

# ORDINANCE TO REGULATE TOWN OF CHICOG SHORT-TERM RENTALS

Ordinance No. 2023-0714

STATE OF WISCONSIN  
Town of Chicog  
Washburn County

**This ordinance repeals and recreates the following: Short Term Rental Licensing Ordinance # 2020-01, Amendment to Short Term Rental Licensing Ordinance # 2020-05 and Resolution # 05262021.**

## **Section I - Purpose.**

The purpose of this article is to ensure that the quality and nature of short-term rentals operating within the town of Chicog are adequate for protecting public health, safety and general welfare and to protect the character and stability of all areas and neighborhoods within the town of Chicog. Additionally, permitting short-term rentals will assist the town assessor in identifying commercial use of private residences.

This article shall apply exclusively to single and multi-family residential dwellings and shall exclude Heartwood Resort, Brad & Kays Campground, Watson's Sand Beach Resort, and any future campground(s) as defined by state statutes.

## **Section II - Authority**

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

## **Section III – Adoption of Ordinance**

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and proper notice having been given provides for the regulation by license of short term rentals within the Town of Chicog.

## **Section IV- Definitions.**

*Residential dwelling* means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.

*Property owner* means the owner of the residential dwelling that is being rented.

*Property manager/resident agent* means any person who is not the property owner and who provides property management services for one or more short-term rentals and who is authorized to act as the agent of the property owner for the receipt of service of

notice of municipal ordinance violations and for service of process pursuant to this ordinance.

*Short-term rental* means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days, as defined in Wis. Stats. § 66.0615(1)(dk).

*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, in accordance with Wis Stats. 97.01(1)

## **Section V - Operation of Short-Term Rentals.**

A. No person may maintain, manage, and/or operate a short-term rental without a short-term rental license issued pursuant to this ordinance. Every short-term rental shall be operated by a property owner and a resident agent or property manager. Each short-term rental is required to have the following licenses and permits:

1. A current State of Wisconsin Tourist Rooming House license.
2. A current seller's permit issued by the Wisconsin Department of Revenue.
3. A short-term rental license issued pursuant to the provisions of this ordinance.

B. Each short-term rental shall comply with all the following:

1. Residential dwellings may be rented for periods of between 1 and 29 days; the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 consecutive days. (WI Statutes 66.1014(2)(d))
2. When the property owner applies for a permit, he/she will identify the beginning and ending of no more than four (4) rental periods not to exceed 180 days total. Each rental block period must be a minimum of 7 days.
3. Contact information for local owner/property manager must be on file with the town. The local owner/property manager must be located within 25 miles of the short-term rental property and must be available 24 hours a day 7 days a week. The property owner must notify the town within 24 hours of any change in management contact information for the short-term rental. The contact information for the owner/property manager must be posted both inside and outside the building, the former for the benefit of the renter and the latter to provide information for fire officials, law enforcement, and local citizens.
4. Name plates or other signage shall not exceed one square foot. No other signage advertising the short-term rental is permitted on site or on any adjoining lake or water body.
5. The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code or other applicable county

and town housing regulations based upon the number of bedrooms in each unit. (WI Legislature administrative code/SPS 383.43).

6. Septic systems must be pumped and inspected in compliance with Washburn County sanitary maintenance requirements. The owner shall provide proof of such.
7. All vehicle and trailer parking must be contained to the rental property and shall not be left on private or township roads, including the right-of-way.
8. Property must remain free from citations, nuisances, disorderly conduct, or any other type of illegal activity. All property taxes must be current.
9. Trespass laws must always be abided by.
10. The property owner should apply to the DNR for an annual burning permit, if appropriate (this is free) and the DNR's information concerning burn restrictions should be posted. All campfires must always be attended, and fully extinguished with water to avoid forest fires.
11. No recreational vehicle (RVs), mobile home, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations over and above occupancy limits for paying guests or other invitees.
12. Adequate access shall be available for all safety vehicles according to Washburn County Private Road and Driveway Ordinance.
13. Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 8:00 a.m. and 11:00 p.m. At minimum, a seven consecutive day interval must occur between outdoor events held at the short-term rental.
14. There shall be no excessive noise after 11:00 p.m.
15. Short-term rental licenses are issued for one-year period (expiring June 30 each year) and must be renewed annually subject to town approval or denial.
16. The owner must provide proof of insurance which confirms the insurer is aware the property is being used as a short term rental.
17. Compliance with all state, ATCP 72, County, and local regulations is required.

## **Section VI – Short Term Rental License Application Procedure (initial license)**

- A. All applications for a short-term rental license shall be filed with the town clerk on forms provided. Applications must be filed by the property owner. No permit shall be issued unless the completed application form 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. Current State of Wisconsin license for a Tourist Rooming House issued under Wis. Stats. § 97.605;
  - 2. Current Proof of insurance; with name of insurance company and certificate proving limits in compliance with this article.
  - 3. Current Seller's permit from the State of Wisconsin
  - 4. Property manager contact information, if applicable.
  - 5. Certification of septic system pump and inspection.
  - 6. Copy of sanitary system application and permit
- C. The application will be presented to the town board for their approval or denial. The town clerk shall issue a short-term rental license to all applicants following payment of the required fee, receipt of all information and documentation, and town board approval of the application.
- D. Each permit and license shall run from July 1 to June 30 of the following year.
- E. No permit or license shall be issued or renewed, if the applicant or property has outstanding fees, taxes, forfeitures, or other amounts owed to the town.

### **Section VII - Short Term Rental License**

The short term rental license shall contain the following information:

- A. The name and contact information for the property owner
- B. The name and contact information of the resident agent/property manager.
- C. The maximum occupants for the premises based on bedrooms & septic.
- D. The license terms.
- E. State seller's permit number.
- F. Dates of operation

### **Section VIII - Renewal**

- A. The renewal application and renewal fee must be filed with the town clerk by May 15<sup>th</sup> of the license expiration year so that the Town Clerk and Board have adequate time to consider the application.
- B. The renewal application shall include any updated information since the filing of the original application.
- C. An existing license becomes void and a new application is required any time the ownership of a residential dwelling licensed for a short-term rental changes.
- D. The town board may suspend, revoke, or non-renew a short-term rental license following a due process hearing if the board determines that the licensee:
  - 1. Failed to comply with any of the requirements of this ordinance.
  - 2. Has been convicted or whose Property Manager or renters have been convicted of engaging in illegal activity while on the short-term rental premises on 2 or more separate occasions within the past 12 months; or
  - 3. Has outstanding fees, taxes, or forfeitures owed to the town.

### **Section IX – Appeal and License Revocation**

- A. The denial of any license or permit application or renewal under this article may be appealed by filing a written appeal request with the clerk within ten working days of the town's notice of denial. The appeal shall be heard by the town board. The town board shall consider the application or renewal and recommendations and may approve or deny the application or renewal.
- B. A license may be revoked by the town board for one or more of the following reasons:
  - 1. Failure to make payment on taxes or debt owed to the town.
  - 2. Three or more formal complaints to the town board and/or law enforcement for violation of this ordinance or other law violations in a 12-month period.
  - 3. Failure to maintain all required local, county, and state licensing requirements.
  - 4. Any violation of local, county, or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

### **Section X – Complainant Procedure**

- A. A complaint shall consist of one of the following

1. Formal written complaint with signature
  2. Legitimate call for law enforcement services.
- B. Upon a complaint being filed the following will take place:
1. The complaint will be given/shared with the Town Board and Clerk within 3 working days. The Town Board shall review the complaint to decide if necessary action is warranted within 2 working days.
  2. The property owner and/or designated manager will receive a copy of the complaint within 5 working days.
  3. The owner/manager shall have ten working days upon receipt of the complaint to respond in writing to the complaint.
  4. Upon resolution of a complaint the Clerk shall forward in writing to both the owner/manager and individual who initiated the complaint the Town Board's decision. Resolution may include necessary corrective actions.
  5. Either party involved in a formal complaint may appeal the resolution to the full board by submitting a written request within ten working days to the town clerk.

#### **Section XI - Penalties and Fees**

- A. Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100 nor more than \$500, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.
- B. Any tourist rooming house found to be operating without a Town of Chicog issued license shall be given 60 days to comply with this ordinance and state statutes. If the property is not brought into compliance in this time period, the State of Wisconsin DATCP will be notified and a penalty fee will be assessed by the town.
- C. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement, or costs whether existing under this article or otherwise.

#### **Section XII – Fees**

Initial Short-Term Rental Application Fee \$50

Renewal Short-Term Rental Application Fee \$50

Anyone operating a tourist rooming house without a license shall forfeit not less than \$100.00 nor more than \$500.00 as outlined in the Town of Chicog Citation Ordinance #2020-04.

**Section XIII – Severability**

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

**Section XIV – Effective Date**

This ordinance shall be effective as of the date of publication in the town’s official newspaper or posting in accordance with Wis. Stats. 60.80

**APPROVED BY:**

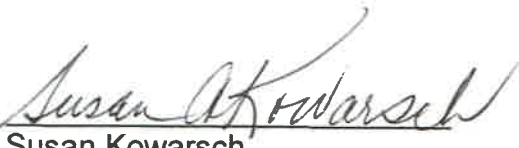
**TOWN BOARD TOWN OF CHICOG**


Dated this 12<sup>th</sup> day of July, 2023.



  
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Scott Pahos  
Town Chairman

  
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Brian Berg  
1<sup>st</sup> Supervisor

  
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Susan Kowarsch  
2<sup>nd</sup> Supervisor

  
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Attest by: Teresa L. Corrie  
Town Clerk