

ORDINANCE NUMBER: 09.2019

**SHORT-TERM RENTAL LICENSING
TOWN OF POLK, WASHINGTON COUNTY**

The Board of the Town of Polk, Washington County, ordains as follows:

Section I: PURPOSE

The purpose of this ordinance is to ensure that the quality and nature of the short-term rentals operating within the Town of Polk are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the Town.

Section II: AUTHORITY

The Town Board of the Town of Polk 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: DEFINITIONS

“Property Manager” means a 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.

“Property Owner” means the person who owns the residential dwelling that is being rented.

“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.

“Short-term rental” means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

Section IV: SHORT-TERM RENTAL LICENSE

- A) No person may maintain, manage, or operate a short-term rental more than 10 nights each year without a town short-term rental license issued pursuant to this ordinance.
- B) Licenses shall be issued using the following procedures:
 - 1. 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 license shall be issued unless the completed application form is accompanied by the payment of the required application fee.

2. 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 requested by the application, and town board approval of the application.
3. A short-term rental license shall be effective for one year and may be renewed for additional one-year periods. A renewal application and renewal fee must be filed with the Town Clerk at least 45 days prior to license expiration so that the Town Board has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. An existing license becomes void and a new application is required any time the ownership of a residential dwelling licensed for short-term rentals changes.
4. 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: a) failed to comply with any of the requirements of this ordinance; b) 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 c) has outstanding fees, taxes, or forfeitures owed to the town in violation of Town Ordinance No.08.2019 entitled, "Ordinance Requiring Payment of Local Claims As Condition of Obtaining or Renewing Town Issued Licenses".

Section V: OPERATION OF A SHORT-TERM RENTAL

Each short-term rental shall comply with all of the following requirements:

1. No residential dwelling may be rented for a period of 6 or fewer days.
2. If a residential dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days.
3. The Property Owner or Property Manager shall notify the Town Clerk in writing when the first rental within a 365-day period begins.
4. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
5. Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 8:00am and 10:00pm. At minimum, a seven consecutive day interval must occur between outdoor events held at the short-term rental. Any activities occurring at the short-term rental shall comply with other applicable noise regulations.
6. A local property management contact (either the Property Owner or an appointed Property Manager) must be on file with the Town at all times and must be located within 10 miles of the short-term rental. The Property Owner and/or Property Manager must provide the Town with current contact information and must be available 24 hours a day, 7 days a week by telephone. The Town must be notified within 24 hours of any change in contact information.

7. Each short term rental shall maintain a register and require all guests to register with their actual names and addresses. The register shall be kept on file for at least one year. The register shall also include the time period for the rental and the monetary amount or consideration paid for the rental.
8. Each short-term rental shall hold a valid State of Wisconsin Tourist Rooming House License and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications.

Section VI: PENALTIES

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 \$200.00 nor more than \$500.00, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.

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.

Section VII: FEES

Initial Short-term Rental License Application fee: \$50.00

Renewal Short-term Rental License Application fee: \$25.00

Section VIII: 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 IX: EFFECTIVE DATE AND PUBLICATION

This ordinance shall take effect following passage and posting in 3 public places within the Town of Polk as required under s. 60.80, Wis. Stat.

ADOPTED by a vote of 3 for and 0 against on this 8th day of October, 2019.
TOWN OF POLK

By: Albert J. Schulteis
Albert Schulteis, Town Chairperson

By: Robert B. Roeh
Robert Roecker, Town Supervisor

By: Dennis Sang
Dennis Sang, Town Supervisor

Attest: Sandra Rotar
Sandra Rotar, Town Clerk