

Ordinance 2024-02

An Ordinance modifying Chapter 5, creating 5.15 Licensing of Short-term Rentals

The Village Board of The Village of Suamico, Wisconsin Does Ordain as Follows:

Ordinance Section 1: Chapter 5 of the Municipal Zoning Code is modified as follows:

Creating 5.15 Licensing of Short-term Rentals per Exhibit A, attached

Ordinance Section 2: All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

Ordinance Section 3: This ordinance shall be in full force and effect on July 1, 2024.

Adopted this 19th day of February, 2024.


Sky Van Rossum, Village President

Attest:

Michelle Bartoletti, Village Clerk

VanRossum Aye
Neddo Aye
Andrews Aye
Romes Excused

Eckert Aye
Rodan Aye
Schneider Excused

Date Posted: 2/23/24

Chapter 5.15 - Licensing of Short-Term Rentals

(1) Purpose

The purpose of this Article is to ensure that the quality of short-term rentals operating within the Village 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 property managers offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially to maintain and preserve the existing familial housing in residential areas, within the Village of Suamico; 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

(A) For the purpose of administering and enforcing this Article, 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:

Clerk. The Village Clerk of the Village of Suamico or designee.

Corporate Entity. A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.

Dwelling Unit. 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.

License. The Short-Term Rental License issued under this section by the Clerk.

Owner. The owner of a short-term rental.

Owner Occupied. A residential property that is occupied by an individual who has an ownership interest in the property and uses the property as the individual's primary residence.

Person. Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any section of this Article prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

Property Manager. Any person that is not the property owner and is appointed to act as agent and/or provides property management services to one or more short-term rental.

Primary Residence. A residential property where the property owner resides and maintains full-time residence and to which, whenever absent from, that individual tends 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 and tax returns, pays for utilities, and lists their address on state issued identification cards. An individual can only have one primary residence.

Short Term Rental. A residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days, as defined in Wis. Stat. § 66.0615 (1)(dk).

State. The State of Wisconsin Department of Health, or its designee.

(3) Operation of Short-Term Rentals

(A) No person may maintain, manage, or operate a short-term rental more than 10 nights each year on residentially zoned parcels without a short-term rental license. Every short-term rental shall be operated by a Property Owner or Property Manager.

(B) Each short-term rental rented more than 10 nights each year is required to have the following licenses and permits:

- (1) A State of Wisconsin Tourist Rooming House License;
- (2) A seller's permit issued by the Wisconsin Department of Revenue;
- (3) A Room Tax Permit; and
- (4) A permit or license issued pursuant to the provisions of this Article.

(C) Each short-term rental shall comply with all of the following:

- (1) The dwelling unit shall be rented a minimum of six consecutive nights by any one person or party for all single-family and two-family homes. This shall not be applicable to:
 - (a) Owner occupied dwelling units that have been approved and licensed under this section from the Clerk. Owners shall apply on a form approved by the Clerk and provide a State-issued ID.
 - (b) Short-term rentals rented 10 or less nights a year operating without a license.
- (2) No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.
- (3) There shall not be excessive noise, fumes, glare, excessive lights, or vibrations generated during the use.
- (4) Name plates or other signage shall not exceed one square foot. No other signage advertising the short-term rental is permitted on site. Off-site advertising in media channels relating to the availability of the rental may take place only after all Village, County and State permits and licenses have been obtained.

- (5) No recreational vehicles (RVs), camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
- (6) Compliance with all applicable state, county, and local codes and regulations is required.
- (7) Annual general building inspection is required prior to issuance or renewal of the license.
- (8) A local property management contact must be on file with the Village at the time of application. The local Property Manager must be available by phone 24 hours a day. The Property Owner must notify the Village within twenty- four hours of a change in management contact information for the short-term rental.
- (9) A short-term rental license will not be issued until a general building and fire code inspection has been completed by the Village and no outstanding orders remain.
- (10) Short-term rental licenses are issued for one year period from July 1 to June 30 and must be renewed annually by July 1 subject to Village approval or denial.
- (11) The Property Owner of the short-term rental shall have insurance that complies with 5.15(7)(B) for the home that is used for short-term rental and provide proof of insurance with the license application and renewal.
- (12) Each short-term rental shall maintain the following written records for each rental of the dwelling unit: the full name and current address of the renter, the time period for that rental, and the monetary amount or consideration paid for that rental. The register shall be kept intact and available for inspection by representatives of the Village from at least one year from each rental.
- (13) Be free of any nuisance or violation of Village Municipal Code Chapter 11.

(4) Short-Term Rental License

(A) The Clerk shall issue a short-term rental license to all applicants following the approval of an application and the filing of all documents and records required under this Article. The application shall also contain the following information:

- (1) Identify the Property Owner with contact information including mailing address, physical address, and 24 hour phone number;
- (2) Identify the Property Manager with contact information including mailing address, physical address, and 24 hour phone number;
- (3) The maximum days of occupancy for the premises for individual rentals;
- (4) Whether the property is owner-occupied;
- (5) The license term; and
- (6) State lodging license number, if any.

(5) Short-Term Rental License Procedure

(A) All applications for a short-term rental license shall be filed with the Clerk on forms provided. Applications must be filed by the Property Owner or Property Manager. No permit shall be issued unless the completed application form is accompanied by payment of the required fee.

(B) Each application shall include the following information and documentation for each short-term rental unit:

(1) A copy of State of Wisconsin License for a Tourist Rooming House License issued under Wis. Stat. § 254.64;

(2) A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal;

(3) Proof of Insurance;

(4) A copy of Seller's Permit from the Department, if any;

(5) Floor plan and requested maximum occupancy;

(6) Site plan including available onsite parking;

(7) Designation of the Property Manager

(8) Certification from the property owner that the property meets the requirements of this Article;

(9) A Room Tax Permit issued by the Village of Suamico;

(10) An employer identification number issued by the Internal Revenue Service, if any.

(C) Terms and Filing date. Each permit and license shall run from July 1 – June 30, annually. Applications for the forthcoming year are due on June 1 . The filing fee shall be paid upon filing of the application. The Clerk may conditionally accept late applications, subject to payment of the late filing fee. Any application which does not include all of the information and documentation shall not be considered as complete.

(D) Application Review Procedure. When satisfied that the application is complete, the Clerk shall forward initial applications for permits and licenses to the appropriate Village Departments for review. If the Clerk in consultation with Village staff determines that the application meets the requirements of this Article, they may approve the application. If the Clerk in consultation with Village staff determines that the application does not meet the requirements of this Article, they may deny the application.

(E) No permit or license shall be issued or renewed unless there is filed with the Clerk a completed Inspection Report dated not more than 30 days before the date of issuance or renewal.

(F) No permit or license shall be issued or renewed, if the applicant or property has outstanding fees, taxes or forfeitures owed to the Village, unless arrangements for payment have been approved by the Clerk.

(6) Renewal

(A) Each application for a renewal of a permit or license shall include updated information for the documentation on file with the Clerk and payment of the applicable fee. The Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Article. The Clerk shall request reports from the appropriate Village Departments regarding any complaints received, calls for service or actions taken regarding the short-term rental properties. The Clerk shall issue renewal licenses within thirty (30) days of the filing of the application unless the information provided is incomplete or otherwise not in compliance with the requirements of this Article and/or the reports from the appropriate Village Departments indicate that there are complaints or actions involving the property.

(B) If the Clerk finds that the license or permit should not be renewed, the Clerk shall deny the renewal.

(C) No permit or license shall be issued or renewed unless there is filed with the Clerk a completed Inspection Report by a Village Inspector dated within 30 days of the issue date.

(D) No permit or license shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the Village, or is under an order issued by the Building Inspector, or his designee, to bring the premises into compliance with Village ordinances, unless arrangements for payment have been approved by the Clerk.

(7) Standards for Short-term Rentals

(A) Each short-term rental shall comply with this Article's requirements or any other applicable Village ordinance. Each short-term rental shall comply with the following minimum requirements:

(1) One (1) internal bathroom for every six (6) occupants;

(2) Not less than one (1) onsite off-street parking spaces for every four (4) occupants based upon maximum occupancy;

(3) A safe, unobstructed means of egress from the short-term rental leading to safe, open space at ground level;

(4) Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 321 of the Wisconsin Administrative Code;

(5) Shall not have an accessible wood burning fireplace unless the property owner provides a certificate from a properly licensed inspector, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel- Burning Appliances;

(6) Shall not have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking or any other purpose on any balcony, deck or under any overhanging structure or within ten (10) feet of any structure;

(7) Shall not have a wood burning fire pit or other similar solid fuel fired device used for heating or any other purpose on any balcony, deck or under any overhanging structure or within twenty five (25) feet of any structure;

(8) Outdoor gas fire pits shall be listed and labeled for the application in which they are used and meet the setback requirements listed in the manufacturer's instructions or UL listing.

(9) All 125-Volt, single-phase, 15 and 20 ampere receptacles installed in the locations specified below shall have ground-fault circuit interrupter protection for personnel:

(a) Bathrooms

(b) Garages and accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

(c) Outdoors

(d) Crawl Spaces - at or below grade level

(e) Unfinished portions or areas of the basement not intended as habitable rooms.

(f) Kitchens - where receptacles are installed to serve the countertop services

(g) Sinks – where receptacles are installed within 6ft from the top inside edge of the bowl of the sink.

(B) All Short Term Rental Properties shall carry casualty and liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than \$300,000 per individual and \$1,000,000 aggregate;

(C) Certification of compliance. As a condition of issuance of a license under this Article, the Property Manager shall certify that each managed property is in compliance with the terms and conditions of the license and this Article.

(D) Reporting Requirements. Owners or property managers of any Short-Term Rental shall keep and maintain a register for each rental of the dwelling unit. The owner or property manager of the dwelling unit shall submit a report to the Clerk every July 1 of the previous year of registrations or upon request of the Clerk, indicating the name of the individuals who rented the unit, the number of guests, and the date and time of check-in and check-out for each rental period. The report will be on a form approved and provided by the Clerk. Any violation of this subsection shall be grounds for revocation, suspension, or nonrenewal of the Short-Term Rental License.

(8) Room Tax

(A) Each short-term rental shall comply with the room tax reporting requirements of the Village Municipal Code § 3.01.

(B) All tax returns and supporting documentation filed with the Clerk are confidential and subject to the protections provided under Village Municipal Code § 3.01(8) and Wis. Stat. Sec. 66.0615 (3) and Wis. Stat. Sec. 77.61.

(9) Display of Permit

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

(10) License Suspension, Non-Renewal, and Revocation

(A) A license may be suspended for any period of time, non-renewed, or revoked at the discretion of the Village Administrator for violation of this section or for one or more of the following reasons:

- (1) Failure to make payment on taxes or debt owed to the Village;
- (2) Failure to make payment on the Brown County room tax;
- (3) Three or more written complaints, or calls for police service, building inspection or the health department in connection with the premises and or its occupancy within a twelve (12) month period;
- (4) Failure to comply with annual Village building inspection requirements;
- (5) Failure to maintain all required local, county, and state licensing requirements;
- (6) Failure to use the property as a short-term rental within twelve (12) months of obtaining the Village license;
- (7) Failure to comply with any requirements cited within Chapter 11 or 18 of the Village Code;
- (8) The owner or manager keeps or maintains a disorderly or riotous, indecent or improper house;
- (9) Any violation of local, county, or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

(B) The denial, suspension, revocation, or non-renewal of any license or permit application under this section may be appealed only by filing a written appeal request with the Clerk within ten (10) business days of the Village's notice of denial, suspension, revocation, or non-renewal. The Village Board shall consider the appeal within 30 days of the request, and may approve or deny the appeal.

(11) Penalties

(A) Any person who violates any provision of this Article shall be subject to a penalty as provided in Section 11.199 of the Village Code and in the forfeiture amounts as provided for in the bond schedule for the Village Municipal Court.

(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.

(12) Fees

All Short-Term Rental License fees shall be in accordance with the Village Fee Schedule and updated from time to time by resolution.

(13) Severability

If any provision of this Article and its ordinances is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this Article or its ordinances. It is hereby declared to be the intention of the Village of Suamico that all provisions of this Article and its ordinances therein are separable.