, if required by local ordinance.⁵

Fourth, there are non-textual aspects to § 66.1014. The Legislature did not place the law under the city and village zoning enabling statute, Wis. Stat. § 62.23. Moreover, when the Legislature wants to completely regulate an industry and preclude or limit the ability for local regulation, it does so clearly. The Legislature did only two things with this statute: removing the power to prohibit STRs and setting durational provisions on the “total number of days.” Of all the other areas the Legislature could have withdrawn from local government (other than taxation, not discussed here), the Legislature did not address such areas but allowed local control and

licensing. The Legislature’s treatment of STRs stands in stark contrast to the Legislature’s sweeping removal of local power elsewhere, such as cellular tower regulation, wind farms, livestock siting operations, concealed carry, conditional uses, shoreland zoning and alcohol. In these areas, and many others, the Legislature’s regulatory framework has various and extensive subject matter components that are expressly meant to curtail local power.

Until recently, no Wisconsin court had addressed this statute. Just last month, in *Good Neighbors Alliance (GNA) v. Town of Holland*, Case No. 2019CV000269, the Sheboygan County Circuit Court, the Honorable Edward Stengel presiding, issued a decision of first impression in this state, specifically addressing various aspects of Holland’s STR ordinance that were specifically designed to address local concerns, harmonize the statute and address the pre-suit complaints and demands of the plaintiffs. The Town Board worked hard to draft an Ordinance that satisfied competing concerns, followed § 66.1014 and Wis. Admin. Code § ATP 72 (administrative rules “tourist rooming houses” such as STRs) and could withstand judicial scrutiny.

GNA’s primary claim asserted the statute created a preemptive effect on local regulation, enshrining the right to free and unrestricted use of one’s property. They argued STRs involve private use of homes, not commercial activity. The court, however, found that the Legislature preserved local power due to carve-outs in the statute and that the Town acted comfortably within its powers.

GNA attacked specific features of Holland's Ordinance as conflicting with § 66.1014, such as:

- **Property Manager:** "Unless the Property Owner resides within thirty-five (35) miles of the short-term rental property, a local Property Manager must be designated for contact purposes and his or her name must be included in the application filed with the Town Clerk. The local Property Manager must reside within thirty-five (35) miles of the short-term rental property and must be available at all times the property is rented. The Property Owner must notify the Town Clerk within three (3) 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."
- **Insurance:** "The Property Owner shall have and maintain homeowner's liability or business liability insurance 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."
- **Property diagram with application:** "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."
- **Revocation for Unpaid Fees, Taxes, Or Forfeitures or For Any Violation of State or Local Laws:** "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."

- **One On-Site, Off-Street Parking Space:** "Not less than one (1) on-site, off-street parking space shall be provided for every four (4) occupants, based upon maximum occupancy."
- **Forfeitures:** "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, and in the event of default of payment of such forfeiture and costs shall be imprisoned in the Sheboygan County Jail until such forfeiture and costs are paid, except that the amount owed is reduced at the rate of \$25 for each day of imprisonment and the maximum period of imprisonment is 30 days. Each violation and each day a violation occurs or continues to exist shall constitute a separate offense."

With STRs, there are many side-effects related to the health, safety, and welfare of the public. The goal is to allow such use of the property for rentals yet protect the interests and quality of life for long-term residents. The interests being served include: preserving the character of a neighborhood; eliminating nuisances like noise, parking, and trash problems; ensuring building safety; over-occupancy; and responsiveness to neighbor complaints. Such concerns arose in the town of Holland, where it received complaints over a significant period of time, often occurring weekly during the summer months. Complaints of adverse

impacts caused by STR properties in the town of Holland included lewd behavior, unsafe fires on the beach, dogs running at large, excessive noise, trash left on the beach, traffic and RVs along narrow lake roads, and trespassing. One such trespassing event involved the complainant arriving home at night to find renters from a nearby property in the complainant's hot tub.

The town carefully considered its proposed ordinance over the course of several months, including several drafts to balance the Legislature's new statute, preservation of residential property rights and the local interests in protecting the public health, safety, and welfare. After passage of the Ordinance, GNA sought total repeal. The town passed an amended ordinance accomplishing the following:

- the elimination of any restriction on the number of days a property may be rented,
- elimination of restrictions on outdoor events on rental properties,
- elimination of minimum levels of insurance coverage,
- added a provision to allow short-term rental licensure by the town to proceed with evidence that a Wisconsin tourist rooming house license has been applied for rather than actually received,
- removed the requirement for property managers to be licensed with the town,
- removed insurance requirements for property managers,
- documented the appeal steps and procedures for licensure decisions,
- clarified the vehicle restrictions,
- removed annual building and fire inspections requirement,

- removed requirement to provide a property management agreement,
- removed town access to property without consent or inspection warrant,
- removed minimum bathroom requirement, and
- lowered the maximum forfeiture amount.

The Sheboygan Circuit Court found local government can regulate within the same field as § 66.1014 so long as it does not conflict. Due to its careful development of the STR ordinance, Holland survived four-factor preemption analysis and its ordinance was upheld.⁶

Any community desiring such an ordinance should consult with its legal counsel and should also determine if the Holland case has been reviewed by the Court of Appeals.

Licensing and Regulation 403

About the Author:

Remzy Bitar is an attorney with the Municipal Law & Litigation Group, S.C. and has been practicing in the area of Municipal and Civil Rights Litigation Defense for over 17 years. Remzy handles all aspects of such litigation in both state and federal court including trial and appeals. His experience ranges

from defending civil rights lawsuits against jails and law enforcement, to handling condemnation, zoning and other land use matters, to open records and open meetings law, and to the defense of municipalities and their officials and employees in the areas of First Amendment, Fourth Amendment, and Equal Protection and Due Process.

Remzy began his legal practice after college at Lawrence University, law school at Washington University School of Law in St. Louis, and then completed a judicial clerkship with the Supreme Court of Missouri for the Honorable Laura Denvir Stith. Contact Remzy at rbitar@ammr.net

1. § 66.1014(1)(b).
2. § 66.1014(2)(a).
3. § 66.1014(2)(d)1.

4. § 66.1014(2)(c).
5. § 66.1014(2)(d) & (2)(d)2b.
6. *Wisconsin Carry, Inc. v. City of Madison*, 2017 WI 19, 373 Wis.2d 543, 892 N.W.2d 233.

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vision to reality

Q&A

TOURIST ROOMING HOUSES (TRHs) IN THE CITY OF MADISON

City of Madison
Building Inspection Division: Zoning Dept.
Madison Municipal Building, Suite 017
215 Martin Luther King, Jr. Blvd.
P.O. Box 2984
Madison, WI 53701-2984
phone: (608) 266-4551
web: cityofmadison.com/trh
email: zoningTRH@cityofmadison.com



What is the Zoning Tourist Rooming House Permit?

The ZTRHP1 Permit allows the operation of a TRH for stays of one night or more. If host is present when guests stay, there is no limit to the number of rental nights; if host is not present there is a 30-night maximum that the TRH may operate. This must be host's primary residence.*

Who can operate a TRH?

TRHs can be operated by home owners, or by tenants if explicitly allowed in the lease.

Can I operate a Tourist Rooming House in my apartment?

Tourist Rooming Houses are allowable in all residential dwelling units within the City of Madison provided all regulations are followed.

Do I need any special approvals or permits to rent out my home as a TRH?

You will need a valid [Zoning Tourist Rooming House Permit \(ZTRHP\)](#) from the City of Madison Zoning Department. To apply for the ZTRHP permit, you will first need to obtain a [Tourist Rooming House License](#) from Public Health Madison and Dane County, and a [Transient Room Tax Permit](#) from the City Treasurer's Office.

Where can I find information about the rules and regulations about a Tourist Rooming House?

Go to cityofmadison.com/TRH

I already have a TRH license from Public Health. Do I need a ZTRHP permit too?

Yes.

What fees are involved for obtaining all proper permits and licenses?

There is a one-time, non-refundable \$100 ZTRHP application fee, plus the ZTRHP annual fee of \$100. You will need a TRH license from Public Health in order to obtain the ZTRHP permit. Check their

CITY OF MADISON COMMON COUNCIL

Why have regulations?

Websites such as Airbnb and VRBO connect homeowners with people who need a place to stay when they're traveling. Though many homeowners use these platforms for intermittent on-the-side rentals, some property owners have gone far beyond this modest ideal. In some parts of the country, property owners are using these web platforms to operate de facto hotels, and people are buying property with the sole purpose of using it as a short-term rental. Taken to these more extensive lengths, short-term rentals have a substantial effect on neighboring property owners, changing the character of a neighborhood, and limiting the stock of affordable housing.

Madison has enacted ordinances that seek to strike a balance between the competing rights of property owners. Under city ordinance, homeowners or renters can earn some extra money renting out space in the dwelling they occupy, but reasonable restrictions ensure that neighbors retain the right to control the type of neighborhood they are living in.

TRH DEFINITION

What is a Tourist Rooming House?



In Wisconsin law, rental for less than 30 nights of any partial or whole structure for sleeping accommodations is called a Tourist Rooming House (TRH). Airbnb, Fairbnb.coop, and VRBO are a few online businesses that offer to connect hosts and travellers.

A Zoning Tourist Rooming House (ZTRHP) Permit is required before advertising or renting this type of space online or elsewhere.

Q&A: (CONTINUED)

website for fee information about their license and other costs that may possibly be involved:

publichealthmdc.com/str

What does the zoning home visit involve?

This is a walk-through of the unit in order to verify application information, especially submitted floor plans and bedroom counts. This is also an opportunity to go over the regulations and what's expected of hosts and to answer any questions hosts may have.

What's the difference between the TRH operator and the person listed as host in website postings and advertisements for the TRH?

They are the same. An operator is the owner or lessee of the TRH dwelling and who runs the TRH by being the person identified in TRH postings and advertisements as the TRH host and who interacts with guests, both digitally and in person.

What does it mean to be "on site" during a rental?

Being on site means the operator remains at the TRH through the night and does not reside elsewhere when guests have reserved the TRH.

Can I rent out several rooms separately to different reservation parties?

Only if the operator stays on site through the night of each rental night while multiple reservation parties are present.*

Can I rent out my whole home and be gone during the rental time?

The TRH may only operate a maximum of 30 nights per year when the operator is not on site during the overnights of guest stays. If the operator is on site during guest stays there is no limit to the number of nights the TRH may operate.*

I own a two-flat apartment building and live in the first floor unit. Can I rent the upstairs apartment as a TRH?

No. The TRH must be the operator's primary residence. An operator can only have one primary residence.*

Can my sister, who lives in an apartment above my TRH, be a cohost?

No. The TRH must be the primary residence of all hosts and cohosts listed in any ad postings. All hosts and cohosts

PRIMARY RESIDENCE DEFINITION:

A dwelling unit that serves as an individual's true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.

must each submit a separate residence affidavit.*

My daughter is a college student who rents an apartment from a property owner with a year long lease.

Can I rent out her apartment as a TRH during the summer when she's not living in Madison?

No. TRHs can only be operated in the primary residence of a home owner, or a tenant if explicitly allowed in the lease.*

Can I rent out my Accessory Dwelling Unit (ADU) as a TRH?

The TRH must be the operator's primary residence. If the operator lives in the main house, they cannot rent out the ADU as a TRH. If the operator lives in the ADU, they can

rent out the ADU as a TRH but cannot rent out the main house as a TRH. An operator can only have one primary residence.

Is there a limit on how many guests I can host in my TRH?

Yes. The limit depends on how many legal bedrooms the unit contains. The maximum number of guests is twice the number of legal bedrooms, up to a maximum of twelve guests. Do not count children under the age of 12 towards the maximum number of guests.

What is the definition of a legal bedroom?

Any habitable space in a Dwelling Unit other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas, is within the dwelling unit thermal envelope, that is at least seventy (70) square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation according to the Uniform Dwelling Code, Wis. Admin. Code chs. SPS 320-325, or the Uniform Multifamily Dwelling Code, Wis. Admin. Code ch. SPS 366. A room identified as a den, library, study, office, dining room, or other extra room that satisfies this definition will be considered a bedroom.

Do I need my Home Owner's Association (HOA) permission to operate a TRH?

The City of Madison is not a party to and does not enforce any private homeowners' association regulations. Property owners should review private regulations that apply to the

Q&A: (CONTINUED)

property they or their tenants wish to use as a TRH since these regulations may restrict an owner from allowing the dwelling to be used as a TRH.

How do I keep the required registry? Do I ask guests to sign themselves into a registry book?

The registry is a paper or digital record available for on-site inspection, indicating the true name of the individual making the TRH reservation, their contact information, dates of stay, and whether the operator was present or absent during the stay. The registry shall include all information from the current and prior registry year.

What reports do I need to submit each quarter year?

Submit form [ZTRHP-QR](#) by email to zoningTRH@cityofmadison.com which includes all advertising locations and registry information for the previous quarter year. Operator maintains and submits these records in paper or digital format. Excel spreadsheet template [ZTRHP-QR](#) may be downloaded and used for easy digital maintenance and reporting.

How does my permit get renewed, and do I need to pay the application fee again each year?

Operators do not need to reapply each year and pay the \$100 application fee again when renewing their permit; however the \$100 annual permit fee must be paid each year. A renewal payment notice will be sent by mail or email for the annual permit fee of \$100. Adjustments to the TRH must be reported before renewing, such as changes to the floor plan, bedroom counts, etc. Renewal permit will be issued after changes are approved and payment is received. If renewal permit is not issued by the end of the licensing year on June 30, the permit is no longer valid and all advertisings and reservations must cease as of that date.

Can I rent out the RV in my driveway, or the tent in my backyard, or my garage as a TRH?

No, this is not allowable. Only habitable space within a home may be rented out as a TRH.

What if my TRH guest ends up staying longer than 30 consecutive nights?

TRH regulations only apply to stays of less than 30 nights.

How do I share concerns or complaints about a TRH with the city?

Go to <https://www.cityofmadison.com/reportaproblem/> or call 608-266-4551. In the case of a life threatening emergency, dial 911.

* Certain provisions allow this if TRH only operates with night stays between seven (7) and 29 consecutive nights. If host will never advertise or accept any reservation for less than seven consecutive nights, inquire at zoning about all regulations that must be followed for this option.

From: wickedhog atmsncom <wickedhog@msn.com>
Sent: Monday, July 10, 2023 9:19 AM
To: Trost, Jennifer <trostj@cityoflacrosse.org>; Sleznikow, Larry <sleznikowl@cityoflacrosse.org>
Subject: Short Term Rental Licensing

Some people who received this message don't often get email from wickedhog@msn.com. [Learn why this is important](#)

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Good morning,

My name is Carma Burfield and I am an Air BNB Superhost on the North side. I have welcomed guests into my home for 6 years, and I am interested in the upcoming proposal to have units licensed.

In an emerging culture of gig workers, I understand the need for some parameters to be set, whether Uber and Lyft drivers, WalMart shoppers, or Airbnb hosts. I am in favor of having the highest quality short term rentals in our beautiful city. We live in an amazing area of Wisconsin, and our tourist business flourishes because of the quality options that LaCrosse provides for travel.

What I am not in favor of is the City of LaCrosse assessing an arbitrary fee to me. The city is heavy on licensing, and I know it doesn't escape you that citizens feel that it is nothing more than a revenue builder. Pet license, chicken license, neighborhood block party license, beekeeper license, food truck license, beverage operators license, (and don't forget alternate side parking)....and a fee for each.

Please understand that there is ability to evaluate the short-term rental units in the city without adding a yearly fee to do so. I feel it has become much too routine to "just add a \$\$ fee to anything that comes before a vote". My guests are already paying state tax, county tax and local room tax. The city is already benefiting from me opening my home to out-of-town guests.

I appreciate your serving on this committee, and I trust you will give this your honest and thoughtful consideration. Yours were the only 2 emails I found on

the city site.....please feel free to share this opinion with the other
Neighborhood revitalization commission members.

Carma Burfield
826 Caledonia
608-385-1247

From: Leinfelder_Joe_J <JJLeinfelder@CenturyFoods.com>
Sent: Wednesday, June 7, 2023 9:29 AM
To: Elsen, Nikki <elsenn@cityoflacrosse.org>
Cc: slezikowl@cityoflacrosse.org
Subject: FW: Neighborhood Revitalization Commission Meeting-June 7, 2023

You don't often get email from jjleinfelder@centuryfoods.com. [Learn why this is important](#)

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Nikki,

I want to send over concerns on short term rentals. I have had two pop up on Zephyr Circle with no communication from the owners.

Zephyr Circle Neighborhood

Quiet well-kept area

Long time property owner, that did not sign up for rentals

Revolving people. New people every week

Concerns to address:

- Want to see the neighbors need to **approve** the Airbnb. (Just as building permit issues)
- Want to see no current location be grandfathered in.
- Would like to see that the owner must reside in the location, otherwise these are basically hotels.
- Yards must be maintain to match neighborhood upkeep
- Garbage pick up
- Parking is an issue and must be addressed
- Limit days rented to no more than 24 days per year.
- No parties
- Taxes
 - High taxes for property owners
 - Lost Taxes with less hotel rooms

I will be attending the meeting tonight to address the neighborhood concerns. I believe the meeting takes place a City Hall?

Thank you,



Joe Leinfelder

Sr. Account Executive

☎ 608-269-1900 ext. 2413

☎ 608-769-0307

✉ jjleinfelder@centuryfoods.com

📍 400 Century Court | PO Box 257
Sparta, WI 54656

Craig, Sondra

From: Elsen, Nikki
Sent: Thursday, September 8, 2022 8:24 AM
To: Craig, Sondra
Subject: FW: Opposed to Agenda Items 22-1152 and 22-1153

-----Original Message-----

From: benschaf39@gmail.com <benschaf39@gmail.com>
Sent: Wednesday, September 7, 2022 4:06 PM
To: Elsen, Nikki <Elsenn@cityoflacrosse.org>
Subject: Opposed to Agenda Items 22-1152 and 22-1153

*** CAUTION: This email originated from an external sender. DO NOT click links or open attachments unless you recognize the sender and know the content is safe. ***

Dear council members, I am emailing you to urge you to oppose the agenda items 22-1152 and 22-1153. By regulating the rental industry even more, it pushes the middle class landlords out. We take care of our homes. Most landlords would not ask a tenant to live in anything that we wouldn't live in ourselves. That should be the goal of all landlords. Short term rentals are vital to the driftless area and keep up with the demand of out of town visitors. The recent boom in hotels cannot keep up with all the tourism coming to the lacrosse area. These regulations are not necessary for the industry at this time. Please vote no to these agenda items.

Thanks Ben

Craig, Sondra

From: Elsen, Nikki
Sent: Thursday, September 8, 2022 8:24 AM
To: Craig, Sondra
Subject: FW: Rental regulations

From: Josh Neumann <josh@onetrustrealestate.com>
Sent: Wednesday, September 7, 2022 4:44 PM
To: Elsen, Nikki <Elsenn@cityoflacrosse.org>
Subject: Rental regulations

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To whom it may concern:

I am unable to attend tonight's meeting discussing the potential of new regulations on long term and short term rentals in the city.

I own 8 properties in the city of La Crosse. I take great care of my properties and great care to create excellent housing for our tenants. The city already taxes my buildings to the threshold of being able to continue to properly maintain them, far beyond any of the surrounding cities. If you elect to enforce further regulations that affect the manner in which we can perform our businesses I know in speaking with other landlords that we will pursue all legal methods to fight government over each. Many landlords are already at that point in discussions in regards to your unjust and arbitrary enforcement of the nuisance notices.

Feel free to contact me with any concerns or questions.

Josh Neumann
608-385-5548
Onetrust Real Estate - brokered by eXp Realty
Broker Associate

*Please excuse any typos, sent from mobile.

Craig, Sondra

From: Elsen, Nikki
Sent: Thursday, September 8, 2022 8:23 AM
To: Craig, Sondra
Subject: FW: short term rental hearing

From: Catherine Colley <catherineccleveland@gmail.com>
Sent: Wednesday, September 7, 2022 4:23 PM
To: Elsen, Nikki <Elsenn@cityoflacrosse.org>
Subject: short term rental hearing

*** **CAUTION:** This email originated from an external sender. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe. ***

Good afternoon,

In case I cannot listen in/attend the meeting I wanted to let my opinion about regulations on air bnb's heard. I certainly hope there is no adverse action taken on them. I own 5. One in Trempealeau, wi. While I do not know what the city's intentions are with the "regulation" I can only imagine it is for more money. We have an air bnb up there as a way to afford to be close to my step daughter who was allowed to be relocated from us in our home of rock island IL because my husband is military. This was the only way we could afford to keep our family together. We needed a place to call our own, and create a "home" up there so we could be in her life 50/50. We are middle class folks who cannot afford to just buy a second home. This gave us a way to have a place for us, and to pay the bills but also create some cushion in our expenses by renting it out short term when we are not there. We screen our guests. We are superhosts. We employ a local housekeeper who watches over it for us. We pay insane taxes and utility rates already up there and we don't even live there. We have FANTASTIC guests who are visiting the local areas, attending graduations, family, hiking fishing, and we are able to offer them a home in our home then redistribute that money back into the local economy via our mortgage, utilities, housekeeper, and it allows us to keep our family somewhat together. It barely pays for itself. It is not lucrative for us by any means and we often think of shutting it down but then we cannot afford to go up there and would likely sell out to an out of state investor because they are who will pay premium. If you push out air bnbs, you will be losing those properties to California and new York investors. If you want to keep the money local, help small landlords and stop the overtaking of our rental market by large hedge fund companies, you need to keep them with the middle class.

Thanks for your time,
Catherine
Sent from [Mail](#) for Windows

Craig, Sondra

From: Elsen, Nikki
Sent: Thursday, September 8, 2022 8:20 AM
To: Craig, Sondra
Subject: FW: Agenda Item 221153 Airbnb Regulations
Attachments: Middle-Class-Economic-Report.pdf

From: Marty Walleser <mwalleser44@yahoo.com>
Sent: Wednesday, September 7, 2022 1:38 PM
To: Elsen, Nikki <Elsenn@cityoflacrosse.org>
Subject: Agenda Item 221153 Airbnb Regulations

*** **CAUTION:** This email originated from an external sender. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe. ***

Good morning,

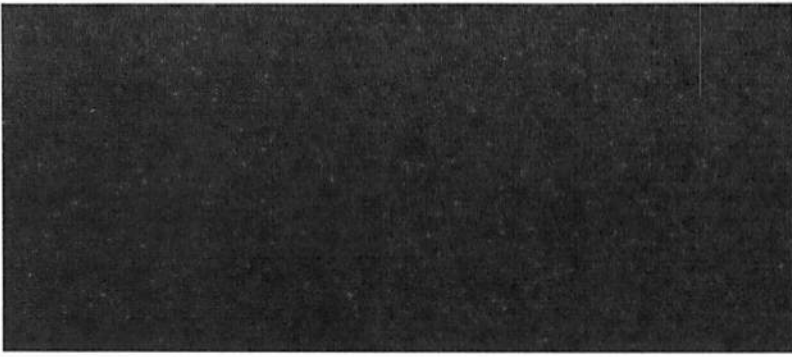
I am writing in opposition of the agenda item 221153 - Neighborhood Revitalization Commission. I own 5 airbnb's in the city of La Crosse. Airbnbs are my passion and primary income. As a property owner in La Crosse we are already subject to significantly higher taxes. La Crosse County is in the top 3% statewide for highest tax rate. According to the Tax-Rate.org, La Crosse County has **one of the highest median property taxes in the United States**, and is ranked 172nd of the 3143 counties in order of median property taxes. Wisconsin itself ranks top 5 for highest taxes in the nation. Adding regulation and fees is just a money grab and direct jab to my minimalistic middle class lifestyle. We work hard to provide an over the top experience to family's, business travelers, entertainers, and even just locals needing a break from reality that has now become know as a staycation. Currently there is a 133 Active airbnb's (according to AirDNA) in La Crosse county, and 21,239 households (according to US CENSUS). Airbnb represent way less than 1% of housing and this small number of airbnbs is not causing any issues with affordable housing in La Crosse. Taxing and regulating rentals will just be passed onto our guests for which with dollars already tight in many families due to record high inflation, this could price La Crosse out of a desirable and affordable destination. Pricing La Crosse out of the short term rental market, will lead to a domino affect of less visitors, less local dollars spent, less room tax and most importantly less people using the preferred option of lodging all because some feel it's best to infringe and collect more money on our middle class properties on top of the La Crosse accommodation tax, La Crosse General Sales & Use Tax and Wisconsin's General sales & Use Tax. These taxes total 23.79 percent on top of host fees, income tax, personal & physical property taxes. Finally I encourage you to browse my link provided below to browse and read the 100's of reviews on each listing of our guests experiences. You will see how our Airbnb's are representing the city and how grateful people are for them! Please don't take away my passion of showcasing & hosting visitors of La Crosse. Please VOTE NO on any regulations or fees/taxes on short term rentals. Thank you.

Marty Walleser - 402 19th Street South - La Crosse

Attached: Airbnb: A New Resource for Middle Class Families

LINK:

[La Crosse's Best Airbnb Stays | Linktree](#). - GOOGLE "La Crosse Best Airbnb's Stays Link Tree"



La Crosse's Best Airbnb Stays | Linktree

A group of friends sharing all of La Crosse's greatest stays!



Airbnb: A New Resource for Middle Class Families





**Good
Neighbors**
On average,
Airbnb hosts
have lived in
their hometowns
for almost 20
years.

For millions of immigrants, the long journey toward the American Dream went past Ellis Island and the Statue of Liberty. These families came to the United States searching for a better life in a land full of opportunity, where happiness and financial stability could be achieved through hard work.

Today, the Statue of Liberty is a symbol of this hope and the freedom to pursue the American Dream, but for many families, that dream feels increasingly out of reach. Economic turmoil and stagnating incomes have meant that hard work alone no longer guarantees Americans will be able to provide comfortable lives for their families.

Amidst this uncertainty, we are proud that Airbnb has become an economic lifeline for the middle class. Home sharing and Airbnb allow local residents to use what is typically one of their greatest expenses — their home — to make additional income that helps them pay the bills.

Policymakers are taking notice and acting to support home sharing and the middle class. Today, Jersey City — less than half a mile from the Statue of Liberty — proposed new legislation that would make the City the first location in the tri-state area to pass common sense home sharing laws. Jersey City has a robust history as a hub for middle class families and we appreciate city leaders' work to pass progressive rules that support working men and women.



Making Ends Meet
Money earned from home sharing helps nearly 60% of Airbnb hosts stay in their homes.

But Jersey City isn't the only city embracing home sharing and Airbnb. London, Paris, Amsterdam, San Jose, Nashville and Philadelphia are just some of the jurisdictions that have enacted commonsense rules for home sharing. Additionally, Airbnb has worked with civic leaders around the world to collect and remit tourist and other hotel taxes in Chicago, Oakland, Santa Clara, Palo Alto, Malibu, Phoenix, Washington, D.C. and the states of Washington, Rhode Island, Oregon, and North Carolina.

This report outlines data regarding Airbnb and middle class families in the United States. Airbnb is committed to helping middle class families, and we will continue to work collaboratively with leaders in cities around the world on fair rules that let people share their homes and make it a little easier for working families to get by.

Middle Class Families Support Home Sharing

An Airbnb survey of hosts in cities across the country, found the average host has lived in their hometown for 19 years and roughly 50 percent of these hosts earn less than the median income in the United States. Three quarters of surveyed hosts say their rent or mortgage is their largest monthly expense and 58 percent indicated that income earned on Airbnb has helped them stay in their homes.

Separate polling, commissioned by Airbnb and performed by Survey USA in July 2015, found that home sharing holds widespread appeal among all Americans, but particularly among middle class families, people looking to supplement their current income stream, and communities of color.

When people learn that the typical home sharer can earn enough money to pay for an entire year's worth of groceries, 51 percent of middle class Americans are interested in sharing their space with visitors. Among those seeking additional income, 59 percent are intrigued by the idea.

Home sharing also has the potential to help a diverse group of Americans. Our national survey found the majority of Hispanic respondents (51 percent), Asian respondents (54 percent), and African American respondents (56 percent), all expressed interest in being able to share their home with visitors.

The modest, but significant amount of money families can earn sharing their space can make a real difference for families. Among survey respondents, 55% said that extra income would make a noticeable and positive difference in their lifestyle.

An Economic Lifeline for the Middle Class

Support for home sharing is robust and growing in part because it offers an economic lifeline for middle class families. The vast majority of Airbnb hosts are working families who rent only their primary residences—the homes in which they live—and data shows that these families can benefit substantially from sharing their space.

According to a recent report compiled for Airbnb by former White House National Economic Advisor and Director of the National Economic Council, Gene Sperling, in the United States alone, Airbnb hosts have earned more than \$3.2 billion over the past seven years and a typical host rents out their home for 66 days per year, earning an extra \$7,530 annually with just a single property. For the average American family making \$50,000 per year, that extra income would be the equivalent of a 14% salary raise.

A 14% Raise

The typical Airbnb host makes \$7,530 each year sharing the home in which they live. That's enough to offset:



78% of mortgage
payments



10 months of
transportation costs



One year's worth of
groceries

For the typical homeowner, \$7,530 could cover 78% of a family's monthly mortgage payments or 10 months worth of transportation costs including gas, car payments, vehicle expenses, and insurance. Additionally, the money earned through Airbnb is a source of income that can help families weather a period of unemployment or an unexpected medical

issue. For some, it simply makes it affordable for them to cover their rent or mortgage and stay in their homes.

The impact of losing this income cannot be overstated. In San Francisco, voters are considering an anti-home sharing ballot measure this fall that would cost the average hosts thousands of dollars annually. According to Economic and Planning Systems, nearly 1200 low-income San Francisco Airbnb hosts would be vulnerable to displacement from their current homes if the measure passes.

Sharing their primary home on Airbnb helps families ease financial strain and improves their quality of life by allowing them to turn what is typically one of their greatest expenses into a tool that helps them to make ends meet. We look forward to continuing to work with policymakers in Jersey City and around the world as they develop thoughtful home sharing laws that support home sharing and the middle class.



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Text File

File Number: 23-0382

Agenda Date: 4/5/2023

Version: 1

Status: Agenda Ready

In Control: Economic and Community Development Commission

File Type: Status Update

Agenda Number: 2.

ORDINANCE NO.: _____

AN ORDINANCE to create Section 115-404 of the Code of Ordinances of the City of La Crosse to allow accessory dwelling units.

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

SECTION I: Subsections 115-143(a)(11) is hereby created:

(11) Accessory dwelling units meeting the requirements in Sec. 115-404.

SECTION II: Subsections 115-144(a)(11) is hereby created:

(11) Accessory dwelling units meeting the requirements in Sec. 115-404.

SECTION III: Subsections 115-145(a)(11) is hereby created:

(11) Accessory dwelling units meeting the requirements in Sec. 115-404.

SECTION IV: Subsections 115-390(1)d.3. is hereby amended as follows:

3. In no case shall sanitary plumbing be permitted in an accessory structure, except for accessory dwelling units that conform to all applicable standards in the plumbing code.

SECTION V: Subsections 115-404 is hereby created:

Sec. 115-404. – Accessory Dwelling Units.

- (1) Purpose and intent.
 - a. Accessory Dwelling Units (ADUs) shall be a permitted use in the R-2, R-3, and R-4 zoning districts.
 - b. The purpose of allowing Accessory Dwelling Units (ADUs) is to:
 - 1. Provide homeowners with a means of obtaining, through tenants in either the ADU or the principal unit, companionship, security, and services.
 - 2. Make housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.

3. Develop housing units in single-family neighborhood by ensuring that ADUs are installed under the conditions of this section.
4. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this section.

(2) Standards and criteria.

a. ADUs shall meet the following standards and criteria:

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
2. An ADU may be developed in either an existing or a new residence or accessory building. Only one ADU may be created per parcel.
3. The ADU may be interior to, attached to, or detached from, the principal unit.
 - a. Interior ADUs include basement or attic units.
 - b. Any addition to an existing building for an attached ADU shall not exceed the allowable lot coverage or encroach into the existing setbacks.
 - c. Detached ADUs shall meet the following requirements:
 - i. Minimum setback requirements for accessory buildings.
 - ii. Property owner shall not have a detached garage and a separate detached ADU; ADU may be attached to or above garage. ADUs above a garage do not contribute to the maximum area for accessory buildings.
 - iii. ADUs shall not exceed 20 feet in height, not including the height of roof gables.
 - iv. Detached ADUs must be accessible by alley or driveway.
4. In no case shall an ADU be more than the primary building's total floor area, nor more than 800 square feet, nor have more than one bedroom.

5. The ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence. No rescue platform or exterior staircase shall be permitted.
6. The primary entrance to the ADU shall be located in such a manner as to be unobtrusive from the same view of the building which encompasses the entrance to the principal unit.
7. In order to encourage the development of housing units for people with disabilities, reasonable deviation from the stated requirements may be allowed to install features that facilitate accessibility. Such facilities shall be in conformance with the Uniform Dwelling Code (UDC).
8. The property owners, which shall include title holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence, but not both, for at least seven months out of the year, and at no time receive rent for the owner-occupied unit. The ADU may not be split from the parcel of the principal unit.
9. Prior to the issuance of a permit for the construction of the accessory dwelling unit, the owner(s) shall file a deed restriction with the Office of the La Crosse County Register of Deeds stating that the independent sale of the accessory dwelling unit is not allowed.

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

Mitch Reynolds, Mayor

Nikki Elsen, City Clerk

Passed:

Approved:

Published:

DRAFT



Planning, Development, and Assessment

400 LA CROSSE STREET | LA CROSSE, WI 54601 | P: (608) 789-7512

Memorandum

To: Neighborhood Revitalization Commissioners and Economic & Community Development Commissioners
From: Lewis Kuhlman, AICP
Date: April 5, 2023
Re: **Survey of communities that allow accessory dwelling units**

After receiving suggested questions about Accessory Dwelling Units (ADUs) from the Neighborhood Revitalization Commission and Community Development Committee in December, staff sent information requests to ten communities that allow ADUs. Eight responded—Madison, Appleton, Eau Claire, Stevens Point, Ripon, Oshkosh, New Berlin, and Harrison.

There are not many ADUs in the responding communities. Some have only recently allowed them and have less than five if any. Madison has approved about twenty-two and about twelve have been built. Stevens Point and Ripon had a few legally nonconforming carriage houses before permitting ADUs.

The cost to build an ADU depends on its size and if it is a new construction or renovation. Stevens Point staff said ADUs could cost roughly \$250-350 per square foot to construct. An article on Madison's ADUs from 2020 said they can cost between \$100,000 to \$250,000. Another estimate was about \$140,000.

Specified maximum areas for ADUs ranged from 400 sq. ft. in Oshkosh to 900 sq. ft. in Madison and Stevens Point. Ripon and Eau Claire have maxes of 800 sq. ft. Two others had maximums based on the primary structure's gross floor area—Less than 100% in Appleton and less than 30% in Harrison. Stevens Point allowed a higher maximum (1,200 sq. ft.) if the ADU was part of the principal building.

Prefabricated homes (except mobile homes) are allowed in all communities. For those that only allow attached ADUs, the construction would likely have to match the house.

Madison, Appleton, Oshkosh, and New Berlin do not have a minimum parking requirement for ADUs. Stevens Point, Ripon, and Harrison require at least one space. Eau Claire technically requires at least two since their ADU code is based on the Traditional Neighborhood Development model code.

Most municipalities don't specify whether utilities should be separate. However, Stevens Point requires that water service be separate, while Harrison requires that water service be connected to the principal dwelling. Requiring detached ADUs to have separate utility connections from the principal structure can increase the cost compared to internal ADUs.

PLANNING AND DEVELOPMENT

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Regarding concerns about splitting lots, Madison's minimum lot sizes and street frontages wouldn't allow the creation of a new lot around the ADU. Appleton and Stevens Point also requires that ADUs be in the same ownership as the primary dwelling. In Ripon, an accessory use alone would be noncompliant.

Madison, Appleton, Oshkosh, New Berlin, and Harrison allow ADUs by right in specified zoning districts. Of those, New Berlin requires an administrative permit and deed restriction. Stevens Point and Ripon require conditional use permits, and Eau Claire relies on the Traditional Neighborhood Development zoning process. Neighbors are not notified where ADUs are allowed by right. They would be notified through a CUP or rezoning petition.

In Madison, ADUs fill a need for more and diverse housing types. It also supports their vision to promote inter-generational living. Stevens Point also wanted to address their housing shortage. Appleton was looking for an alternative for providing affordable housing solutions without the need for large scale redevelopment of existing neighborhoods. Ripon and Oshkosh wanted to encourage the reuse of carriage houses and add housing. Oshkosh's vision is to add to the workforce housing stock, use existing infrastructure, and increase opportunities to accommodate extended family members. Harrison wanted an option for nearby caretaker facilities.

ADUs only indirectly address housing affordability. They add to the overall supply, but rents are still likely high due to high expenses to build. They also shouldn't be used for short-term rental. Some communities have general housing incentives that could apply, but only Madison has specific incentives for ADUs—loans up to \$130,000 at 2% interest for 15-year term.

Based on the research, an ordinance for the City of La Crosse could allow ADUs as a permitted use in conjunction with single-family homes in zoning districts where duplexes are allowed - R2-R4. The City could establish a maximum size of 800 sq. ft. (or no more than the principal unit) and allow prefabricated housing. Regulations for parking minimums and water connection may not be necessary. An ordinance may want to explicitly prohibit the ADU from splitting off. If directed, planning staff can request funding for an ADU incentive program.

Begin forwarded message:

From: Eric Halvorson <eric@appraisalpoint.com>
Date: June 7, 2023 at 10:38:13 AM CDT
To: "Mindel, Mackenzie" <mindelm@cityoflacrosse.org>
Subject: AUD

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Good afternoon,

I apologize that I am unable to attend the meeting this afternoon but would like to remain informed on anything that comes out of it! I would also enjoy attending any meetings in the future. I bought the property at 1115/1117 Division Street and was hoping to turn the (ADU) rear carriage house into a livable structure. I have been working with Lewis Kuhlman from the Planning and Zoning department along with Eddy from the building code. We are still working to navigate through ordinance code, I am hoping we can come to a conclusion that wins for everybody. Lacrosse is in need of additional housing stock and I can't think of a better way to do this than to utilize current carriage houses around town.

Talk soon,
Thank you
Eric

Eric Halvorson
OnPoint Appraisal Service
PO Box 121
Holmen, WI 54636
Office: 1-608-790-6226
<https://www.appraisalpoint.com>

