

SUBCHAPTER 5: SHORT-TERM RENTALS

15.500 TITLE

This subchapter shall be known as the “Town of Lyndon Short-Term Rental Ordinance” or the “Short-Term Rental Ordinance,” except as referred to herein, where it shall be known as “this Subchapter.”

15.501 AUTHORITY

This Subchapter is adopted pursuant to §66.0615 and §66.1014 Wis. Stats., and the police powers granted to all municipalities.

15.502 PURPOSE

The purpose of this Subchapter is to ensure that the design, construction, maintenance, and operation of accommodations for short-term rentals (also called “Rooming Houses”) within the Town of Lyndon, is adequate for (a) the protection of the traveling public’s health, safety, and general welfare; (b) the protection of the health, safety, and general welfare of Town residents; and (c) the protection of property values in the Town. This includes, among other things, establishing minimum standards of design for human occupancy; establishing adequate levels of maintenance and operation; establishing minimum duties for owners and property managers; establishing a process for the licensing and monitoring of short-term rentals; and establishing a process for the enforcement of this Subchapter.

15.503 DEFINITIONS

The following definitions shall be used in interpreting this Subchapter:

Bathroom: A single, separate, private room containing (1) a sink and faucet, (2) a toilet, (3) a shower or a bath/shower combination, and (4) a single door for ingress and egress that locks from the inside.

Bedroom: Each room in a Rooming House that has furniture for sleeping. For purposes of this definition, furniture for sleeping includes all sizes of beds (e.g. twin beds, bunk beds, double beds, queen beds, king beds, etc.); fold-out couches, also known as sofa beds or sleeper sofas; blow-up mattresses, also known as blow-up beds or air mattresses; and every other similar device used like a bed for sleeping.

License: An individual Rooming House License issued under this Subchapter.

Occupant: A person who rents or occupies a Short-Term Rental.

Owner: The definition of §66.0615(1)(d) and all amendments thereto are incorporated herein.

Property Manager: A person or entity engaged in the business of property management services, (i) who has been appointed in writing by the Owner to act as the Property Manager, (ii) who has his residence (or in the case of an entity, the residence of the employee of the entity assigned to manage this Rooming House) within 25 miles of the Rooming House, and (iii) who has not habitually been a law offender or been convicted of a felony, subject to §111.321, §111.322 and §111.335 Wis. Stats.

Resident Agent: A person or entity who is engaged in the business of serving as a Wisconsin registered agent for others, and who is appointed and authorized, in writing, to accept service of process on behalf of the Owner, at a convenient location in Wisconsin.

Residential Dwelling: The definition of §66.0615(1)(di) and all amendments thereto are incorporated herein.

Rooming House: A residential dwelling used as a “Short-Term Rental.”

Short-Term Rental: The definition of §66.0615(1)(dk) and all amendments thereto are incorporated herein.

Sleeping Capacity: The sleeping capacity of a Short-Term Rental shall be determined by adding up all the sleeping spaces in the Rooming House using the following chart:

<u>Item</u>	<u>Capacity</u>
Twin Bed	1
Double Bed	2
Queen Bed	2
King Bed	2
Fold-out Couch	1 for twin bed; 2 for larger beds
Regular Couch	1
Blow-up Mattresses	1 for twin mattress; 2 for larger mattress

15.504 LICENSE REQUIRED

No person shall own or operate a Short-Term Rental, also known as a Rooming House, in the Town without first (1) obtaining a License hereunder from the Town, (2) obtaining a License from the State (if necessary), and (3) complying with all the requirements of this Subchapter.

15.505 EXEMPTIONS

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

- (1) A boarding house, as defined by §22.408(15) of the Lyndon Zoning Ordinance.
- (2) A bed and breakfast establishment, as defined by §22.408(12) of the Lyndon Zoning Ordinance.
- (3) A commercial indoor lodging facility, as defined by §22.408(11) of the Lyndon Zoning Ordinance.

15.506 SHORT-TERM RENTAL REQUIREMENTS

All Short-Term Rentals shall comply with the following requirements at all times:

- (1) **LICENSES:** No person may operate a Short-Term Rental without (i) a License issued by the Town and (ii) a License issued by the State if required by §66.1014(2)(d)2 Wis. Stats. (i.e., under current law, if a person maintains, manages, or operates a Short-Term Rental for more than 10 nights per year, the person must have a Tourist Rooming House License from the State).
- (2) **PROPERTY MANAGER:** Every Short-Term Rental shall be operated and managed by a Property Manager. An Owner may serve as the Property Manager provided the Owner's principal place of residence is located within 25 miles of the Rooming House. If the Owner's principal place of residence is not located within 25 miles of the , Rooming House then the Owner shall appoint, in writing, a Property Manager located within 25 miles of the Rooming House. The name, address and phone number of the Property Manager shall be posted in a conspicuous place at the Rooming House, near the front door.
- (3) **RESIDENT AGENT:** If the Owner is not a resident of Wisconsin, the Owner shall appoint, in writing, a Wisconsin Registered Agent.
- (4) **OTHER ORDINANCES:** Each Short-Term Rental shall comply with all other Town of Lyndon Ordinances.
- (5) **OUTSTANDING DEBTS:** Each Short-Term Rental must be free from any outstanding taxes, fees, penalties or forfeitures owed to the Town.
- (6) **MINIMUM ROOMING HOUSE REQUIREMENTS:** Each Short-Term Rental shall meet the following minimum Rooming House requirements:
 - (a) **Bathrooms:** One (1) Full Bathroom for every six (6) occupants.
 - (b) **Maximum Occupancy:** The maximum occupancy for a Short-Term Rental shall be determined as 1. Not less than one hundred (150 square feet of floor space

for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room are.

- (c) **Bedrooms:** Each Bedroom shall have
 1. a minimum ceiling height of 7 feet; and
 2. at least 400 cubic feet of air space for each occupant over 12 years of age, and 200 cubic feet for each occupant 12 years and under; and
 3. at least one (1) means of direct exit to the exterior by door or egress window meeting the Uniform Dwelling Code, which is 20"x24" or larger in size and in location for an adult to escape the room in the event of danger; and
 4. at least one door which leads to a hallway or other passage within the Rooming House that provides egress to the exterior.
 - (d) **Smoke Detectors:** Functional smoke detectors and carbon monoxide detectors in accordance with the requirements of the Wisconsin Administrative Code.
 - (e) **Parking:** Not less than one (1) onsite, off-street parking space for every three (3) sleeping spaces as determined by evaluation of the sleeping capacity of the Rooming House. Written instructions for proper parking shall be provided, including notice that parking is prohibited in the public road or road right-of-way.
 - (f) **Fire Places:** If the Rooming House has a fireplace, the fireplace shall be equipped with glass or metal doors which can be closed while the fire is burning. An annual inspection of chimney and fire nips required. A sign shall be mounted on or near the fireplace, explaining the steps for the safe operation of the fireplace, including how to open and close the flu.
 - (g) **Grills:** All grills (including, but not limited to, charcoal grills, gas grills, hibachi grills, and other similar devices) used for outdoor cooking or heating, shall be permanently positioned and installed at least 10 feet from the wall or overhang of any structure; positioning and installation are not allowed on decks. Also, written instructions for the operation of the device shall be provided, including how to safely terminate use of the device.
- (7) **INSURANCE:** Each Rooming House shall carry casualty and liability insurance which specifically provides coverage for injury and damages arising out of the operation of a Short-Term Rental at the Rooming House.
- (8) **ADVERTISING:** No Owner, other person or entity may advertise the availability of a Rooming House before the Rooming House is in full compliance with the requirements of this Subchapter, nor may they advertise that a Short-Term Rental offers accommodations or features which are false or contrary to the requirements of this Subchapter.
- (9) **LESS THAN 7 DAYS PROHIBITED:** Short-Term Rentals for less than 7 days are prohibited. (See, §66.1014(2)(a)).
- (10) **NUISANCES PROHIBITED:** Short-Term Rentals shall not create nuisances in any form, including (but not limited to) the following:
- (a) **Noise:** Excessive noise. More than two (2) visits to the Rooming House by law enforcement or Town Officials within a 12-month period during which the officer/Official confirms the existence of excessive noise, shall be proof of excessive noise.
 - (b) **Smell:** Excessive smell. More than two (2) visits to the Rooming House by law enforcement or Town Officials within a 12-month period during which the officer/Official confirms the existence of excessive smell shall be proof of excessive smell.
 - (c) **Garbage:** Excessive garbage accumulation: More than two (2) visits to the Rooming House by law enforcement or Town Officials within a 12-month period during which the officer/Official confirms the existence of excessive amounts of garbage shall be proof of excessive garbage.

15.507 LICENSING, RENEWAL AND ENFORCEMENT

- (1) **APPLICATIONS:** Applications for Short-Term Rental Licenses shall be filed with the Town Clerk on forms provided by the Town. A complete Application shall contain all information requested on the Form, including the following :
- (a) Name, mailing address, e-mail address, and phone number of each and every Owner of the proposed Rooming House, along with the Owner's Sales Tax number issued by the Wisconsin Department of Revenue. If the applicant is not a natural person (i.e. if the applicant is a corporation, LLC, or other entity) the identity and contact information of the officers, directors, members, managers and agents shall also be provided.
 - (b) If applicable, the name, mailing address, e-mail address, and phone number of the Resident Agent, along with a copy of the written document by which the Resident Agent was appointed by the Owner;
 - (c) If applicable, the name, mailing address, e-mail address, and phone number of the Property Manager, along with a copy of the written document by which the Property Manager was appointed by the Owner;
 - (d) Name and mailing address of all other property owners within 500 feet of the lot upon which the Rooming House is located;
 - (e) A copy of the Tourist Rooming House License issued by the State, if required (i.e., if the Rooming House will be operated for more than 10 days per year).
 - (f) A copy of a completed Lodging Establishment Health Inspection form dated within one (1) year of the date of first application or request for renewal.
 - (g) A certificate of insurance confirming that the Owner has the insurance required herein.
 - (h) An interior floor plan of the Rooming House, drawn to scale, showing the following:
 - 1. The layout of each floor of the Rooming House;
 - 2. Calculation of the living space in the Rooming House;
 - 3. The location of each Bedroom in the Rooming House, the dimensions of each Bedroom with the size and location of beds on the floor plan, the sleeping capacity of each Bedroom, and the location of each means of exit from each Bedroom.
 - 4. If applicable, the location of each fireplace and a copy of the posted instructions for safe operation of the fire place.
 - 5. If applicable, the location of each grill and a copy of the instructions for safe operation of the grill.
 - (i) An exterior site plan, drawn to scale, showing the following:
 - 1. The Rooming House;
 - 2. All other structures on the lot upon which the Rooming House is located;
 - 3. The location of the driveway;
 - 4. The location of the public road;
 - 5. The location of all parking, along with an explanation of how the parking meets the requirements of this Subchapter;
 - (j) Certification clause which affirms that the Owner and the Rooming House meet the requirements of this Subchapter.
 - (k) The application fee.
- (2) **REVIEW BY ZONING ADMINISTRATOR:** The Clerk shall submit the Application to the Zoning Administrator, who shall determine whether the Application is complete. In evaluating the Application, the Zoning Administrator may inspect the proposed Rooming House and may withhold his or her approval until the inspection is completed. If the Application is incomplete, the Zoning Administrator shall return the Application to the Applicant along with a brief explanation of how the Application is incomplete. If the Application is complete, the Zoning Administrator shall inform the Clerk.
- (3) **PUBLIC HEARING:** Upon receipt of notice from the Zoning Administrator that the Application is complete, the Clerk shall place the Application on the agenda of the Town

Board for a Public Hearing and for discussion and action by the Board. The Applicant shall appear in person, by Agent, and/or by attorney at the Public Hearing.

- (4) **NOTICE:** Notice of the Application and the public hearing shall be published as a Class 1 notice and shall contain at a minimum (1) the address of the Rooming House (2) the identity of the Owner(s), (3) the identity of the Registered Agent and Property Manager (if applicable), and (4) the date and location of the Public Hearing. In addition, at least 10 days before the Public Hearing, the Clerk shall mail a similar notice to all property owners within 500 feet of the boundary of the lot upon which the Rooming House is located.
- (5) **DECISION:** Within 60 days after the Public Hearing, the Board shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the formal minutes of a meeting. The Decision may (i) approve the Application, (ii) deny the Application, or (iii) approve the Application with such modifications and conditions as it deems necessary and appropriate to achieve the purposes of this Subchapter.
- (6) **EFFECT OF DENIAL:** No application which has been denied (in whole or in part) may be re-submitted for a period of 12 months from the date of denial, unless the Zoning Administrator determines that there has been a substantial change of circumstances regarding an issue which, in the sole discretion of the Zoning Administrator, was relevant to the prior decision to deny the application.
- (7) **EFFECT OF APPROVAL; ISSUANCE OF LICENSE:** Upon approval, the Zoning Administrator shall issue a License to the Applicant, which shall set forth the terms and conditions of the License. The Owner receiving a License shall comply during the term of the License with all requirements of this Subchapter in the operation and maintenance of the Rooming House.
- (8) **CHANGE OF OWNERSHIP:** All Licenses shall automatically terminate upon any change of Ownership of the Rooming House or the real estate upon which the Rooming House is located. The conveyance of a mortgage on the real estate shall not constitute a change of ownership under this Subchapter.
- (9) **LICENSES NON-TRANSFERABLE:** The Licenses issued under this Subchapter are not transferable to another person or entity. Any and all new Owners must apply for a new License.
- (10) **TERM OF LICENSE:** All Licenses shall expire on June 30 of each year. A License shall run for a term of one year, from July 1 through June 30, unless terminated earlier as provided under this Subchapter.
- (11) **POSTING OF LICENSE:** A copy of the License shall be posted at the licensed Rooming House in a conspicuous place near the front door.
- (12) **RENEWAL OF LICENSE:** On or before June 1st of each year, Owners may apply for the renewal of a License by filing with the Clerk an application to renew a License on forms supplied by the Town. In addition to the information requested on an original application, the Town may request information regarding any issues or problems that surfaced during the preceding License period. Applications to renew a License shall be handled in the same way as an original application, except that a Public Hearing and Notice (as described in sections (3) and (4) above) may be eliminated.
- (13) **TERMINATION OF LICENSE:** Any License found not to be in compliance with this Subchapter may be revoked by the Board at any time. The Owner and Property Manager (if any) shall be given notice at least 7 days before the Board meeting at which the License shall be discussed and acted upon. Notice may be given by depositing Notice in the U.S. Mail at least 10 days before the Hearing, addressed to the addresses provided in the last Application.
- (14) **PENALTIES:** In addition to the termination of a License, violations of this Subchapter shall subject the Owner to the enforcement and penalty provisions of Chapter 25 of this Code.
- (15) **FEES:**
 - (a) All applicants shall pay a non-refundable application fee which shall be established by resolution of the Board.
 - (b) A fee equal to 3 times the application fee shall be charged to those applicants who commence operation of a Short-Term Rental before the issuance of a

License hereunder. (Commencement of operations before issuance of a License may also be a basis to deny the issuance of a License).

- (c) Upon being granted a License, Owners shall pay a License fee established by resolution of the Board.
- (d) All applicants for the renewal of a License shall pay a renewal fee established by resolution of the Board.
- (e) Upon renewal of a License, Owners shall pay a License fee established by resolution of the Board.
- (f) If there is a complaint special fees may be assessed for additional inspections.
- (g) All fees are non-refundable.