

Short Term Rental Checklist To Get Started

1. REZONE

- Are you currently zoned as an R-3?
 - If no, you need to go through the Re-Zone Process and finishes section before moving onto section 2.
 - If yes, skip to section 2.
- Complete rezone petition for the Planning Commission including parcel number and a list of the owner's names and addresses within 100-foot radius of the area to be rezoned
- Submit rezoning petition to the Hillsboro City Hall
- Petition to rezone will be conducted at the next available City Council/ Planning Commission Meeting

2. STATE REQUIREMENTS

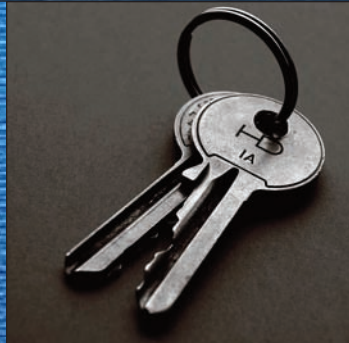
The State of WI Requires certain items such as: a Sellers Permit, Tourist Lodging License, and a Pre-Inspection

- Vernon County is an Agent of the State of Wisconsin. Go through them for the Pre-Inspection and License
- https://www.vernoncounty.org/departments/public_health_department/license_and_inspections/lodging_licensing.php
- State of Wisconsin Sellers Permit; <https://www.revenue.wi.gov/Pages/FAQS/pcs-seller.aspx#s1a>
- Each license issued under this chapter expires on June 30, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year.

3. LOCAL LICENSE

- Proof of State of WI Tourism Lodging License
- Proof of State of WI Sellers Permit
- Proof of Inspection
- Proof of Insurance
- Zoned as an R-3
- Room Tax forms filled out.
 - Form A is required and submitted to municipality.
 - Form B is required only if you operate with a third party (Airbnb/ VRBO etc.). Form B is to be submitted to State AND municipality
- Owner Operator/ Registered Operator within 25 miles of the City of Hillsboro Limits

A GUIDE TO
RENTING OUT YOUR PROPERTY
FOR OVERNIGHT STAYS



Protect yourself by knowing Wisconsin's laws for short term rentals.

February 2019
For a digital copy, visit
WisconsinLodging.org/ShortTermRentals

a collaboration of:
League of Wisconsin Municipalities
Wisconsin Counties Association
Wisconsin Department of Agriculture, Trade and Consumer Protection
Wisconsin Hotel & Lodging Association
Wisconsin Insurance Alliance

KNOWLEDGE IS THE KEY

Owners thinking of renting out a room, home, second home, investment property, cabin or basically any structure for overnight stays to the general public for a fee may not be aware of what they must do, by law, or what they may want to do to protect themselves, their property, and the guests paying to stay there. Each state is different in how such rentals are regulated, which makes it confusing for owners just wanting to start selling overnight stays at their property.

This guide offers the basics of what an owner needs to know before starting to rent out their property to the public, and the summaries are provided by a collaboration of experts in each facet of the rental operation, to ensure you know and can comply with various laws, and that you can take appropriate steps to avoid surprises for you or your guests that can have measurable safety or financial consequences. Each component provides references to further, more in depth information for you to explore. It is not intended as a comprehensive guide listing every consideration that may arise, but provides the highlights and entry level basics.

Every owner should review this guide when considering renting out their property for overnight stays, as knowledge is the key to protecting your investments.

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This compilation was possible thanks to submissions by experts at the state DATCP agency, the Wisconsin Hotel & Lodging Association, the League of Wisconsin Municipalities, the Wisconsin Insurance Alliance, and the Wisconsin Counties Association. Additional components may be added as more information is contributed.

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COMPLYING WITH MUNICIPAL LAWS

So, you have decided to become a short term rental landlord. All you need to do now is clean up the place, advertise and wait for the rental requests to roll in right?

Wrong.

Before you start to do any of those things, you must first make sure your short-term rental idea is legal in your community and what you need to do to keep it legal. This requires getting some answers to some critical questions:

- Do you have the right zoning for short-term rental?
- Does your community have a room tax ordinance?
- Are there different building code requirements for a property engaged in commercial activity in your community?

These are just a few questions that must be asked and answered before you start renting. In some smaller communities, one person at the village or city hall, might be able to answer all of the relevant questions. In others, you may have to talk to several different officials. However, in most communities whether large or small, the best place to start is with your city or village clerk. If you live in an unincorporated area, you should check with your county land use department.

LICENSING FOR PUBLIC LODGING

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) requires all lodging facilities in Wisconsin to hold a current license.

What counts as a lodging facility?

DATCP has several definitions for types of lodging facilities. They include:

- Hotel - A hotel is defined as "a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas."
- Motel - Means the same as a Hotel except that guest parking is provided on premise as part of the room charge.
- Tourist Rooming House (TRH) - A TRH is defined 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."
- Bed and Breakfast (B&B) – A B&B is defined as "any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12 month period, is the owner's personal residence, is occupied by the owner at time of rental, and in which the only meal served to guests is breakfast."

These definitions mention tourists or transients. DATCP has defined a tourist or transient as "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." Notice that in the definition for tourists or transients a person has to be away from his or her permanent address in order to meet the definition. It does not matter if the tourist or transient is there for the season, the month, a week, a day or less. If it is rented to a tourist or transient, it will require a license.

Lodging facilities come in many forms. Common examples of lodging facilities requiring a DATCP license include: hotels, motels, B&B's, row houses, cabins, cottages, lodges, homes, condos or rental rooms located above a business.

Where do I begin?

Begin the process by contacting a DATCP licensing specialist. They will walk you through the process and help you determine the best license for your lodging operation. They can provide you with an information packet that will guide you through the licensing process. You can contact them by sending an e-mail to datcpdfslicensing@wisconsin.gov or by calling 608/224-4923. After you submit a license application, a Sanitarian will be assigned to your business. The Sanitarian is the inspector responsible for approving your lodging license. They assure that the lodging operation meets health and safety requirements.

Once you know who your Sanitarian is, arrange a time to meet with the Sanitarian at your facility. This arranged meeting is called a Pre-Licensing Inspection. During this inspection your Sanitarian will share with you the applicable code requirements that your structure must meet.

Depending on the type of structure, some of the common items of public health concern may include:

Proper building exits/escapes	Directions of escape	Facility cleanliness
Door locks	Proper linen and towel handling	Size of sleeping rooms
Proper disposal of garbage/solid waste	Proper wastewater disposal (black and gray water)	A recent water test report for private wells (bacteriologically safe)
Fire extinguisher number and placement, fire alarm systems	Smoke/carbon monoxide detector number and placement	Ventilation and combustion air for fuel fired appliances like furnaces, boilers, fireplaces, water heaters & dryers

COLLECTING & REMITTING STATE, COUNTY AND LOCAL TAXES

If you are furnishing short-term lodging, you should apply for a seller's permit here: <http://tap.revenue.wi.gov/btr>.

The Wisconsin Department of Revenue (DOR) has issued public guidance on its website clarifying that the imposition of state and county sales tax, other special sales taxes, and local room tax on the rental of overnight lodging applies, with the exception of annual sales of less than \$2,000:

<https://www.revenue.wi.gov/Pages/SalesAndUse/2018/Homeowners-and-Individual-Providing-Short-Term-Lodging-Updated.aspx>

It specifically states "Homeowners or other individuals who make rooms or lodging available to the public for periods less than one month, must report and pay Wisconsin sales tax on such rentals. This includes the short-term rental of a home, room, apartment, cabin, inn, motel, or any other building in which accommodations are made available to the public." "One month" means a calendar month or 30 days, whichever is less, counting the first day of the rental and not counting the last day of rental.

The sales tax rate charged is based on the location where the lodging is furnished. A basic sales tax, an additional sales tax and a municipal room tax may also apply, depending on the location of the lodging. For example, lodging furnished in Milwaukee County is subject to 5.6% sales tax (5% state, .5% county, and .1% stadium) plus a 2.5% basic room tax. If the sale occurs in the City of Milwaukee, an additional 7.0% room tax applies.

Wisconsin Statute 66.0615 provides the authority and requirements for a **municipal room tax**. If a Wisconsin municipality has imposed a local room tax, it is imposed "on the privilege of **furnishing, at retail**, except sales for resale, **rooms or lodging to transients** by hotelkeepers, motel operators, lodging marketplaces, **owners of short-term rentals**, and other persons furnishing accommodations that are available to the public." View the complete statute here:

<https://docs.legis.wisconsin.gov/statutes/statutes/66/VI/0615>

Exception For Taxes Collected by Residential Short-Term Lodging Marketplaces: Effective September 23, 2017, a "lodging marketplace" is required to register with the Department of Revenue for a license to collect taxes imposed by the state related to a residential short-term rental and to collect room taxes imposed by a municipality. Therefore, if a lodging marketplace notifies the owner that it is collecting the taxes, the owner is not required to collect and remit taxes on those rentals.

NOTE: For more information from the DOR on what a "lodging marketplace" is, which ones are registered, and more visit

<https://www.revenue.wi.gov/Pages/FAQS/Lodging-Marketplace-License-faq.aspx>

Federal Income Tax Implications

The Internal Revenue Service (IRS) provides guidance on Renting Residential & Vacation Property at

<https://www.irs.gov/taxtopics/tc415.html>.

PROPERTY RISKS, LIABILITY & OBTAINING INSURANCE COVERAGE

If you are considering renting out your home, your guest room or even your couch your first step should be to **contact your insurance professional**. Online platforms for renting your property to the public for overnight stays, such as Airbnb, can be a great way to bring in extra money and are increasingly popular; however, they can also leave you financially vulnerable. If your renter starts a fire and damages your property or is hurt while renting your home, will you be protected?

Before embarking on a home or property rental financial arrangement, call your insurance professional and get their advice. In general, if you are only planning to rent your home out for a single occasion, many insurance companies will extend your coverage to the renter. **The one caveat is that the insurer must be notified ahead of time.**

It is not unusual for someone to rent out their home or part of it for a major event when there may not be enough hotel space available in the area. Many insurance companies take this situation into account when creating a homeowners or renters policy; other insurance companies may require the purchase of an endorsement to the policy to provide broader coverage for the renters in your home.

If you plan to rent out all or part of your home on a regular basis, many companies will consider this a business use. Standard homeowners and renters insurance policies are designed for personal risks, not commercial risks. In this case you will need to purchase a business policy—specifically either a hotel or a bed & breakfast policy. Some companies offer a home-sharing liability insurance policy that can be purchased on a month-to-month basis, but there may be exclusions and limitations, so read the policy carefully.

Chapter ATCP 72

HOTELS, MOTELS, AND TOURIST ROOMING HOUSES

ATCP 72.01	Authority and purpose.
ATCP 72.02	Scope of rules.
ATCP 72.03	Definitions.
ATCP 72.04	Licenses.
ATCP 72.05	Department fees.
ATCP 72.06	Enforcement.
ATCP 72.07	Suspension or revocation of licenses.
ATCP 72.08	Appeals of actions by the department.
ATCP 72.09	Appeals of actions by agent health departments.
ATCP 72.10	Water supply and waste disposal.
ATCP 72.11	Furnishings, equipment and utensils.
ATCP 72.12	Food.
ATCP 72.13	Employee health.
ATCP 72.14	Building structure and safety.
ATCP 72.145	Carbon monoxide detectors.
ATCP 72.15	Maintenance.
ATCP 72.16	Registration of guests.

Note: Chapter HSS 195 as it existed on June 30, 1985, was repealed and a new chapter HSS 195 was created effective July 1, 1985. Chapter HSS 195 was renumbered chapter HFS 195 under s. 13.93 (2m) (b) 1., Stats., corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, January, 1997, No. 493. Chapter HFS 195 was renumbered chapter DHS 195 effective February 1, 2009, under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637. Chapter DHS 195 was renumbered chapter ATCP 72 under s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726.

ATCP 72.01 Authority and purpose. Section 97.625, Stats., gives the department authority to prescribe rules for hotels, including motels, and tourist rooming houses and to enforce these rules for the purpose of protecting public health and safety.

History: Cr. Register, June, 1985, No. 354, eff. 7-1-85; correction made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1995, No. 469; CR 08-073: renum. from HFS 195.01 Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 195.01 Register June 2016 No. 726; correction made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

ATCP 72.02 Scope of rules.

(1) **APPLICABILITY.** The provisions of this chapter apply to the operator of any hotel, motel, or tourist rooming house.

(2) **APPROVED COMPARABLE COMPLIANCE.** When it appears to the department that strict adherence to a provision of this chapter is impractical for a particular hotel, motel, or tourist rooming house, the department may approve a modification in that rule for that facility if the department is provided with satisfactory proof that the grant of a variance will not jeopardize the public's health, safety or welfare.

History: Cr. Register, June, 1985, No. 354, eff. 7-1-85; CR 08-073: renum. from HFS 195.02 Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 195.02 Register June 2016 No. 726.

ATCP 72.03 Definitions.

In this chapter:

- (1) "Agent" means the city or county designated by the department to issue licenses to and make investigations or inspections of hotels, motels, or tourist rooming houses.
- (2) "Approved" means acceptable to the department, based on its determination of conformance with this chapter and good public health practices.
- (3) "Communicable disease" has the meaning prescribed in s. DHS 145.03 (4).
- (4) "Department" means the department of agriculture, trade and consumer protection.
- (5) "Easily cleanable" means readily accessible and made of a kind of material and finish and so fabricated that residue may be completely removed by normal cleaning methods.
- (6) "Employee" means any person working in a hotel, motel, or tourist rooming house.
- (7) "Equipment" means, in connection with the operation of a hotel, motel, or tourist rooming house, stoves, ranges, hoods, counters, refrigerators, ice-making machines, sinks, and similar appliances and other items used to prepare or hold foods or to clean utensils.
- (8) "Existing," in reference to a hotel, motel or tourist rooming house, means operating with a license from the department before the adoption of this chapter.
- (9) "Facility" means a hotel, motel, or tourist rooming house.
- (10) "Furnishings" means, in connection with the operation of a hotel, motel or tourist rooming house, linens, beds, bedding, chairs, tables, shelves, drapes, carpeting, curtains, decorations, fixtures, and similar items provided in the sleeping rooms and common areas of the facility.
- (11) "Hotel" means a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.
- (12) "Motel" means a hotel that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a "motel" rather than a "hotel" at the request of the operator.
- (13) "New," in reference to a hotel, motel, or tourist rooming house, means operating with a license from the department for the first time on or after the effective date of this chapter.
- (14) "Operator" means the person legally responsible for the operation of the hotel, motel, or tourist rooming house.
- (15) "Person" means an individual, partnership, association, firm, company, corporation, municipality, county, or town, whether tenant, owner, lessee, licensee, or the agent, heir, or assignee of any of these.

- (16) "Premises" means the tract of land on which a hotel, motel or tourist rooming house is located and all associated buildings on that land.
- (17) "Privy" means a structure not connected to a plumbing system, which is used by persons for the disposal of human body wastes.
- (18) "Sleeping accommodations offered for pay" means all sleeping rooms on the premises including quarters occupied by permanent guests but excluding sleeping rooms occupied by the operator or owner or his or her immediate family.
- (19) "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.
- (20) "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. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under ch. ATCP 73.
- (21) "Utensil" means any kitchenware, tableware, glassware, cutlery, container, or similar item with which food or drink comes into contact during storage, preparation or serving.

History: Cr. Register, June, 1985, No. 354, eff. 7-1-85; am. (19), Register, November, 1986, No. 371, eff. 12-1-86; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557; CR 08-073: renum. from HFS 195.03 and am. (4) Register January 2009 No. 637, eff. 2-1-09; corrections in (3) and (20) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; renum. from DHS 195.03 Register June 2016 No. 726; correction in (4) made under s. 13.92 (4) (b) 6., correction in (20) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; **CR 18-019: am. (1), (8), (13) Register January 2020 No. 769, eff. 2-1-20.**

ATCP 72.04 Licenses.

(1) LICENSE REQUIRED.

- (a) No hotel, motel, or tourist rooming house may be opened to the public until the operator of the facility has obtained a license from the department or its agent by submitting an application under sub. (4) and paying the applicable fee specified in s. ATCP 72.05. A separate license is required for each hotel, motel, or tourist rooming house.
- (b) If any license holder sells or otherwise transfers ownership or operation of a hotel, motel, or tourist rooming house to another person, except as provided in sub. (3), a new initial license is required, and the hotel, motel, or tourist rooming house may not be opened to the public until the department has issued a new initial license.

(2) LICENSE DURATION AND RENEWAL.

- (a) Each license issued under this chapter expires on June 30, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year.
- (b) Each license shall be renewed annually as provided in sub. (4) (b).

- (3) TRANSFERABILITY OF LICENSES** An individual may transfer a license to an immediate family member, as defined in s. 97.605 (4) (a) 2., Stats., if the individual is transferring operation of the hotel, motel, or tourist rooming house. A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a license to the newly formed business entity or sole proprietorship if the hotel, motel, or tourist rooming house remains at the location for which the license was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued has an ownership interest in the newly formed sole proprietorship or business entity. Except as provided in this subsection, no license issued under this chapter is transferable from one premise to another or from one person or entity to another.



Ordinance #6-2022
City of Hillsboro

AN ORDINANCE TO CREATE CHAPTER 7.12 OF THE CODE OF ORDINANCES OF THE CITY OF HILLSBORO, WISCONSIN

WHEREAS, the Common Council has determined that it is in the best interest of the City to issue permits and establish local regulations of short-term rental tourist rooming houses.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 1. Chapter 7.12 of the Code of Ordinances of the City of Hillsboro, entitled “Short-Term Rental Regulations”, shall be created to read as follows:

Sec 7.12.01 Purpose

The purpose of this Chapter is to ensure the quality of tourist rooming houses operating within the City of Hillsboro to protect the public health, safety, and general welfare. The City has determined that it can serve this purpose by establishing minimum standards of space for human occupancy; by establishing standards for adequate maintenance of these properties; by determining the responsibilities of owners, operators, and property managers offering these properties to tourists; by protecting the character and stability of all areas within the City of Hillsboro; by providing minimum standards necessary for the health and safety of persons occupying or using buildings, structures, or premises; and by providing for the administration and enforcement of such regulations.

Sec 7.12.02 Definitions

- A. For purposes of this Chapter, the following definitions shall apply:

- (1) "Bathroom" means an enclosed room with a toilet, washbasin, and shower or bathtub.
- (2) "Clerk" means the City Clerk or its designee.
- (3) "Owner" means the property owner of a tourist rooming house.
- (4) "Resident operator" means a person who has been designated by the Owner to operate the tourist rooming house and who meets the qualifications within this Chapter.
- (5) "Short-term rental" means the rental of a tourist rooming house for a period of twenty-nine (29) consecutive days or less.
- (6) "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. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Ch. ATCP 73, Wis. Admin. Code.

B. Unless the context indicates otherwise, other terms used in this Chapter that are defined in Ch. ATCP 72, Wis. Admin. Code shall have the meaning as defined therein.

Sec 7.12.03 Applicability; Exemptions

- A. This Chapter applies to "tourist rooming houses" as defined herein that are offered to the public for a rental period of twenty-nine (29) consecutive days or less.
- B. Exemptions. The following businesses and operations are exempt from the requirements of this Chapter:
 - (1) Any hotel, motel, or resort licensed by the State of Wisconsin under sec. 97.605, Wis. Stat.
 - (2) Private boarding or rooming houses not accommodating tourists or transients.
 - (3) Bed and breakfast establishments licensed by the State of Wisconsin under Ch. ATCP 73, Wis. Admin. Code.

Sec 7.12.04 Tourist Rooming House Permit

- A. Permit Required. No person may operate a tourist rooming house for more than ten (10) nights each year without a valid tourist rooming house permit issued by the City.
- B. Permit Duration. Each permit shall expire on June 30, except that licenses initially issued during the period beginning April 1 and ending on June 30 shall expire on June 30 of the following year.

Sec 7.12.05 Permit Application

- A. All applications for a tourist rooming house permit shall be filed with the Clerk on forms provided by the City. Each application shall be accompanied by payment of the required permit fee and shall include all the information and documentation required by this Chapter. The Clerk may refuse to accept any permit application that is incomplete or does not comply with the requirements of this Section.
- B. The tourist rooming house permit application shall include the following:
 - (1) The name, mailing address, and phone number of the owner(s).
 - (2) The name, mailing address, phone number, and email address of the resident operator.
 - (3) The address of the tourist rooming house sought to be permitted.
 - (4) Certification statement to the City signed by the owner (or at least one owner if there are multiple owners of the property) that states the tourist rooming house identified in the permit is in compliance with the regulations of this Chapter.
- C. The tourist rooming house permit application shall include the following documentation:
 - (1) State of Wisconsin tourist rooming house license issued under Wis. Stat. §97.605 by the Department of Agriculture, Trade and Consumer Protection.
 - (2) A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of application.
 - (3) A valid Wisconsin Department of Revenue Seller's Permit in the name of the property owner.

(4) Proof of insurance for the tourist rooming house that meets the standards set by this Chapter.

Sec 7.12.06 Resident Operator Qualifications

A. To qualify as a resident operator the person must meet the following requirements:

(1) Be a natural person residing in the City of Hillsboro or within twenty-five (25) miles of the City of Hillsboro; or be a corporate entity routinely engaged in the business of property management with offices located within the City of Hillsboro or within twenty-five (25) miles of the City of Hillsboro. An entity is "routinely engaged in the business of property management" if an owner, employee, or other contracted party is on-call to respond to property or occupancy emergencies twenty-four hours a day seven days a week.

(2) Not have a pending criminal charge involving and not have been convicted of a felony or misdemeanor of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under Wis. Stat. Ch. 944, as amended.

(3) Be authorized by the owner to accept service of process for all City notices, citations, orders, and other legal documents.

(4) Be authorized by the owner to enter upon the property and promptly and safely respond to complaints, correct any violations of this Chapter, or handle immediate issues concerning the tourist rooming house or its occupants.

Sec 7.12.07 Application Review Procedure

A. When a permit application is complete, the Clerk shall forward the completed application to the Common Council for review at the next meeting for which an agenda has not yet been posted. The Common Council shall consider the applications and supporting documents. The Common Council may approve, deny, or conditionally approve the application considering the proper factors that will help ensure the quality of tourist rooming houses operating within the City of Hillsboro to protect the public health, safety, and general welfare and the applicant's compliance with the requirements of this Chapter.

B. If the Common Council approves the permit application, the City Clerk shall promptly issue the tourist rooming house permit.

- C. If the Common Council denies the permit application, the Common Council shall state its reasons for the denial and the City Clerk shall promptly notify the applicant in writing setting forth the reasons for the denial.
- D. If the Common Council conditionally approves a permit application, the Common Council shall state the conditions required for approval and the City Clerk shall promptly notify the applicant in writing stating the conditions required for approval. If the applicant has satisfied the conditions within thirty (30) days of the date of the notice, the City Clerk shall issue the tourist rooming house permit to the applicant. If the conditions for approval are ongoing requirements, the conditions shall be stated on the issued permit.

Sec 7.12.08 Permit Information and Display

- A. Each tourist rooming house permit issued shall contain the following information:
 - (1) Identity of the owner.
 - (2) Identity and phone number for the resident operator.
 - (3) The maximum occupancy for the licensed premises.
 - (4) The permit issuance date and date of expiration.
 - (5) State lodging license number.
 - (6) Contact information for the City.
 - (7) Conditions imposed by the City, if any.
- B. Permit Display. The current tourist rooming house permit shall be prominently displayed on the inside of the main entrance door of each tourist rooming house.

Sec 7.12.09 Regulations for Tourist Rooming Houses

- A. No tourist rooming house may be rented for a period of less than two consecutive nights.

- B. Each tourist rooming house shall comply with the applicable provisions of Chapter 97, Wis. Stats., and ATCP Ch. 72, Wis. Admin. Code., which are adopted herein and incorporated by reference.
- C. Each tourist rooming house shall comply with the following minimum requirements. If any these requirements conflict with state law, the more stringent requirement shall control.
 - (1) Has a safe, unobstructed means of egress leading to safe, open space at ground level.
 - (2) Has functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code.
 - (3) Quiet time. The owner shall notify each guest that no person shall make or cause to be made any unreasonably loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or unreasonably disturb a person of ordinary sensibilities between the hours of 10:00 PM and 7:00AM.
 - (4) The owner or resident operator shall maintain a guest register and require all guests to register their true names, addresses, and license plate numbers and the rental time period before beginning each occupancy of the short-term rental. This register shall be maintained and available for inspection by City officials or their authorized representatives for at least one (1) year from the most recent rental date.
- D. Each tourist rooming house shall comply and be operated in accordance with all conditions required by any state or county licenses, permits, or orders, including orders issued by the City's building inspector or its designee.
- E. Each owner of a tourist rooming house and each property upon which a tourist rooming house is located shall have no delinquent fees, taxes, assessments, special charges, or forfeitures owed to the City, unless the owner and the City have entered into a written agreement for payment of the outstanding balances owed.

Sec 7.12.10 Non-transferability of Permit

A tourist rooming house permit is nontransferable and shall expire upon a transfer of legal control of the tourist rooming house property. The holder of any permit or license shall promptly notify the Clerk in writing of any transfer of the legal control of any property covered by the permit. A transfer of property to an entity or trustee shall not be considered a transfer of legal control as long as the owner(s) continue to have majority control of the entity or are trustees of the trust with control of the property;

however, such new form of ownership shall be identified on any permit renewal application after such transfer.

Sec 7.12.11 Fees

- A. The fees for a tourist rooming house permit application and issuance shall be determined by the Common Council.
- B. All other fees for licenses, permits, or inspections that may be required by this Chapter are the responsibility of the owner.

Sec 7.12.12 Enforcement and Penalties

- A. Any person, partnership, corporation, or other legal entity that violates Section 7.12.04 and operates a tourist rooming house without a valid permit shall be subject to a forfeiture of Five Hundred Dollars (\$500.00) Dollars, plus any applicable surcharges, assessments, and costs, for each violation. Each night a tourist rooming house is rented without a tourist rooming house permit in violation of this Chapter shall constitute a separate violation.
- B. Any person, partnership, corporation, or other legal entity that violates any other provision of this Chapter shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) and no more than Five Hundred Dollars (\$500.00), plus any applicable surcharges, assessments, and costs, for each violation. Each day a violation exists or continues constitutes a separate violation under this Chapter.
- C. In addition to the issuance of citation(s) above, the Common Council may suspend or revoke a previously issued tourist rooming house permit.
- D. The Common Council may refuse to issue or renew a tourist rooming house permit for any property or owner-applicant that has violated this Chapter any time within a period of twelve (12) months prior to the date of the permit application or if the property has had three (3) or more calls for law enforcement services in a twelve (12) month period.

Section 2. This ordinance shall be effective when passed and published as required by law.

Passed by the Common Council of the City of Hillsboro on the 19th day of
September, 2022.

Approved by the City Mayor on the 19th day of September, 2022.

APPROVED:



Greg Kubarski, City Mayor

ATTEST:



Sheila Schraufnagel, City Clerk

Re-Zoning Procedure, City of Hillsboro, Section 13.1.154

Step 1: Re-zone petition form filed with City

At this step, the responsibility of City staff is to just make sure the form is filled out completely/accurately and that the applicant has submitted the documentation showing the required information with the form.

Step 2: Refer petition to Plan Commission for review

Place on the agenda for the plan commission to review the petition and make a recommendation to the Common Council on the re-zone petition.

Step 3: Schedule and publish notice of public hearing

Section 13.1.154 states that the public hearing occurs at the Common Council meeting. Best practice is to have the public hearing scheduled after the Plan Commission has reviewed the petition. Notice of the public hearing must be published as a Class Two notice, with the last insertion at least one week prior to the date of the public hearing. Notice must also be given to any person who has requested notice of any proposed zoning action under Wis. Stat. § 62.23(7)(d)4. All the above notices must describe the property (address is fine in this case) and must have a statement that map can be obtained at the City Hall (this map would be the scaled plot plan that must accompany the petition.)

Step 4: Hold Public Hearing at Common Council meeting

Step 5: Common Council votes on re-zoning ordinance

Either at the same meeting after the public hearing, or at the following meeting, the Council votes on the proposed re-zoning amendment. After the Plan Commission review, if passage is expected, our office can prepare the Ordinance to re-zone the parcels. Note that if the requisite number of property owners affected by the zoning amendment has submitted a protest petition under Wis. Stat. § 62.23(7)(d)2m (See also, Sec. 13.1.155), then passage requires three-fourths vote of the Council.

Step 6. Publication of ordinance

Our office can prepare the summary for publication when we prepare the ordinance.

CITY OF HILLSBORO

REZONING PETITION

(For Office Use only)

Amount Paid: _____

Receipt #: _____

Received By: _____

Filing Date: _____

Application Fee: _____

Please fill in the information requested on page 1 and attach the required information and documents as set forth on page 2. You must sign the petition.

Address of Subject Property: _____

Parcel #: _____ Legal Description: _____

Owner's Name & Address: _____

Daytime Phone No.: _____ Evening Phone No.: _____

Petitioner's Name & Address (if different from owner): _____

Daytime Phone No.: _____ Evening Phone No.: _____

Does Petitioner have an Offer to Purchase the Property: Yes No

Current Zoning: _____

Proposed Zoning: _____

Existing Land Use/Improvements on Property: _____

Proposed Land Use/Improvements on Property: _____

Reason for Request: _____

Describe highway access to the Property: _____

Describe how the rezoning will be compatible with surrounding land uses: _____

Please attach the additional documents, plans and information as outlined below:

- A. Plot plan drawn to scale which includes all the following: Area proposed to be rezoned, its location, dimensions, the location and classification of all adjacent zoning districts and the location and existing use of all properties within a three hundred foot radius of the are to be rezoned.
 - B. A list of the owner’s names and addresses of all properties lying within a one hundred foot radius of the area to be rezoned.
 - C. Additional Information as required by the Common Council:_____
-

I ask that the Plan Commission and the City Council of Hillsboro consider this Rezoning Petition in accordance with the rules and regulations as set forth in the City of Hillsboro’s Code of Ordinances.

Petitioner/Owner’s Signature

Please note that this Rezoning Petition cannot be considered until all of the requested information, plans, drawings and other items have been submitted and any applicable fee payment is made.

(for Use of the City of Hillsboro)

_____	Plan Commission - Reviews Petition.
_____	Publication (Class 2 notice – insert for two weeks).
_____	Plan Commission – Makes advisory recommendation.
_____	Public Hearing at Common Council
_____	Council - Acts on Petition.

Date of Plan Commission approval and comments: _____

Date of Council approval and comments: _____



CITY OF Hillsboro
APPLICATION FOR
SHORT TERM RENTAL OF PROPERTY
 (Form addresses Zoning, Room Tax, & a Health License)

Fee: _____
 Receipt #: _____
 Date: _____

Read all instructions before completing. Complete all fields and check appropriate boxes. Type or use black ink.

SECTION 1: Applicant / Authorized Representative Information

Applicant Name (Ind., Org. or Entity)	Authorized Representative (if any)	Title	
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 2: Resident Owner Information (Complete fields when landowner is different than applicant)

Name (Ind. Org. or Entity)	Contact Person	Title	
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Site Location and Zoning Information

Property Address:	Parcel Number(s):	Zoning District (check one): <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input type="checkbox"/> Other	Check one: <input type="checkbox"/> Property use is Residential <input type="checkbox"/> Property Use is Non-residential
A short term rental means renting to the same short term renter for up to 28 consecutive days. Short term rentals are <u>only</u> allowed in R-3 zones.			<input type="checkbox"/> Applicant understands <input type="checkbox"/> Clarification needed
Has the applicant verified that short term rentals are allowed by the property restrictive covenants, Home Owner's Association (HOA), landowner, landlord, etc.?			<input type="checkbox"/> Applicant Verified <input type="checkbox"/> Not Verified

SECTION 4: Room Tax Information

Number of rooms available for rent:	Current Rate Schedule: (Attach rate schedule if available)	When rooms are available for rent (check one): <input type="checkbox"/> Year Round <input type="checkbox"/> Seasonal	If seasonal, period of year available:
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Please note, in the City of Hillsboro, you are responsible for collecting the **5% Room Tax** from the short term renter and you are responsible for forwarding the 5% Room Tax to the City of Hillsboro Treasurer at the address to the right. Most short term rental websites do not collect room tax as part of the booking process.

Lisa Johnson
City of Hillsboro Treasurer
 123 Mechanic St. PO Box 447
 Hillsboro, WI 54634 Phone:
 (608)489-2521

CONTINUED ON BACK OF THIS FORM

SECTION 5: License Information

Application Information: Prior to permittance, a tourist rooming house license issued under Wis. Stat. §97605, proof of insurance, proof of state lodging establishment inspection, and proof of a valid Wisconsin Department of Revenue Sellers Permit is required.

Check one:

- Information included
- Information not included

An annual permitting fee for a Lodging – Tourist Rooming House is required with this form, and then due every calendar year by June 30.

- First year payment included
- Payment not included

In accordance with Chapter 7.12 of the Hillsboro Municipal Code, I the undersigned do hereby respectfully make application to the City of Hillsboro for a license. I hereby certify that I am familiar with the laws, ordinances, and regulations pertaining to the conditions of said establishment in the City of Hillsboro, and **I hereby agree, if granted said license, to obey all provisions of said laws, ordinances and regulations.**

- Applicant understands
- Clarification needed

A license is NOT transferable. You **must** have a **valid** license before operating. All licenses expire June 30th annually. A **late fee** will be added to all renewal applications post marked after June 30th. Closure of non-current licensed establishments will occur July 20th with additional reopening fees added for any operator requiring the above action.

- Applicant understands
- Clarification needed

SECTION 6: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Applicant Name (<i>print</i>)	Applicant Signature	Date Signed
Property Owner Name (<i>print</i>)	Property Owner Signature	Date Signed

FOR OFFICE USE ONLY

Reviewing Agent	Application Data	Extra Needed Information	
City Clerk	<input type="checkbox"/> Complete <input type="checkbox"/> Incomplete		
Zoning Administrator	<input type="checkbox"/> Complete <input type="checkbox"/> Incomplete		
Treasurer	<input type="checkbox"/> Complete <input type="checkbox"/> Incomplete		
Inspection	<input type="checkbox"/> Complete <input type="checkbox"/> Incomplete		
Common Council	<input type="checkbox"/> Complete <input type="checkbox"/> Incomplete		
Other	<input type="checkbox"/> Complete <input type="checkbox"/> Incomplete		
REVIEW DECISION	<input type="checkbox"/> APPROVAL	<input type="checkbox"/> DENIAL	DATE:

How to apply to be a Short Term Rental Property In the City of Hillsboro

The short term rental of property is possible in the City of Hillsboro, per certain City of Hillsboro and Wisconsin Act 59 regulations. It looks easy when you go online and can quickly list your bedroom, loft, apartment, house, condo, etc., for rent on a multitude of private sites. However, you must also file a 'Short Term Rental of Property' application form with the City of Hillsboro.

This instruction summary will help you define if your property qualifies as a short term rental property. This summary will also remind you of some of the steps and rules that must be adhered to in order to remain a short term rental property in good standing with the City of Hillsboro.

Is this application for all land in the Hillsboro zip code (54634)?

No. This application applies only to properties within the Hillsboro City Limits. The Hillsboro zip code extends into many of our adjacent communities. When looking up your property parcel number, see if it begins with the numbers "236" to ensure that your property is in the City of Hillsboro.

What properties can qualify?

City of Hillsboro properties that are zoned Residential-3 (two family residential) can be a short term rental property. Residential dwellings in other zoning districts may also be eligible to be used as a short term rental property if properly re-zoned. If you are not sure what your zoning category is, go to the following City of Hillsboro mapping website and click on Zoning Map.

<https://www.hillsborowi.com/maps>

Short term rentals are allowed in the following residential zoning districts:

- R-3, for short term rentals of 0-28 consecutive days

Does my short term renter need to pay a room tax?

Yes! In the City of Hillsboro, you are responsible for collecting the 5% Room Tax from your short term renter and you are responsible for forwarding the 5% Room Tax to the City of Hillsboro Treasurer at the address identified on Section 4 of the application form. The 5% Room Tax CAN be paid at the City Hall office. Please note that most short term rental websites do not collect the 5% Room Tax for you as part of the online booking process. Failure to not pay room tax can result in fines and loss of short term rental license.

Do I need a property inspection before booking a short term rental?

Yes! The initial pre-inspection, referenced above, is performed by the Fire Department. The City strongly recommends that you review your property for the following safety features prior to the inspection:

- Working smoke alarms and carbon monoxide alarms
- Working fire extinguishers
- Two safe forms of emergency building exits
- Properly ventilated furnaces, water heaters, fire places, and stoves
- Proper exterior exhaust vents for bathrooms and showers
- Good working electrical, heating and air conditioning systems

Are there a maximum number of days that I can book my short term rental?

A short term rental means renting to the same short term renter for up to 28 consecutive days. There is no limit to the number of times a space can be rented, just a maximum duration.

Are there other things I need to check before applying?

Be sure to check that your property restrictive covenants, Home Owner's Association (HOA), landowner, landlord, etc., allow short term rentals. Some do not allow this type of use and you are responsible for confirming if it is allowed before applying with the City of Hillsboro as the City does not verify that for you. You are responsible for your property so be sure to double-check.

The Wisconsin Department of Agriculture, Trade and Consumer Protection website has a 4-page summary guide of Wisconsin laws for short term rentals. Below is a link to the document:

<https://datcp.wi.gov/Documents/ShortTermRentalGuidance.pdf>

If you feel you have addressed all of the above, you may qualify to have a short term rental property in the City of Hillsboro!

ROOM TAX

Form A. Required by municipality. Return to City Hall

(1) If all income is from non-transient guests, check box, sign and return this form.

(2) Enter Gross Receipts

(3) Subtract Deductions (from Reverse side Line F)

(4) Equals Taxable Room Rent

(5) Multiply by City of Hillsboro Room Tax at 5%

(6) Equals Tax Due "City of Hillsboro"

(7) Attach a copy of WDOR Sales and Use Tax Return

I hereby certify that the information supplied heron is accurate to the best of my knowledge and belief.

Signature of Owner or Authorized Agent

Title:

Firm:

Date:

(Additional Instructions are on the reverse side)

This report and remittance due not later than 30 days from the end of each quarter. Delinquent payments shall be to a \$100 late fee in addition to interest at the legal rate.

Marketplace Provider Municipal Room Tax Return

(Marketplace providers must file this return with each Wisconsin municipality that imposes municipal room tax)

sec. 66.0615(1r), Wis. Stats

This is the uniform municipal room tax return for use by marketplace providers. Contact the municipality for information on how to file the return and pay.

Marketplace provider name		FEIN
Marketplace provider's address		
Municipality		
Mailing address		
Period	Period ending	Year

1. Number of nights properties rented	1.	
2. Total sales	2.	
3. Exempt sales	3.	
4. Taxable sales (line 2 - line 3)	4.	
5. Room tax rate (see instructions)	5.	
6. Room tax due	6.	
7. Credits	7.	
8. Penalties and fees	8.	
9. Interest	9.	
10. Total due	10.	

Contact name	Signature
Phone () -	Email

Instructions

A marketplace provider that facilitates short-term lodging on behalf of others must complete all fields of this return if the property from which the lodging is furnished is located in a Wisconsin municipality that imposes municipal room tax. See the list of municipalities that impose a municipal room tax, their tax rate, and addresses at <https://www.revenue.wi.gov/Pages/slf/room-tax.aspx>.

"Marketplace provider" includes a person who facilitates a retail sale of short-term lodging on behalf of another seller by listing or advertising, in any manner, the short-term lodging and who, directly or indirectly, processes the payment from the purchaser.

- Line 1. Nights rented.** Enter total number of nights properties located in the municipality were rented.
- Line 2. Total sales.** Enter total sales for properties located in the municipality. Include sales which are exempt from tax.
- Line 3. Exempt sales.** Enter total of sales exempt from tax. This includes nontaxable sales and sales for which you received an exemption certificate, Certificate of Exempt Status number, or other documentation as outlined in the appendix of WI [DOR Pub 219](#).
- Line 4. Taxable sales.** Subtract line 3 from line 2.
- Line 5. Room tax rate.** Enter the appropriate room tax rate as a decimal. For example, if the rate is 5% enter .05 on line 5. See [Municipal Room Taxes](#) for room tax rate.
- Line 6. Room tax due.** Multiply line 4 by the room tax rate.
- Line 7. Credits.** Enter any credits or discounts allowed by the municipality against room tax due.
- Line 8. Penalties and fees.** Enter any penalty or fees imposed by the municipality.
- Line 9. Interest.** Interest is due at the rate of 1 percent per month of the unpaid balance.
- Line 10. Total due.** Subtract line 7 from line 6 and add lines 8 and 9, if applicable. Enter total due. Send payment and completed return to the municipality.