

TOWN OF LAVALLE
Sauk County, WI

ORDINANCE NO. 2023- 5-10-23

AN ORDINANCE TO REPEAL, AMEND, MODIFY, AND CREATE CERTAIN SECTIONS OF THE TOWN OF LAVALLE ORDINANCES RELATED TO THE SHORT-TERM RENTAL OF TOURIST ROOMING HOUSES IN THE TOWN OF LAVALLE, SAUK COUNTY WISCONSIN.

WHEREAS, The Town of LaValle, on May 13, 2019, passed and adopted Ordinance No. 5-13-2019, entitled "Short-term Rental Licensing Ordinance," to regulate short-term rentals within the Town; and

WHEREAS, the Town of LaValle has had issues administering and enforcing said ordinance and the Town Board finds that to protect the health, safety, and general welfare of the public the existing Short-term Rental Licensing Ordinance should be repealed and that a revised ordinance regulating the short-term rental of tourist rooming houses should be adopted.

NOW THEREFORE, the Town Board of the Town of LaValle, Sauk County, Wisconsin, does ordain as follows:

Section 1. That the Short-term Rental Licensing Ordinance, Ordinance No. 5-13-2019, of the Town of LaValle, Sauk County, Wisconsin shall be repealed in its entirety.

Section 2. That Chapter 7.08 of the Code of Ordinances, Town of LaValle, Wisconsin, entitled "Short-term Rental Licensing," shall be created to read as attached hereto.

Section 3. That this ordinance shall take effect upon passage and publication as required by law.

APPROVED:

ATTEST:

Ramon R. Demaskie, Town Chairman

Jean M. Judd, Town Clerk

Adopted: 5-10, 2023.

~~Published:~~ 5-10, 2023.

Posted

CHAPTER 7.08 SHORT TERM RENTAL LICENSING

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Sec. 7.08.01 **Purpose**

The purpose of this ordinance is to ensure a short-term rental operating in a tourist rooming house within Town of La Valle is adequate for protecting health, safety and general welfare. The Town has determined that it can serve this purpose by establishing minimum standards for human occupancy and parking; establishing adequate levels of maintenance; determining the responsibility of Property Owners, Property Managers, and their agents offering these properties for rent; to provide minimum standards necessary for the health, safety of persons occupying or using buildings, structures or premises as well as the surrounding community; and provisions for the administration and enforcement thereof.

Sec. 7.08.02 **Definitions**

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

- (1) "Bathroom" means an enclosed room with a toilet and washbasin.
- (2) "Clerk" means the Town Clerk of the Town of LaValle or its designee.
- (3) "License Year" means July 1st of one calendar year to June 30th of the next calendar year.
- (4) "Property Owner" means the property owner of a tourist rooming house.
- (5) "Property Manager" means a person who has been designated by the Property Owner to operate the short-term rental and who meets the qualifications within this Chapter.
- (6) "Short-term rental" means the rental of a tourist rooming house for twenty-nine (29) consecutive days or less.
- (7) "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. A lodging place includes a residential dwelling as defined by Sec. 66.1014(1)(b), Wis. Stats.

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. 7.08.03 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. 7.08.04 Rentals for Six (6) or Fewer Days Prohibited

- A. Prohibition. The short-term rental of a tourist rooming house for six (6) consecutive days or fewer is prohibited. If a Property Owner wishes to rent a tourist rooming house to guests staying fewer than seven (7) days, the Property Owner must treat the rental of the tourist rooming house as a rental of at least seven (7) days regardless for how long the guests actually use the tourist rooming house. Two rental periods cannot begin within a seven (7) day period.
- B. All advertisements or solicitations, including in online marketplaces, for the short-term rental of a tourist rooming house must be consistent with this prohibition. No advertisement or solicitation may list a short-term rental as being available for a term of fewer than 7 days.

Sec. 7.08.05 Short-term Rental License

- A. License Required. No person shall operate a tourist rooming house offering short-term rentals for more than ten (10) nights each year without a Short-term Rental License. A Short-term Rental License is required for each tourist rooming house. Any person wishing to maintain, manage, or operate multiple tourist rooming houses will have to apply for and be issued multiple licenses.
- B. License Duration. Each license 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. 7.08.06 License Application

- A. All applications for a Short-term Rental License shall be filed with the Clerk on forms provided by the Town. Applications must be filed no later than ninety (90) days in advance of the

date the tourist rooming house will be first offered for rent. Each application shall be accompanied by payment of the required, non-refundable license fee and shall include all the information and documentation required by this Chapter. The Clerk may refuse to accept any license application that is incomplete or does not comply with the requirements of this Section.

B. The Short-term Rental License application shall include the following:

- (1) The name, mailing address, and phone number of the Property Owner(s).
- (2) The name, mailing address, physical address (if different from mailing address), email address, and telephone number of the designated Property Manager for the tourist rooming house.
- (3) An affirmative statement from the Property Owner (or at least one owner if there are multiple owners of the property), that the Property Manager is authorized to act as an agent for the Property Owner with respect to the short-term rental of the tourist rooming house, including taking remedial action and promptly responding to any violation of this ordinance or the Town Code relating to the licensed premises, and receiving service of notice of violation of this ordinance.
- (4) The address of the tourist rooming house subject to the License.
- (5) The desired maximum occupancy of the tourist rooming house.
- (6) Written certification by the Property Owner (or at least one owner if there are multiple owners of the property) that states that the short-term rental of the tourist rooming house meets the requirements of this Chapter and applicable state and county laws, ordinances and regulations, including the maintenance of a guest register as required by state law.

C. The applicant shall include the following documentation with the Short-term Rental License application:

- (1) The Sauk County Special Exception Permit issued for the tourist rooming house.
- (2) A Land Use Permit issued by the Sauk County Zoning Administrator with the approval of the Board of Adjustment.
- (3) State of Wisconsin tourist rooming house license issued under Wis. Stat. §97.605 by the Department of Agriculture, Trade and Consumer Protection.
- (4) A copy of the completed State Lodging Establishment Inspection report dated within one (1) year of the date of application.
- (5) A copy of a valid Wisconsin Department of Revenue Seller's Permit in the name of the Property Owner.
- (6) A completed fire inspection report by the Town's fire inspector dated within one (1) year of the date of application that shows no uncorrected violations.
- (7) A septic verification or a sanitary permit issued by Sauk County.
- (8) Proof of insurance for the tourist rooming house that meets the standards set by this Chapter.
- (9) Floor plan (drawn to approximate scale) showing the number of bedrooms and bathrooms within the tourist rooming house.
- (10) Site plan with scale showing the parcel, the lot lines, the location of buildings, and the available off-street parking designated for guests.
- (11) If the Property Manager is different from the Property Owner, a signed statement from the Property Manager that (i) accepts the designation as the Property Manager for the tourist rooming house, (ii) acknowledges receipt of a copy of this Chapter, and (iii) certifies that the signor qualifies as a Property Manager under this Chapter.

D. Any applicant seeking a renewal of a currently valid Short-term Rental License for a tourist rooming house or any applicant that had a Short-term Rental License for a tourist

*This is for
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rooming house within the current License year (July 1-June 30), must state whether the tourist rooming house was used as a short-term rental on or after January 1st of the current License year and, if so, must provide the date the tourist rooming house was first used as a short-term rental during the current calendar year.

- E. Any applicant seeking a renewal of a currently valid Short-term Rental License for a tourist rooming house or any applicant that had a Short-term Rental License for a tourist rooming house within the current License year (July 1-June 30), must provide an up-to-date copy of their guest register.
- F. Any applicant seeking a renewal of a currently valid Short-term Rental License for a tourist rooming house that has not been materially modified or expanded since its issuance and that requests the same maximum occupancy for the tourist rooming house shall not be required to re-submit the seller's permit, floor plan, or site plan under Sec. 7.08.06(C).

Sec. 7.08.07

Property Manager Qualifications

- A. To qualify as a Property Manager the person must meet the following requirements:
 - (1) Be a natural person residing in the Town of LaValle or within thirty-five (35) miles of the tourist rooming house; or be a corporate entity routinely engaged in the business of property management with offices located within the Town of LaValle or within thirty-five (35) miles of the tourist rooming house. 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 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(s) to accept service of process for all Town notices, citations, orders, and other legal documents.

- (4) Be authorized by the owner(s) 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. 7.08.08

Application Review Procedure

- A. When an application for a License is filed with the Clerk and the Clerk determines that the application is complete, meeting all requirements of Sec. 7.08.06, the Clerk shall forward the completed application to the Town Board for review at the next meeting for which an agenda has not yet been posted. If the Clerk determines the application is incomplete, the Clerk shall inform the applicant, in writing, what the application is missing and what action is needed to complete the application.
- B. Upon forwarding a completed application to the Town Board, the Clerk at the request of any Town Board member may request reports from the Sheriff's Department and other law enforcement agencies regarding any enforcement actions taken with respect to the tourist rooming house and its operation as a short-term rental. The Clerk shall forward all reports and information acquired prior to the Town Board meeting to the Town Board.
- C. The Town Board shall consider the application and supporting documents. The Town Board 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 Town of LaValle to protect the public health, safety, and general welfare and the applicant's compliance with the requirements of this Chapter. The Town Board may take into consideration the number, frequency and/or severity of legal violations relating to the operation of the tourist rooming house as a short-term rental and whether such violations substantially harm or adversely impact public health, safety, and general welfare of the public.
- D. If the Town Board approves the License application, the Clerk shall promptly issue the Short-term Rental License.
- E. If the Town Board denies the License application, the Town Board shall state its reasons for the denial and the Clerk shall

promptly notify the applicant in writing setting forth the reasons for the denial.

- F. If the Town Board conditionally approves a License application, the Town Board shall state the conditions required for approval and the 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 Clerk shall issue the Short-term Rental License to the applicant. If the conditions for approval are ongoing requirements, the conditions shall be stated on the issued License.

Sec. 7.08.09

License Information and Display

- A. Each Short-term Rental License issued shall contain the following information:
 - (1) Identity of the Property Owner.
 - (2) Physical address of the tourist rooming house.
 - (3) Identity, phone number, and physical address for the Property Manager.
 - (4) The maximum occupancy for the licensed premises.
 - (5) The License issuance date and date of expiration, and the first allowable date on which the tourist rooming house may be rented.
 - (6) State lodging license number.
 - (7) Contact information for the Town.
- B. Short-term Rental License Display. The current Short-term Rental License shall be prominently displayed on the inside of the main entrance door of the tourist rooming house, along with a map or diagram of the lot on which the tourist rooming house sits with the lot lines and the location of the on-site parking stalls .

Sec. 7.08.10

Regulations for the Operation of a Short-term Rental

- A. Each short-term rental of a 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.
- B. No tourist rooming house may be rented for a period of six or fewer consecutive days.
- C. Each short-term rental of a 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) The Property Manager shall be available by telephone 24 hours a day on those days when the tourist rooming house is rented. The Property Manager shall promptly notify the Town Clerk of any change in the Property Manager's contact information and submit the revised contact information to the Town Clerk.
 - (2) The owner shall maintain casualty and liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than three hundred thousand dollars (\$300,000) per individual and one million dollars (\$1,000,000) aggregate that covers liability arising from short-term rentals as shown on the proof of insurance submitted with the license application.
 - (3) The Property Owner or Property Manager of each short-term rental shall provide a guest register and require all guests to register their true names and addresses before being assigned sleeping quarters. The Property Owner or Property Manager shall also list the rental period (start date/end date) of the guests in the register. The guest register shall be kept by the Property Owner or Property Manager and available for inspection by the Town Board or its designee. A copy of the guest register shall be included in any reapplication for a Short-term Rental License.

- (4) A tourist rooming house may be available for rent under this Chapter for a period of no more than 180 consecutive days within any calendar year. The 180-day period during which a Property Owner may rent their tourist rooming house under this Chapter begins on the first day of the tourist rooming house's first short-term rental, during the calendar year, and runs for the next 180 consecutive days. At the expiration of that period, the tourist rooming house may not be used as a short-term rental until the start of the next calendar year.
- (a) For the purposes of this Chapter, the consecutive 180 day period resets every calendar year, not at the start of a License year. The 180 consecutive days the Property Owner is allowed to rent the tourist rooming house may begin during one License year and end in the next. It is the responsibility of the Property Owner to plan when they want to begin and end their 180-day rental period.
 - (b) As part of the application process a Property Owner that has rented the tourist rooming house as a short-term rental on or after January 1st of the current License year (July 1-June 30), will be required to list the date the tourist rooming house was first rented as a short-term rental during the calendar year. It is the responsibility of the Property Owner to know when this date is and accurately list it on their application or reapplication. Additionally, it is the responsibility of the Property Owner to ensure the tourist rooming house is not used as a short-term rental a 180 days after this date.
- (5) The tourist rooming house shall have not less than one (1) bathroom for every four (4) occupants.
- (6) The tourist rooming house shall have not less than one hundred fifty (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 area. Floor space is determined using interior measurements of each room except for kitchens, bathrooms, closets, garages, or rooms

not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people.

- (7) A minimum of one (1) off-street parking stall shall be provided for every guest bedroom. All off-street parking shall be established outside of the town highway/road right-of-way or joint access roadway easement.
- (8) Nameplates or other signage for the tourist rooming house shall comply with all applicable county ordinances.
- (9) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on the lot (as described on the License application) as a means of providing additional accommodations for paying guests or other invitees. Sleeping quarters related to a short-term rental shall only be located within the tourist rooming house.
- (10) The Property Owner and Property Manager shall be responsible for trash, garbage, refuse, and recyclable materials and ensuring compliance with applicable Town ordinances.
- (11) The tourist rooming house shall have a safe, unobstructed means of egress leading to safe, open space at ground level.
- (12) The tourist rooming house shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code.
- (13) The tourist rooming house shall not have an accessible wood burning fireplace unless the owner or resident operator provides a certificate from a licensed commercial building inspector, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.
- (14) No gas-grill, charcoal grill, hibachi, or other similar devices with a heating element shall be placed on any

balcony, deck, or under any overhanging structure or within ten (10) feet of any structure.

- (15) All guests shall comply with all applicable state, county, and local laws.
 - (16) 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 11:00 PM and 7:00AM.
 - (17) Lot Lines: The owner shall visibly mark or notify each guest of the lot lines to the tourist rooming house property.
- 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 Town's building inspector or its designee.
 - E. Each owner of a tourist rooming house and each lot upon which a tourist rooming house is located shall have no delinquent fees, taxes, assessments, special charges, or forfeitures owed to the Town, unless the owner and the Town Board have entered into a written agreement for payment of the outstanding balances owed.

Sec. 7.08.11 Non-transferability of License

A Short-term Rental License is nontransferable and shall expire upon a transfer of legal control of the property on which the tourist rooming house sits. The holder of any license shall promptly notify the Clerk in writing of any transfer of the legal control of any property covered by the License. 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 License renewal application after such transfer.

Sec. 7.08.12 Fees

- A. The fees for a Short-term Rental License and issuance shall be determined by the Town Board.

- B. All other fees for licenses, permits, or inspections that may be required by this Chapter are the responsibility of the owner.

Sec. 7.08.13

Enforcement and Penalties

- A. Any person, partnership, corporation, or other legal entity that violates Section 7.08.05 and operates a Short-term Rental without a valid License shall be subject to a forfeiture of not less than Five Hundred Dollars (\$500.00) and no more than One Thousand Dollars (\$1,000.00) Dollars, plus any applicable surcharges, assessments, and costs, for each violation. Each night a tourist rooming house is rented without a Short-term Rental License 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 Two Hundred Fifty Dollars (\$250.00) 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 forfeiture(s) above, the Town Board may suspend or revoke a previously issued Short-term Rental License
- D. The Town Board may refuse to issue or renew a Short-term Rental License for any tourist rooming house or owner-applicant that has violated this Chapter any time within a period of twelve (12) months prior to the date of the License application.