

TOWN OF HOLLAND
ORDINANCE NO. _____

ORDINANCE CREATING CHAPTER 280 OF THE
CODE OF THE TOWN OF HOLLAND, SHEBOYGAN COUNTY, WISCONSIN

BE IT ORDAINED by the Town Board of the Town of Holland, Sheboygan County, Wisconsin, that Chapter 280 of the Code of the Town of Holland is hereby created to read as follows:

Chapter 280
SHORT-TERM RENTALS

§ 280-1. Purpose.

The purpose of this Chapter is to ensure that the quality of short-term rentals operating within the Town 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, operators and property managers offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially residential areas, within the Town of Holland; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

§ 280-2. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

CLERK- The Town Clerk of the Town of Holland or designee.

CORPORATE ENTITY - A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.

DWELLING UNIT - One (1) or more rooms with provisions for living, cooking, sanitary and sleeping facilities and a bathroom arranged for exclusive use by one (1) or more persons maintaining a common household. Dwelling units include residential, tourist rooming house, seasonal employee housing and dormitory units.

LICENSE - The Short-Term Rental License issued under § 280-4.

OCCUPANT – Any person, over one year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit.

PERSON – An individual, group of individuals, corporate entity or any other legal entity.

PROPERTY MANAGER - Any person that is not the property owner and is appointed to act as agent and/or provides property management services to one or more short-term rental.

PROPERTY OWNER – The owner of a short-term rental.

SHORT-TERM RENTAL - A residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days, as defined in § 66.0615(1)(dk), Wis. Stats.

§ 280-3. Operation of Short-Term Rentals.

- A. No person may maintain, manage or operate a short-term rental more than ten (10) nights each year without a short-term rental license. Every short-term rental shall be operated by a Property Owner or Property Manager.
- B. Each short-term rental is required to have the following licenses and permits:
 - (1) A State of Wisconsin Tourist Rooming House License.
 - (2) A seller's permit issued by the Wisconsin Department of Revenue.
 - (3) A license from the Town of Holland issued pursuant to this chapter.
- C. Each short-term rental shall comply with all of the following:
 - (1) No residential dwelling unit may be rented for a period of six (6) or fewer consecutive days. However, after a short-term rental license has been issued for a residential dwelling unit under § 280-4, then any subsequent rental of that dwelling unit during the license term may be for a period of six (6) or fewer consecutive days.
 - (2) No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.
 - (3) There shall not be excessive noise as prohibited by § 240-1 of the Town Code, excessive fumes, glare, or vibration, any nuisance activities prohibited pursuant to Chapter 245 of the Town Code, dogs at large as prohibited by § 140-2 of the Town Code, or trespass onto neighboring properties as prohibited by Chapter 257 of the Town Code.
 - (4) Name plates or other signage related to the short-term rental property shall not exceed one square foot. No other signage advertising the short-term rental is permitted on site. For rental properties not already licensed by the Town, after July 1, 2019 off-site advertising in media channels relating to the availability of the rental may take place only after all the required permits and licenses have been obtained and if the Town has not notified the rental property owner of deficiencies.
 - (5) The number of occupants in any unit shall not exceed the limits set forth in the Wisconsin state regulation ATCP-72 for Hotels, Motels, and Tourist Rooming Houses.
 - (6) No recreational vehicles (RVs), campers, tents or other temporary lodging arrangements shall be permitted on site as a 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 8:00 a.m. and 10:00 p.m. Any activities shall be in compliance with other noise and nuisance regulations of the Town, including, but not limited to the provisions of § 240-1 and § 245 of the Town Code.
 - (8) Compliance with all applicable state, county and local codes and regulations is required.
 - (9) Unless the Property Owner resides or is located within thirty-five (35) miles of the short-term rental property, a local property management individual for contact must be on file with the Town Clerk at the time of application. The local Property Manager must be within a thirty-five (35) mile radius of the short-term rental property and must be available 24 hours a day. The Property Owner must notify the Town within twenty-four

- (24) hours of a change in property management contact information for the short-term rental.
- (10) A short-term rental license or renewal license will not be issued until annual general building and fire inspections have been completed and no outstanding orders remain. The property owner may, in lieu of separate inspections, submit a copy to the Town Clerk of the WDATCP sanitarian's inspection report.
- (11) Short-term rental licenses are issued for a maximum one-year period expiring June 30th and may be renewed annually subject to § 280-6.
- (12) The Property Owner shall have appropriate insurance for the structure that is used for short-term rental and provide proof of insurance with the license application and renewal as provided in § 280-8.A(9).
- (13) The Property Owner for each short-term rental shall provide a guest register and require all guests to register their true names and addresses and rental time period before beginning each occupancy of the short-term rental. The register shall be kept intact and available for inspection by representatives of the Town for at least one year from the most recent rental date.

§ 280-4. Short-Term Rental License.

- A. The Clerk shall issue a short-term rental license to all applicants following the approval of an application by the Town Board and the filing of all documents and records required under this chapter. The license shall contain the following information:
- (1) Identify the Property Owner with contact information including mailing address, physical address (if different from mailing address) and a phone number at which the Property Owner is available at all times.
 - (2) Identify the Property Manager with contact information including mailing address, physical address (if different from mailing address) and a phone number at which the Property Manager is available at all times.
 - (3) The license term.
 - (4) State of Wisconsin Tourist Rooming House License number.

§ 280-5. Short-Term Rental License Procedure.

- A. All applications for a short-term rental license shall be filed with the Clerk on forms provided by the Clerk. Applications must be filed by the Property Owner. No license 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 that is needed to demonstrate compliance with all requirements of this chapter, including § 280-8:
- (1) Identify the Property Owner with contact information including mailing address, physical address (if different from mailing address) and a phone number at which the Property Owner is available at all times.
 - (2) A copy of the State of Wisconsin Tourist Rooming House License issued under § 254.64, Wis. Stats.
 - (3) A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal.

- (4) Proof of Insurance.
 - (5) A copy of Seller's Permit from the Department of Revenue.
 - (6) Floor plan drawn to scale labeling the rooms and requested maximum occupancy.
 - (7) Site plan drawn to scale showing buildings and available onsite parking.
 - (8) Property Management Agreement, if applicable.
 - (9) Designation of Property Manager, if applicable.
 - (10) Certification from the Property Owner that the property meets the requirements of this chapter.
 - (11) An employer identification number issued by the Internal Revenue Service, if applicable.
 - (12) A copy of the guest register, or alternatively allow the Town Clerk to inspect the guest register.
- C. Each license shall run from July 1 to June 30 of the following year and may be renewed for additional one (1) year periods. The filing fee shall be paid upon filing of the application. Any application that does not include all of the information and documentation shall not be considered as complete.
 - D. When satisfied that the application is complete, the Clerk shall forward initial applications to the Town Board for review. If the Town Board, in consultation with the Clerk, determines that the application meets the requirements of this chapter, it may approve the application. If the Town Board, in consultation with the Clerk, determines that the application does not meet the requirements of this chapter, it may deny the application.
 - E. No license shall be issued or renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the Town, unless arrangements for payment have been approved by the Clerk, or if the applicant or property is found to be subject to one of the grounds for revocation set forth at § 280-9.B.

§ 280-6. Renewal.

- A. Each application for a renewal of a license shall include updated information for the documentation on file with the Clerk and payment of the applicable fee. A renewal application and renewal fee must be filed with the Clerk at least 90 days prior to license expiration to allow the Town Board adequate time to consider the application. The Clerk shall check if the information provided on the renewal application is complete and in accordance with the requirements of this chapter. The Clerk may request reports from the County Sheriff's Department regarding any complaints received, calls for service or actions taken regarding the short-term rental properties. The Town Board shall consider the renewal application and may approve or deny the application, taking into consideration factors such as but not limited to the number of times the Sheriff's department was contacted for potential violations, the number of complaints received by board members or by the clerk, etc.. The Clerk shall issue a renewal license following the approval of an application by the Town Board.
- B. No license shall be renewed if the property is under an order issued by the Building Inspector, or his or her designee, to bring the premises into compliance.

§ 280-7. Property Manager.

- A. Property Manager Permit: No person may act as a Property Manager for a short-term rental without a Property Manager Permit issued by the Clerk in accordance with the provisions of this

chapter. All applications for a Property Manager Permit shall be filed with the Clerk on forms provided by the Clerk. No permit shall be issued unless the completed application is accompanied by payment of the required fee. The Property Manager Permit shall apply to all short-term rentals for which the Property Manager has exclusive rights for the rental of the property. The Property Manager must certify to the Town that each short-term rental operating under the short-term rental license complies with the standards of this chapter.

- B. Property Manager Qualifications: To qualify as a Property Manager, the applicant must meet the following requirements:
 - (1) Be a natural person residing in or within thirty-five (35) miles of the rental property or a corporate entity with offices located within thirty-five (35) miles of the rental property.
 - (2) The applicant does not have any pending criminal charge and has not been convicted of a felony or misdemeanor for any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another.
- C. Each Property Manager shall be authorized by the Property Owner to act as the agent for the Property Owner for the receipt of service of notice of violation of this chapter's provisions and for service of process pursuant to this chapter and shall be authorized by the Property Owner to allow Town employees, officers and their designees, to enter the property for purposes of inspection and enforcement of this chapter and/or the Town Code.

§ 280-8. Standards for Short-term Rentals.

- A. Each short-term rental shall comply with this chapter's requirements or any other applicable Town ordinance, state statute or state regulation. Each short-term rental shall comply with the following minimum requirements:
 - (1) One (1) internal bathroom for every four (4) occupants.
 - (2) The number of occupants may not be more than allowed under Wisconsin state regulation ATCP-72 or any other state regulation, state statute, or local ordinance.
 - (3) Not less than one (1) onsite off-street parking space for every four (4) occupants based upon maximum occupancy.
 - (4) A safe, unobstructed means of egress from the short-term rental leading to safe, open space at ground level.
 - (5) Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 321 of the Wisconsin Administrative Code.
 - (6) All Property Managers shall carry casualty and liability insurance issued by any 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 \$150,000 per individual and \$500,000 aggregate.
 - (7) Certification of compliance: As a condition of issuance of a license or permit under this Article, the Property Owner or Property Manager shall certify that each property is in compliance with the terms and conditions of the license and this chapter.

§ 280-9. Display of Permit.

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

§ 280-10. Appeal and License Revocation.

- A. The Town Board decision to repeal or deny a renewal of a license shall specify the reasons for denial.
- B. The denial of any license or permit applications or renewal may be appealed to the Town Board by filing a written appeal request with the Clerk within twelve (12) days after the mailing date of the written notice of the Town Board's decision denying the application. The Town Board must rule on the appeal within 45 days or failure to act constitutes approval of the license. The Town Board decision regarding the appeal must specify the reasons for the action.
- C. A license may be revoked by the Town Board following a due process hearing for one or more of the following reasons:
 - (1) Failure to make payment on taxes or debt owed to the Town.
 - (2) Three (3) or more calls for law enforcement service, building inspection, nuisance activities under Chapter 245 of the Town Code, or other law violations in a twelve (12) month period.
 - (3) Failure to comply with annual Town building or fire inspection requirements.
 - (4) Failure to maintain all required local, county and state licensing requirements.
 - (5) Any violation of local, county or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

§ 280-11. Penalties.

- A. Any person who violates any provision of this chapter shall be subject upon conviction thereof to a forfeiture of not less than \$250 nor more than \$1,000 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture shall be imprisoned in the Sheboygan County Jail until such forfeiture and costs are paid, but not to exceed 30 days. Each day a violation continues to exist shall constitute a separate offense.
- B. Penalties set forth in this section shall be addition to all other remedies of injunction, abatement or costs whether existing under this Article or otherwise.

§ 280-12. Fees.

Any person applying for or renewing a license or permit pursuant to this chapter shall be subject to the fees as established by resolution of the Town Board.

§ 280-13. 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.

This Ordinance shall become effective upon passage and posting.

Adopted this ____ day of _____, 2018.

TOWN OF HOLLAND

Donald W. Becker, Town Chairman

Doug Hamilton, Town Supervisor

David Huenink, Town Supervisor

Stephen Jones, Town Supervisor

Stanley Lammers, Town Supervisor

ATTEST:

Janelle Kaiser, Town Clerk