

**ORDINANCE OF THE COMMON COUNCIL**

An ordinance amending Chapter 98, Zoning, Article 2, Land Use Regulations, Section 98-206, Accessory land uses., subsections (y)Short-term rental., and all the sub-subsections thereunder and adding a new sub-sub-subsection 2. Resident reporting., of the Municipal Code of the City of Lake Geneva, changing definitions, regulations and penalties for short-term rentals in the City of Lake Geneva, Wisconsin.

Committee: Plan Commission

Fiscal Impact: N/A

File Number: 24-13 Date: November 25, 2024

1. The Common Council of the City of Lake Geneva, Wisconsin, does hereby ordain that subsections (y)Short-term rental., and all the sub-subsections thereunder and new sub-sub-subsection 2. Resident reporting., is added to Section 98-206, Accessory land uses of Article 2 Land Use Regulations of Chapter 98, Zoning of the Municipal Code of the City of Lake Geneva, Wisconsin is hereby amended to read as follows:

Chapter 98 Zoning

ARTICLE 2 Land Use Regulations

Sec. 98-206 Detailed land use descriptions and regulations.

SHORT-TERM RENTAL ORDINANCE

Sec. 98-206(8)(y). Short-term rental.

Description: Includes all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients for more than six but fewer than 29 consecutive days. (hereinafter "STR"). It does not include private boardinghouses or rooming houses not accommodating tourists or transients, or bed-and-breakfast establishments regulated under ACTP 73. [ Ord. No. 19-16]

~~1. Ord. No. 19-16~~

~~1.~~ Permitted by right: all zoning districts where "residential dwellings" are permitted, as that term is defined in §.66.1014, Wis. Stats. [ Ord. No. 19-16]

~~a. Ord. No. 19-16~~

~~a.~~ Land use requirement. A short term rentalAn STR shall only be located as an accessory land use within zoning districts that allow residential dwellings, as that term is defined in §.66.1014, Wis. Stats.

~~b.~~

b. Annual city license required. Short term rentalsSTRs shall operate only during the valid period of an annual City of Lake Geneva short term rentalSTR license (hereinafter "annual licenseAnnual License") for each consecutive 365-day period-calendar year. If the short term rentalSTR is transferred or there is any change of ownership of the short term rentalSTR during the valid period of an annual licenseAnnual License, the license may only be assumed by the transferee new owner must apply for a license as defined in this ordinance before operating the STR. Licenses may not be transferred. When the remaining period of the license-license is issued, it will include a registration number (hereinafter "STR License Number") that must be displayed as defined in this ordinance.

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Operating ~~a short-term rental~~ an STR without a current version of a valid ~~annual license~~ Annual License shall be considered a violation of this chapter, and the property owner shall be subject to the penalties of Section 98-936. The following information shall be provided on an annual basis, ~~prior to before~~ issuance of said ~~annual license~~ Annual License:

~~i-~~

i. Completed City of Lake Geneva short-term rental application, which includes the property owner's name, address, and phone number; the ~~designated operator's name~~ Designated Operator's name (as defined in 1(c)(vii)), address, and phone number; and the period of operation of up to 180 days in a 365-day period, which must be consecutive;

~~ii-~~

ii. A current floor plan for the ~~short-term rental, at a minimum scale of one inch equals four feet~~ STR to include room dimensions (length, width, and ceiling height), bedding in each sleeping room including the mattress size of each bed, and a site plan of the property at a minimum scale of one inch equals 10 feet to include property dimensions, showing on-site parking spaces, all bedrooms with ceiling heights, and trash storage areas;

~~iii-~~

iii. Requested maximum occupancy that complies with Wis. Adm. Code § ATCP 72.14 for hotels, motels, and tourist rooming houses, as outlined in 1. c(vi) of this ordinance.

iv. General Building Code inspection by the City, and submittal of official Building Code inspection report with no outstanding compliance orders remaining;

~~iv-~~

v. Proof of valid property and liability insurance for the dwelling unit;<sup>(5)</sup> [5]

~~v-~~ [5] Editor's Note: Former Subsection b. iv, requiring a Fire Code inspection and report, was repealed on 3-28-2022 by Ord. No. 22-02. This ordinance also redesignated former Subsection (8)(y)1bv through x as Subsection (8)(y)1biv through viii, respectively.

vi. State of Wisconsin tourist rental house license;

~~vi-~~

vii. City of Lake Geneva room tax permit;

~~vii-~~

viii. City of Lake Geneva general business license;<sup>(6)</sup> [6]

~~viii-~~

[6] Editor's Note: Former Subsection (8)(y)1bvii, requiring a seller's permit, was repealed on 3-28-2022 by Ord. No. 22-02. This ordinance also redesignated former Subsection (8)(y)1bv through x as Subsection (8)(y)1biv through viii, respectively.

ix. Payment of an administrative fee, set by City Council resolution, to cover the costs to the City of administering the above. The City of Lake Geneva ~~short-term rental license~~ Annual License shall be issued with the completion of the above requirements and compliance with the City's Room Tax Ordinance.<sup>(7)</sup> [7]

~~x-~~

x. Each year, the Annual License must be renewed by January 31. Failure to renew and pay license fees by January 31 will result in a late fee of \$250.00.

[7] Editor's Note: See Ch. 70, Taxation, Art. III.

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c. Property management requirements. Each ~~short-term rental~~STR shall be managed consistent with the following requirements:

~~i.~~  
i. The total number of days of operation within any 365-day period of an ~~annual license~~Annual License shall not exceed 180 consecutive days ~~(hereinafter "Rental Season")~~. This period of ~~short-term rental~~STR operation shall be specified by the property owner in the required Lake Geneva ~~short-term rental~~Annual License application.

~~ii.~~  
ii. The stay of a guest in an STR (hereinafter "Rental") is calculated on the number of nights stayed between the arrival date and departure date.

~~iii.~~  
iii. The minimum rental ~~booking~~ period shall be a minimum of seven consecutive days by any one party.

~~iii.~~  
iii. The maximum rental period within a 365-day period of an annual license "Rental Booking Period" shall be no more than 180 consecutive days identified as the date between one rental arrival and the next rental arrival. A Rental must be for at least two nights and may not arrive within 7 days of the prior guest arriving at the STR. For example, if a rental arrives on June 1, the earliest the next Rental could arrive is on June 8.

~~iv.~~  
iv. During the days of the Annual License that is outside of the Rental Season ("Rental Off-Season") the Rental Booking Period shall be a minimum of 29 days. For example, if the property is rented November 1-7, it cannot be rented again until November 30.

v. Similar facilities in which single-family detached homes are available for less than seven days, more than 180 days/nights, or throughout the year, are a different land use that falls within the indoor commercial lodging land use category.

~~v.~~  
v. The maximum number of occupants shall not exceed the total number licensed by the State of Wisconsin or two per bedroom plus two additional occupants, whichever is less.

~~vi.~~  
vi. The short-term rental maximum number of occupants shall not exceed the limits set forth in Wis. Adm. Code § ATCP 72.14 for hotels, motels, and tourist rooming houses. Every sleeping room shall be of sufficient size to afford at least 400 cubic feet (12 cubic meters) of air space for each occupant over 12 years of age and 200 cubic feet (six cubic meters) for each occupant 12 years and under. Every sleeping room shall have a minimum ceiling height of seven feet (2.13 meters). No greater number of sleeping occupants than the number established by the application of these standards is permitted in any sleeping room. The maximum number of occupants will be determined and listed on the Annual License issued by the City of Lake Geneva.

*WI Statute ATCP 72.14 (2)(b) Size of sleeping rooms. Every sleeping room shall be of sufficient size to afford at least 400 cubic feet (12 cu m) of air space for each occupant over 12 years of age and 200 cubic feet (6 cu m) for each occupant 12 years and under. Every sleeping room shall have a minimum ceiling height of 7 feet (2.13 m). No greater number of sleeping occupants than the number established by the application of these standards is permitted in any sleeping room.*

vii. The STR shall be operated by the property owner or by a property manager explicitly designated in the valid Lake Geneva ~~short-term rental application as the "designated operator."~~Annual License application as the "Designated Operator." If the STR owner does not act as the Designated Operator, the STR owner must enter into a valid management contract beyond marketing and accounting services, with a company to act as the Designated Operator. The Designated Operator must have all of the powers of the STR owner in the STR

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~~permitted.~~

~~d.~~

~~b.~~ No parking is permitted on gravel, lawn, or planter bed areas.

~~iii.~~iii. Site appearance requirements:

~~a.~~

~~a.~~ Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as ~~a short term rental~~ an STR visible on the exterior of the subject property.

~~b.~~

~~b.~~ No exterior ~~signage~~ signage related to the ~~short term rental~~ STR is permitted, other than the property address.

~~c.~~

~~c.~~ No outdoor storage related to the ~~short term rental~~ STR land use is permitted, except for typical residential recreational equipment, ~~seating,~~ and outdoor cooking facilities which are ~~not permitted only within~~ the ~~rear~~ front yard. ~~The STR and property must abide by the Zoning Ordinance defined in Municipal Code section 98.~~

~~d.~~

~~d.~~ No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted to accommodate guests.

~~iv.~~

~~iv.~~ Neighborhood impact requirements:

~~a.~~ No outdoor activity shall occur between the hours of 10:00 p.m. and 7:00 a.m.

~~b.~~ At all times, no noise, lighting, odor or other impacts from the subject property shall be detectable at the property line at levels exceeding the requirements of Article 7 of this chapter.

~~c.~~ No vehicular traffic shall be generated by the short term rental at levels exceeding those typical for a detached single family dwelling unit.

~~v.~~ Short term rental advertising:

~~a.~~

~~a.~~ STRs, including guests, must abide by City ordinances, including those defined in Municipal Code section 46-4(b) regarding loud and/or unnecessary noise.

~~Municipal Code section 46-4(b) Loud and/or unnecessary noise prohibited. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud and/or unnecessary noise.~~

~~v.~~ STR advertising:

~~a.~~ No outdoor advertising is allowed on the subject property.

~~b.~~

~~b.~~ The ~~short term rental~~ STR shall not be advertised for availability in any form of media ~~unless until~~ the required ~~State of Wisconsin Tourist Rooming House and the City of Lake Geneva short term rental license~~ has ~~Annual License have~~ been issued.

~~c.~~

~~c.~~ The STR shall not advertise a maximum adult capacity that exceeds the license provided by the City of Lake Geneva.

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d. All listings, websites, posts, and advertisements ("Rental Marketing") must display the Lake Geneva STR Number, except for when the advertisement includes a web link/URL and the Lake Geneva STR Number is displayed on the page presented to the user when viewing the web link/URL. For clarity, if Rental Marketing does not contain a web link/URL with the STR Number displayed on it and contains other means for a consumer to make contact about an STR or to book a Rental, the Lake Geneva STR Number must be displayed. Examples of these other contact methods include but are not limited to mailing address, physical address, phone number, email, messaging of any kind, and any form in which a consumer's contact information is captured.

e. All Rental Marketing must include the maximum on-site parking spaces available at the Property per this ordinance before confirming a booking of a Rental.

e. Access and inspections.

i.

i. The City shall be authorized at all reasonable times upon reasonable notice to the owner, and with either the owner's consent or a special inspection warrant under §- 66.0119, Wis. Stats., except in cases of emergency where no special inspection warrant is required, and as provided in §- 66.0119(2), Wis. Stats., to enter and examine any building, structure, or premises, for the purpose of ensuring compliance with this chapter. If the owner declines to consent to an inspection without a warrant, the City may not conduct an inspection under this section without first obtaining a special inspection warrant under §-66.0119, Wis. Stats., except in cases of emergency where no special inspection warrant is required, and as provided in §- 66.0119(2), Wis. Stats. The owner, agent, or occupant of any such premises who refuses to permit, or prevents or interferes with any entry into or upon the premises by any such inspector with a special inspection warrant or in cases of emergency where no inspection warrant is required and as provided in §- 66.0119(2), Wis. Stats., shall be in violation of this section. It is not a violation of this section to refuse to grant voluntary consent to an inspection.

ii.

ii. The City has adopted the Knox-Box® key box system providing for the installation of miniature vaults that are placed upon the exterior buildings, gateposts, or other applicable locations. Contained within the vault are the keys that will allow access to the short term rental STR in emergency situations.

iii.

iii. Designated operators and owners are encouraged, but not required to install the Knox-Box®. Systems on their short term rentals STRs. If a Knox-Box® is installed on the property, the City asks STR owners to state the location of the Knox-Box® in the Lake Geneva Annual License. Designated operators Operators and owners of short term rentals STRs acknowledge that the City shall not be obligated for damages occurring to short term rentals STRs in the event emergency access to a short term rental an STR is required and there is no Knox-Box®. System installed on the property.

f.

f. Penalties and license revocation.

i.

i. Operating an STR without a Tourist Room House License from the State of Wisconsin and an Annual License from the City of Lake Geneva is prohibited. STRs found to be operating without the proper permits will be cited \$1,000 per day and required to pay room taxes and penalties for prior Rentals if not yet paid per Municipal Code 70. Violations of the requirements for short term rental STRs, the provisions of the short term rental license Annual License, and all other provisions of this subsection (8)(y) are subject to separate daily fines citations per Section 98-936- and this ordinance. Citations for violations of this chapter will be issued to, and will be the responsibility of, the property owner.

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~~ii. The annual short-term rental license may be revoked for more than two violations of the requirements specific to the short-term rental, the license, or the remainder of this chapter. Short-term rental operators found noncompliant with the terms of this subsection (8)(y) shall be considered in violation and shall be subject to all applicable penalties up to and including revocation of their short-term rental license.~~

ii. Major violations of this ordinance are subject to citations and license revocation. The following are considered major violations:

a. Rental Marketing that does not advertise or falsely advertises information as required in this ordinance, including but not limited to maximum capacity and available on-site/off-street parking as provided with the Annual License as defined in 1(d) of this ordinance.

b. No Designated Operator within 25 miles. The Designated Operator must have all of the powers of the STR owner in the STR owner's absence.

c. Failure to display the STR License Number as defined in 1(d) of this ordinance.

d. Failure to pay Room Tax and to submit timely reporting. Room Tax that is more than 30 days late may constitute a violation.

e. Failure to report rentals from all forms of all advertising media monthly in conjunction with room tax payment (see item d. above).

f. Renting outside the requirements defined in 1(c) of this ordinance, including but not limited to having more than one Rental arrive in a Rental Booking Period.

iii. Penalties for major violations of this ordinance are based on the number of violations in a rolling 12-month period as follows:

a. 1st: \$250 citations and court costs (citations are per day of violation). For example, the owner rents a 3-night weekend beyond the permitted time, which equals three tickets for that Rental.

b. 2nd: \$500 citations and court costs (citations are per day of violation) and suspension of Annual License for 3 months.

c. 3rd: \$1,000 citations and court costs (citations are per day of violation) and suspension of Annual License for 1 year.

d. 4th: Permanent revocation of Annual License and future ability to get an Annual License for the STR property.

iv. Minor violations, are those caused by renters or guests of a Rental.

a. Examples include excessive noise, disruptive behavior, and related incidents that require law enforcement intervention.

b. Failure to remove refuse containers from the street in accordance with Municipal Code section 58-45.

v. Minor violations penalty. If renters or guests of a Rental receive three (3) citations from the Police Department for violations that occur at the same STR in separate Rentals within a rolling 12 months, this shall constitute a major violation of this ordinance. Each violation beyond the initial three (3) minor violations within a rolling 12 months shall be cited as a major violation.

2. Resident Reporting. Residents who witness and experience major or minor STR violations are encouraged to report violations to; the City of Lake Geneva Citizen Action Request / Complaint Form, the Police Department non-emergency line (262-248-4455), the property owner, or the property operator. In addition, it may be helpful to document the violations. The reporting method is dependent on the severity of the violation. No adverse action will be taken against a resident for reporting STR violations.

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2. That this ordinance shall take effect upon passage and publication, as provided by law.

Approved by the City of Lake Geneva Common Council on this 25<sup>th</sup> day of November, 2024.

Council Action:  Adopted  Failed Vote \_\_\_\_\_

Mayoral Action:  Accept  Veto

\_\_\_\_\_  
Todd Krause, Mayor Date

Attest:

\_\_\_\_\_  
Lacey L Reynolds, City Clerk Date