

**ORDINANCE NO. 802-2021.11**

**AN ORDINANCE CREATING TITLE 7, CHAPTER 14 OF THE CITY OF GREEN LAKE MUNICIPAL CODE (REGULATION AND LICENSING OF SHORT-TERM RENTALS)**

The Common Council of the City of Green Lake in session duly begun on the 8<sup>th</sup> day of November, 2021, does ordain as follows:

SECTION 1: Title 7, Chapter 14 of the Municipal Code of the City of Green Lake is created to read as follows:

Section 7-14-1 Purpose.

The purpose of this Ordinance is to ensure that the quality of short-term rentals operating within the City 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 and operators offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially residential areas, within the City; and provisions for the administration and enforcement thereof.

Section 7-14-2 Definitions.

- (a) For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:
  - 1. Words 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:
  - 1. *Clerk*. The City Clerk of the City of Green Lake or designee.
  - 2. *Corporate entity*. A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.
  - 3. *Dwelling unit*. One or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one person or one family. Dwelling units include residential, tourist rooming house, seasonal employee housing and dormitory units.
  - 4. *License*. The short-term rental license issued under 7-13-4.
  - 5. *Owner*. The owner of a short-term rental.
  - 6. *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 Ordinance prescribing a penalty or forfeiture, as to partnerships or association, 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.
  - 7. *Resident Agent*. Any person appointed by the owner of a short-term rental to act as agent on behalf of the owner.
  - 8. *Short-term rental*. A residential dwelling unit that is offered for rent for a fee and for fewer than 29 consecutive days, as defined in Wis. Stats. § 66.0615(1)(dk).
  - 9. *State*. The State of Wisconsin Department of Health, or its designee.
  - 10. *Tri-County Environment Health Consortium*. An agency of the Department of Agriculture, Trade and Consumer Protection that issues tourist room house licenses.

Section 7-14-3 Operations of short-term rentals.

- (a) No person may maintain, manage, or operate a short-term rental without a short-term rental license. Every short-term rental shall be operated by an owner or resident agent.
- (b) Each short-term rental is required to have the following licenses and permits:
  - 1. A State of Wisconsin Tourist Rooming House License issued by Tri-County Environment Health Consortium;
  - 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 ordinance.
- (c) Each short-term rental shall comply with all of the following:
  - 1. Obtain a license from and meet all conditions and requirements of the license issued by Tri-County Environment Health Consortium.
  - 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, 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.
  - 5. The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable County and City housing regulations based upon the number of bedrooms in each unit.
  - 6. No recreational vehicle (RV), camper, tent, or other temporary lodging arrangement shall be permitted on site as means of providing additional accommodations for paying guests or other invitees.
  - 7. Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 9:00 a.m. and 10:00 p.m. Any activities shall be in compliance with other applicable noise regulations, including, but not limited to, keeping quiet hours from 10:00 p.m. to 9:00 a.m.
  - 8. All rentals of the short-term rental shall be subject to payment of the City room tax at the current applicable rate. Permit holders are responsible for complying with all regulations of the room tax.
  - 9. Compliance with all applicable state, county, and local codes and regulations is required.
  - 10. Short-term rental licenses are issued for one-year period and must be renewed annually subject to City approval or denial.
  - 11. Each short-term rental shall keep a register of their guests. The register shall be kept intact and available for inspection by representatives of the City for at least one year.
  - 12. Trash and garbage shall be removed as set forth in Section 8-3-6 (b) of the Municipal Code.
  - 13. In all zoned residential districts, the owner of the short-term rental must reside on the premises for at least 30 days each year. This provision does not apply to short-term rentals in existence prior to this Ordinance being enacted and in which the owner or agent collected and paid room tax to the City. These existing short-term rentals are grandfathered in and shall not be required for the owner to reside on the premises for 30 days each year. Applicants for short-term rentals in residential districts who are not grandfathered in shall provide sworn statements regarding this 30 day residence requirement on a form prepared by the City.

Section 7-14-4 Short term rental license.

- (a) The clerk shall issue a short-term rental license to all applicants following the granting of a license from Tri-County Environment Health Consortium and the filing of all documents and

records required under this ordinance. The application shall also contain the following information:

1. Identify the owner with contact information, including mailing address, physical address, and 24-hour phone number.
2. Identify the resident agent with contact information, including mailing address, physical address, and 24-hour phone number.
3. The maximum occupancy for the premises.
4. State lodging license number and state sellers permit number.
5. A permit or license issued pursuant to the terms of this ordinance.

#### Section 7-14-5 Short-term rental license procedure.

- (a) All applications for short-term rental license shall be filed with the Clerk on forms provided. Applications must be filed by the owner or on the owner's behalf by the resident agent. No permit shall be issued unless the completed application 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 by the Tri-County Environment Health Consortium.
  2. A copy of the seller's permit from the department.
  3. Designation of the resident agent (If applicable)
  4. Certification from the owner or licensee that the property meets the requirements of this ordinance.
  5. A room tax permit issued by the City.
- (c) Each permit and license shall run from July 1 to June 30. The filing fee shall be paid upon filing of the application. 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 City staff (Chief of Police, Zoning Administrator, Building Inspector and Fire Chief. If the Clerk in consultation with City staff and Tri-County Environment Health Consortium determines that the application meets the requirements of this ordinance, (s)he may approve the application. If the Clerk in consultation with City staff and Tri-County Environment Health Consortium determines that the application does not meet the requirements of this ordinance, (s)he may deny the application.
- (e) No short-term rental license shall be issued or renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the City, unless arrangements for payment have been approved by the clerk.
- (f) No short-term rental license is transferrable to a new owner. A new owner must obtain a new short-term rental license from the City.

#### Section 7-14-6 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 ordinance. The Clerk may request reports from the Police Department, Zoning Administrator, Building Inspector and Fire Chief regarding any complaints received, calls for service or actions taken regarding the short-term rental properties. Annually the Tri-County Environment Health Consortium shall forward renewal

reports and approvals to the City. This information shall be forwarded to the Clerk for review. The Clerk shall issue renewal licenses within 30 days of the filing of the application unless the information provided is incomplete or otherwise not in compliance with the requirements of this ordinance and/or the reports from the applicable City officials indicate that there are complaints or actions involving the property or the Tri-County Environment Health Consortium refuses to renew the license.

- (b) If the Clerk or Tri-County Environment Health Consortium finds that the license or permit should not be renewed, the Clerk shall deny the renewal.
- (c) No permit or license shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the City, or is under an order issued by the building inspector, or his designee, to bring the premises into compliance with City ordinances, unless arrangements for payment have been approved by the Common Council.

#### Section 7-14-7 Resident agent.

- (a) All short-term rentals are required to appoint a resident agent for the receipt of notice of violation of this ordinance's provisions and for service of process pursuant to this ordinance. Such a designation shall be made by the owner and shall accompany each application form. The applicant shall immediately notify the Clerk of any change in residence or information regarding the resident agent.
- (b) To qualify as a resident agent, the person must meet the following requirements:
  - 1. The applicant is authorized by owner to accept service of process for all City communications, citations and orders.
- (c) Each resident agent shall be authorized by the property owner to act as the agent for the owner for the receipt of service of notice of violation of this ordinance's provisions and for service of process pursuant to this ordinance and shall be authorized by the owner to allow City employees, officers and their designees, to enter the owner's property for purposes of inspection and enforcement of this ordinance and/or the City Municipal Code.

#### Section 7-14-8 Standards for short-term rentals.

- (a) Each short-term rental shall comply with this ordinance's requirements or any other applicable City ordinance. Each short-term rental shall comply with the following minimum requirements:
  - 1. All requirements of the Tri-County Environment Health Consortium.
  - 2. Not less than two onsite off-street parking space for each dwelling on the premises.
  - 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 and SPS 362 of the Wisconsin Administrative Code.
  - 5. Shall not have an accessible wood burning fireplace unless the owner provides a certification from a properly licensed inspector, dated not more than 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. Pets must be restricted to the property unless they are on a leash.
  - 7. As a condition of issuance of a license under this ordinance, the owner/resident agent shall certify that the property is in compliance with the terms and conditions of the license and this ordinance.

Section 7-14-9 Room tax.

- (a) Each short-term rental shall comply with the room tax requirements identified in Title 3, Chapter 4, of the Municipal Code.
- (b) The owner/resident agent shall file room tax returns for the short-term rental.
- (c) All tax returns and supporting documentation filed with the Clerk are confidential and subject to the protections provided under Title 3, Chapter 4, of the Municipal Code, and Wis. Stats. §§ 66.0615(3).

Section 7-14-10 Display of license.

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

Section 7-14-11 Appeal and license revocation.

- (a) The denial of a short-term license or the renewal of a short-term license under this ordinance may be appealed by filing a written appeal request with the Clerk within ten days of the City's notice of denial. The appeal shall be heard by the City Plan Commission.
- (b) A license may be revoked by the Plan Commission for one or more of the following reasons:
  - 1. Failure to make payment on taxes or debt owed to the City.
  - 2. Failure to make payment on room tax.
  - 3. Three or more legitimate calls for police service, building inspection or the health department for nuisance activities or other law violations in a 12 month period.
  - 4. Failure to maintain all required local, county, and state licensing requirements and the requirements and license provisions of the Tri-County Environment Health Consortium.
  - 5. Failure to comply with any requirements cited within this ordinance.
  - 6. Any violation of an applicable zoning regulation or other state or local land use or property maintenance regulation.
  - 7. Any violation of local, county, or state laws that substantially harm or adversely impact the predominately residential uses and nature of the surrounding neighborhood.

Section 7-14-12 Penalties.

- (a) A violation of this Ordinance shall be punishable by a forfeiture of not less than \$50.00, nor more than \$1,000.00 for each violation committed hereunder. In addition, the property owner and/short-term rental may be ineligible to operate as a tourist rooming house for a period of 12 months from the date of entry of judgment.
- (b) Each day a violation exists shall constitute a separate violation of this ordinance.
- (c) In addition to the penalties set forth above, failure to permit the inspection of a premises subject to this ordinance by the appropriate City officials or Tri-County Environment Health Consortium officials may result in the suspension of a permit.
- (d) 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.
- (e) Enforcement. The provisions of this ordinance shall be enforced by the Police Department, Zoning Administrator/Building Inspector, or their designee.

Section 7-14-13 Fees.

- (a) Initial short-term rental license application fee - \$150.00.
- (b) Renewal short-term rental license application fee - \$100.00.

Section 7-14-14 Severability.

If any provision of this ordinance 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 ordinance. It is hereby declared to be the intention of the City that all provisions of this ordinance are separable. This ordinance shall not invalidate or interfere with any lawful private or other lawful public covenant or restriction on property which prohibits or restricts to a greater extent the uses described and licensed herein.

Section 7-14-15 Applicable Zoning Districts

The provisions of this Ordinance shall govern all or any residential zoning district in the City. Further, any other zoning district that would allow a residential use shall be governed by the provisions of this Ordinance.

SECTION 2: This Ordinance shall be in full force and effect upon passage and publication.

Introduced by:

*Danielle Rippen*  
Aldersperson

Introduced by:

*Jon McLaughlin*  
Aldersperson

ROLL CALL: Ayes 6 Nays 0 Absent 0 Abstained 0  
APPROVED this 8<sup>th</sup> day of November, 2021.

ATTEST:

*Barbara L. Dugenske*  
Barbara L. Dugenske, Clerk

CITY OF GREEN LAKE  
*Raymond Radis*  
Raymond Radis, Mayor

APPROVED AS TO FORM:

*Daniel D. Sondalle*  
Daniel D. Sondalle, City Attorney

Published: 11-18-2021