

Town of Lincoln, Kewaunee County, Wisconsin

Short-Term Rental Licensing Ordinance

Ordinance # 2019-3

Section I: Purpose:

The purpose of this ordinance is to ensure that the quality and nature of the short-term rentals operating within the Town of Lincoln are adequate: to protect public health, safety, and general welfare; to determine the responsibilities of the owners, operators, and property managers offering their properties for tourists and transient occupants; to protect the character and stability of neighborhoods within the town: and to provide provisions for the administration and enforcement thereof.

Section II: Authority

The Town Board of the Town of Lincoln has been authorized to exercise village powers pursuant to ss. 60.10(2)(c) and s. 60.22(3), Wis. Stats. The Town Board adopts this ordinance under its general village powers authority and s. 66.1014 of Wisconsin Statutes.

Section III: Definitions

“Property Manager” means a person is not the property owner and who provides property management services for one or more short-term rentals and who is authorized to act as the agent of the property owner for the receipt of service of notice of municipal violations and for service of process pursuant to this ordinance.

“Property Owner” means the person who owns the residential dwelling that is being rented.

“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 or more persons maintaining a common household, the exclusion of all others.

“Short-term rental” means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

Section IV: Short-Term Rental License

- 1) No person may maintain, manage, or operate a short-term rental for more than six nights each year without a town short-term rental license issued pursuant to this ordinance.
- 2) Issuance of a Short Term Rental License assumes that the owner has obtained all appropriate licenses, permits, liability insurance, and met all other requirements necessary to operate the property as a Short Term Rental.

- 3) Licenses shall be issued using the following procedures:
 - a) All applications for a short-term rental license shall be filed with the town zoning administrator on the forms provided. Applications must be filed by the Property Owner. No license shall be issued unless the completed application form is accompanied by payment of the required application fee.
 - b) Each application shall include, at a minimum, the following information and documentation for each short-term rental unit:
 - i) A copy of the State of Wisconsin License for a Tourist Rooming House License issued under Wis. Stat. Sec. 254.64;
 - ii) A copy of a completed State Lodging Establishment Inspection form dated within 1 year of the date of issuance or renewal.
 - iii) Designation of the Property Manager with complete 24 hour contact information.
 - c) The filing fee shall be paid upon filing of the applications. Any application which does not include all of the information and documentation and the filing fee shall not be considered as complete.
 - d) When satisfied that the application is complete, the zoning administrator shall forward the initial application for license to the Town Board of Supervisors. If there are questions or unresolved issues with the application, the application shall be forwarded to the Plan Commission at the discretion of the Zoning Administrator. If the Board of Supervisors determines that the application is complete and meets the requirements of this ordinance, they may approve the application. If the Board of Supervisors determines that the application does not meet the requirements of this ordinance, they may refer the application back to the Zoning Administrator.
 - e) No license shall be issued or renewed if the applicant or property has any outstanding fees, taxes, or forfeitures owed to the Town of Lincoln, unless arrangements for payment have been approved by the town board.
- 4) The town zoning administrator shall issue a short term rental license to the applicant following payments of the required fee, receipt of all information, and documentation requested by the application, and town board approval of the application.
- 5) The short-term rental license shall be effective for one year from the time of approval by the Town Board, and may be renewed for additional one year periods provided no violations are in effect at the time of renewal. A renewal application and renewal fee must be filed with the Zoning Administrator at least 45 days prior to license expiration so that the town board has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. A renewal application shall also be filed with the Zoning Administrator any time there is information to be updated. An existing license becomes void and a new application is required any time the ownership of a residential dwelling license for short-term rentals changes. Change of ownership requires a new review by the Zoning Administrator.

- 6) The Town Board has the right to suspend, revoke, or non-renew a short-term rental license following a due process hearing if the Town Board determines that the licensee:
 - a) Failed to comply with any of the requirements of this ordinance;
 - b) The Owner has been charged with or the Property Manager or renters have been charged with engaging in illegal activity while on the short-term rental premises on two or more separate occasions with the past 12 months;
 - c) has outstanding fees, taxes, or forfeitures owed to the town per section 10.1107 of Chapter 10 Town of Lincoln Zoning Ordinance.

Section V: Operation of a Short-Term Rental

Each short-term rental shall comply with all of the following requirements:

- 1) Each short-term rental shall hold a valid State of Wisconsin Tourist Rooming House License and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications.
- 2) Each short-term rental shall hold a valid Town of Lincoln Short-Term Rental License, which shall be displayed so as to be visible from the road. In addition, each license shall also be displayed on the inside of the main entrance door of each short-term rental.
- 3) Off-site advertising in media channels relating to the availability of the rental may take place only after State and Town licenses have been obtained.
- 4) On-site signs shall comply with the requirements of the Town of Lincoln Sign Ordinance.
- 5) All activities and incidences occurring at a short-term rental shall be in compliance with the Town of Lincoln Public Nuisance Ordinance.
- 6) No recreational vehicle, 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.
- 7) The number of occupants in any short term rental shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable county and state regulations based upon the number of bedrooms in the rental.
- 8) Compliance with all applicable state, county, and local codes and regulations is required.
- 9) No residential dwelling may be rented for a period of six or fewer days.

- 10) For the first year of operation, if a residential dwelling is rented for periods of more than six but fewer than 29 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days.
- 11) The Property Owner or Property Manager shall notify the town Zoning Administrator in writing when the first rental within the 365-day period begins.
- 12) A local Property Manager contact (either the Property Owner or an appointed Property Manager) must be on file with the town clerk at all times and must be located within **25** miles of the short-term rental. The Property Owner and / or Property Manager must provide the town with current contact information and must be available 24 hours a day, 7 days a week by telephone. The town must be notified within 24 hours of any change in contact information.
- 13) Each short term rental shall maintain a register and require all guests to register with their actual names, addresses, cell phone numbers, driver's license numbers and vehicle license plate numbers. The register shall be kept on file for at least one year. The register shall also include the time period for the rental.

Section VI: Renewal of License

- 1) Each application for a renewal of a short-term rental license shall include updated information for the documentation on file with the zoning administrator and payment of the applicable renewal fee.
- 2) For the renewal years of operation, if a residential dwelling is rented for periods of more than six but fewer than 29 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented may be 365 days, at the discretion of the town board of supervisors.
- 3) The zoning administrator shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this ordinance.
- 4) The zoning administrator shall document all reasonable and substantiated complaints received over the prior year regard the short term rental.
- 5) Within 30 days of receiving a completed renewal application and renewal fee, the zoning administrator shall present the application, along with any and all reasonable and substantiated complaints received over the prior year about the short term rental, to the town board for approval, unless the application is incomplete or otherwise not in compliance with the requirements of this ordinance.

- 6) No license shall be renewed if the short-term rental or property is in violation of the Nuisance Ordinance. If the short-term rental property is in violation of the Nuisance Ordinance, the license shall be denied until the property comes into compliance with the Nuisance Ordinance.
- 7) If the town board finds that the license should not be renewed, the town board shall explain that decision to the property manager or owner in written format within 14 days of their decision.
- 8) No license shall be issued or renewed if the applicant or property has any outstanding fees, taxes, or forfeitures owed to the Town of Lincoln, unless arrangements for payment have been approved by the town board.

Section VII: Appeal and License Revocation

- 1) The denial of any license application or renewal under this ordinance may be appealed by filing a written request with the Town Clerk within 10 days of the Town's notice of denial. The appeal shall be heard by the Plan Commission, which shall make a recommendation to the Town Board. The Town Board shall consider the application or renewal and recommendations and may approve or deny the application or renewal.
- 2) A license may be revoked by the Town Board for one of more of the following reasons:
 - a) Failure to make payment of property taxes taxes or debt owed to the Town;
 - b) Three or more calls for police service, or building inspection, or health department, or town board for nuisance activities or other law violations in a 12 month period as defined by the Town of Lincoln Nuisance Ordinance;
 - c) Failure to maintain all required local, county, and state licensing requirements;
 - d) Any violation of local, county, or state laws that substantially harm or adversely impact the use or nature of surrounding properties.

Section VIII: Penalties

Any person, partnership, corporation, LLC, or other legal entity that fails to comply with the provision of this ordinance shall, upon conviction, pay a forfeiture of not less than \$1000.00 nor more than \$2000.00, plus all applicable surcharges, assessments, attorney fees, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. The minimum and maximum forfeitures specified in this section may be doubled each time that a person is convicted of the same violation occurring within any 24-month period.

Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this ordinance or otherwise.

Section IX: Fees

The town board shall set the cost of the Initial Short-term License Application Fee and the Renewal Short-term Rental License Application fee, and update these costs as necessary.

Section X: Severability

Should any portion of this ordinance be declared invalid or unconstitutional by a court or competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

Section XI: Effective Date and Publication

This ordinance shall become effective upon adoption and publication as required under s. 60.80, Wis. Stat.

Adopted by a vote of 3 for and 0 against on this 9th day of Sept, 2019.

By the Town Board of Lincoln Town of Lincoln Board of Supervisors

Cory Cochart

Cory Cochart, Chairman

Jordan Nowak

Jordan Nowak, Supervisor #1

Jesse Jerabek

Jesse Jerabek, Supervisor #2

CERTIFICATION OF ENACTMENT

I hereby certify that the foregoing ordinance was duly enacted by the Town Board of the Town of Lincoln on this

9th day of Sept, 2019

Mary Ann Salmon

Mary Ann Salmon, Town Clerk