

## CHAPTER 115: SHORT-TERM RENTAL LICENSE ORDINANCE

### 115.01 PURPOSE

- A. The purpose of this Chapter is to ensure that the quality of short-term rentals operating within the Village of Pepin is adequate for protecting the health, safety and general welfare of the community, including establishing minimum standards of space for human occupancy, and for an adequate level of maintenance, determining the responsibilities of owners, operators and host representatives offering properties for tourists and transient occupants.
- B. To protect the character and stability of all areas, especially residential areas, within the Village of Pepin; to provide minimum standards necessary for the health and safety of person(s) occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof. Because of the relatively small size and geography of the Village, a few departures from these objectives can have significant impact on residents.
- C. For purposes of this ordinance, Short Term Rentals are considered a conditional use business in Residential Zone areas. Short-Term Rentals are considered a permitted use in Commercial Zone and Low Commercial Impact Area zones. The use of a dwelling unit for this purpose shall be conditional upon meeting the requirements of this Chapter, and all other Ordinances of the Village of Pepin

### 115.02 DEFINITIONS

- A. **SHORT-TERM RENTAL:** A dwelling offered for rent as a tourist rooming house as defined by ATCP Ch 72.03, for a fee and for fewer than 30 days. Excluded from this definition are Bed and Breakfast establishments, hotels, and motels.
- B. **SHORT-TERM RENTAL LICENSE:** Per Wis Stats 66.1014, a license issued by the Village of Pepin Clerk. The term shall run from August 1st of a given year thru July 31st of the next year.
- C. **PLANNING COMMISSION:** Village of Pepin Planning Commission, responsible for approving short-term rental licenses.
- D. **HOST REPRESENTATIVE:** Person(s) who are managers of the dwelling or person(s) who can respond as needed either by phone or on site within 30 minutes, that the owner of the dwelling has assigned to act as agent for the rental property.
- E. **DWELLING:** Any building, facility (including RV's and mobile homes, and including seasonal units in a campground), structure, or part of the building or structure, that is used or intended for use as a home, residence, or sleeping place by one or more persons.

- F. LODGING MARKETPLACE:** An entity that provides a platform through which an unaffiliated 3rd party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant.  
[Per Wis Stat. 66.0615 (1)(bs)]

### **115.03 SHORT-TERM RENTAL LICENSE REQUIRED**

- A.** No person shall maintain, manage, or operate a Short-Term Rental without a Short-Term Rental license. Every Short-Term Rental shall be operated by a property owner or property host representative. Licenses are issued to the property owner and expire when the title to the property is transferred, or the one year time period expires.
- B.** Each Short-Term Rental is required to maintain in good standing the following licenses and permits.
1. A current Short-Term Rental license issued by the Village Clerk.
  2. A State of Wisconsin License for a Tourist Rooming House License issued for the specified location under Wis. Stat. 254.64.
  3. General building and fire code inspection completed by the Village Fire Code inspector and there are no outstanding orders on file.
  4. A Seller's permit, Consumer's Use Tax Certificate, or Use Tax Certificate as needed, issued by the Wisconsin Department of Revenue, or alternatively a demonstration of satisfaction of this requirement for this location by a Lodging Marketplace.
  5. Any change in Lodging Marketplace status shall be reported to the Village Clerk within 10 days of occurrence.

### **115.04 LICENSE APPLICATION FILINGS AND FEES**

- A.** All applications for a short-term rental license shall be filed with the Village of Pepin Clerk on forms provided. Applications must be filed by the property owner.
1. Each license issued under this chapter expires on July 31<sup>st</sup>.
  2. A license initially issued during the period beginning on May 1<sup>st</sup> and ending on July 31<sup>st</sup> expires on July 31<sup>st</sup> of the following year.
  3. An initial filing fee of \$500.00 shall be paid upon filing of the application. This fee includes payment for the first year operating license.
  4. No permit shall be issued unless the completed application form is accompanied by payment of the required fee.
  5. Any application or renewal request which does not include all the information and documentation shall not be considered as complete. The Village Clerk will determine if the application is complete and meets the application requirements
  6. A Renewal Fee of \$300.00 shall be due July 31<sup>st</sup> of each calendar year.
  7. A preliminary review of a potential short term rental application can be done for an additional fee of \$200. See Section 115.06(B).

8. All fees are non-refundable.
  9. Short Term Rental Licenses and Permits are non-transferrable.
- B.** Each application shall include the following information and documentation for each short-term rental:
1. A copy of a completed state lodging establishment inspection form dated within one year of the date of issuance along with proof of payment.
  2. A building floor plan and requested maximum occupancy.
  3. Site plan including a designation of available on site parking.
  4. A copy of the house manual for renters.
- C.** No license shall be issued or renewed unless there is filed with the clerk a completed fire hazard inspection report from an authorized Village Fire Inspector showing no deficiencies, dated not more than one year before the date of issuance or renewal.
- D.** No license shall be issued or renewed, if the applicant, or property location has outstanding fees, taxes or forfeitures owed to the village, unless arrangements for payment have been approved by the Village of Pepin Clerk.
- E.** When satisfied that the application is complete, the clerk shall forward initial applications for permits and licenses to the Village Planning Commission for a Public Hearing and Review under Ch 151.

### **115.05 SHORT TERM RENTAL ANNUAL RENEWAL PROCESS**

Annual renewal shall be conditional upon compliance with all applicable provisions of this ordinance. The clerk shall approve any renewal application unless there is a problem. The clerk will then refer any compliance issues to the Planning Commission for review and action as needed.

### **115.06 PLANNING COMMISSION APPLICATION REVIEW**

#### **A. Planning Commission Public Hearing Process**

1. When the Village Clerk determines that the application is complete, The Clerk shall notify by U.S. Certified Mail all property owners within 250 ft of a proposed short-term rental of the opportunity to attend and comment on the requested use at a public hearing before a license is approved.
2. The Zoning Administrator shall review the application and prepare a report regarding compliance with our Zoning Ordinance to the Planning Commission on its suitability.
3. At the Planning Commission hearing the Commission may approve, modify, or deny the request.
4. The Planning Commission, during a public hearing, may include other operating requirements such as parking, trash management, limits on occupancy levels, or

limits on occupancy duration in the permit as necessary to ensure the health and welfare of the Village residents.

5. Any outside signage proposed for the Short-Term Rental operation shall be separately reviewed as required under Chapter 151.
6. Any appeal of the Planning Commission findings on the requested license shall be made to the Village Board.

## **B. Preliminary Review Process**

1. When a property owner is seeking advanced review of a possible use of a dwelling, or proposed dwelling, for a short term rental use at a particular property may initiate a preliminary review in the license application process by paying the \$200 preliminary Filing Fee and initiating a Planning Commission review of the potential use. The following information is required to perform the review:
  - a. Building scale drawings and requested maximum occupancy.
  - b. Site Plan including a designation of available on site parking.
  - c. A description of the timeline for operation and other details about the intended operational management structure.
2. Such a preliminary review shall be valid for only one year. Any substantive changes to the preliminary information may require an additional hearing when the full application process is initiated.
3. Completion of a preliminary review does not eliminate the need for a conditional use public hearing that may will be required during the regular application process. No license shall be issued and no operation as a Short-Term Rental shall begin until all license requirements have been met and a license has been issued by the Village.

## **115.07 OPERATION OF SHORT-TERM RENTALS**

- A. Minimal Conditions required for the approval and operation of the short-term rental:
  1. **OCCUPANCY:** Occupancy of the short-term dwelling is limited to maximum occupancy provided in Wisc. Admin. Code or as otherwise established in the Conditional Use Permit. No recreational vehicles (RVs), campers, tents or other temporary lodging arrangements shall be permitted on site as a means of providing additional accommodations beyond the number of occupants that is authorized.
  2. **INSURANCE:** The applicant has insurance against claims of personal injury and property damage for short-term property rental. Coverage provided by a Lodging Marketplace can be used to satisfy this requirement.
  3. **LOCAL CONTACT:** Host Representative or other Person(s) responsible for the short-term dwelling while it is rented. This information shall be given to the Village Clerk to keep on file for each dwelling.

4. **TAX ORDINANCE:** The short-term rental shall always comply with the Village of Pepin Hotel/Motel Room Tax Ordinance (Chapter 112) and timely payments shall be made to the Village Clerk.
5. **RECORDS:** The number of occupants in any unit for each rental shall be recorded and not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code. Each short-term rental shall be able to provide a guest register be able to verify that guests have registered using their true names and addresses before beginning occupancy of the short-term rental. The register shall be kept accessible and available for inspection by representatives of the Village for at least 1 year [See ATCP 72.16].

### **115.08 OPERATIONAL RULES**

- A. Each Village license shall be prominently displayed inside of and near the main entrance door of each Short-Term Rental.
- B. Each short-term rental shall have a set of operational rules supplied to occupants providing at a minimum information regarding the following:
  1. Contact information for local emergency services
  2. Contact information for local contact of dwelling owner and/or Host Representative.
  3. Information regarding the following:
    - a. Village Noise Ordinance Section 130.07.
    - b. Village Nuisance Ordinance Section 92.03.
    - c. A map showing the property lines.
    - d. Occupancy limits of the short-term rental.
    - e. Parking expectations (In accordance with the Village of Pepin Parking Ordinance and as indicated in the Planning Commission license Decision).
- C. Pets, if allowed, must be restricted to the property, and animal owners must comply with the Village of Pepin Animal Ordinance Ch. 90.03-90.12.

### **115.09 DENIAL OR REVOKING LICENSE**

- A. Denial of any license application or renewal may be appealed by filing a written appeal request with the clerk within 10 days of the Village's notice of denial. The appeal shall be heard by the Village Board, which shall make the final recommendation.
- B. If village residents find a short term rental to be disruptive, the Village Board will review the complaint and may provide a written finding to the property owner and give the property owner a reasonable time to correct the issues.
- C. The Village Board will use compliance with other existing ordinances, and the Short-Term Rental license requirements to determine if there is reason to revoke the license. A license may also be revoked by the Village Board for one or more of the following reasons:
  1. Failure to make payment on property tax or debt owed to the village.

2. Failure to make Room Tax payments to the Village of Pepin.
3. Three or more calls for police service for nuisance activities within a 12-month period.
4. Failure to remedy deficiencies identified in the annual Village building Fire Inspection requirements.
5. Failure to comply with Village Ordinances or pay any fees for violations thereof.

### **115.10 LONG RANGE PLANNING**

- A. The Planning Commission shall make recommendations to the Village Board regarding the need to modify conditions on the location, density, or total number of Short Term Rental Licenses the Village should issue based on protecting the health, safety, and general welfare of the community and consistent with the intent of the Village Comprehensive Plan.
- B. The Village of Pepin Zoning Administrator shall maintain a map showing the location of all permitted short term rentals.
- C. The Village Clerk shall maintain a master list of all licensed Short Term Rental facilities, including the host representative name and contact information.

### **115.99 PENALTY**

- A. After the effective date of this Ordinance any person advertising and/or renting a Short Term Rental operation without first obtaining a License from the Village shall be subject to a \$500 fine. Each day the operation continues shall constitute a separate violation. A subsequent offense shall also result in a one year suspension of issuance of any Short-Term Rental license for that property owner under this Chapter. A third offense shall result in a permanent suspension of a license for that property owner.
- B. Any person violating any provisions of this Chapter for which no specific penalty is prescribed shall be subject to the penalty set forth in Chapter 10.99 of this code of ordinances.