

## **TOURIST ROOMING HOUSE ORDINANCE AMENDMENT**

### **Regulation/Licensing**

#### **I. PURPOSE.**

The purpose of this Ordinance is to establish and provide for the administration and enforcement of tourist rooming house standards in the Town of Calumet, which:

- ensure the quality of such properties are adequate to protect the public health, safety, and general welfare;
- maintain the character and stability of all areas of the Town, especially densely populated residential areas wherever located within the Town of Calumet;
- inform owners and property managers operating or managing tourist rooming houses of their responsibilities including, but not limited to, expeditiously and personally addressing undesirable activities or conditions which adversely impact other properties or interfere with passage of any lane, street, road, bridge or other public or private way used by emergency vehicles or protective service personnel to gain access to property or a navigable body of water to provide services, (i.e., public nuisances);
- establish a list of site-specific ordinance requirements, and the consequences of non-compliance, which must be provided pre-occupancy to all potential tenants, to alleviate tenant, neighbor/neighborhood issues during occupancy of a tourist rooming house;
- afford a potential source of recovery for persons on these properties and the owners and occupants of adjacent properties who suffer bodily injury or property damage arising from the condition or operation of tourist rooming houses;
- Social Media connects homeowners and lodging marketplaces with people who need a place to stay when traveling. Many homeowners use these marketplace platforms for intermittent, on-the-side rentals. Some property owners, though, have gone far beyond this modest ideal. Short-term rentals may affect neighboring property owners and can change a neighborhood's character. This ordinance strives to balance the competing rights of all property owners.

#### **II. AUTHORITY**

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

### **III. DEFINITIONS.**

**A.** For the purpose of administering and enforcing this Ordinance, the terms or words used herein shall be interpreted as follows:

1. Words used in the present tense include the future.
2. Words in the singular number include the plural number.
3. Words in the plural number include the singular number.

**B.** The following definitions and conditions apply unless specifically modified:

#### **AHJ - Authority Having Jurisdiction**

Means an organization, office, or individual responsible for enforcing the minimum requirements of a license, code, ordinance, standard, or permit.

#### **Bathroom**

a room with a water closet, lavatory and a bathtub or shower located together on the same floor level.

#### **Bedroom / Sleeping Room**

A room, furnished with one or more beds, and must be accessible without going through another bedroom or a bathroom to gain entry. The minimum allowed size of a bedroom / sleeping room is 70 square feet, with one horizontal dimension being a minimum of seven (7) feet. Every bedroom / sleeping room door must have an operable latching device.

#### **Clerk**

The Clerk of the Town of Calumet, or designee.

**Conditional Use Permit - CUP**

A permit allowing a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District. Conditional Use as applied is synonymous with past terms such as special exception or special use.

**Corporate Entity**

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

**Dwelling Unit / Unit**

Means any building, structure, or part of the building or structure, which is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

**Habitable Area**

The habitable space of each dwelling unit is determined using interior measurements of each room, excluding kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code and DATCP requirements for occupancy.

**Local Property Manager**

Any Town of Calumet licensed person directly providing property management services to an owner of a tourist rooming house.

**Lodging Marketplace**

An entity that provides a platform through which unaffiliated third parties offer to rent a short-term rental to an occupant and collect consideration for the rental from the occupant."

**Measure of Distance**

The distance, between two applicable addresses shall be determined by using the most direct route of roadway miles between the two said locations.

**Owner**

A person(s) with recorded, legal, or rightful title to a piece of property.

**Operator**

An Owner or a Local Property Manager, appointed by the Owner to act on behalf of the Owner, who in conjunction with the Owner shall be responsible for compliance with this ordinance, collection of rent, and payment of taxes.

**Parking Space**

Means an area which is improved, maintained, and used for the sole purpose of temporarily accommodating a motor vehicle or trailer/appliance that is not in use.

**Person**

Shall include a corporation, firm, partnership, association, organization, and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any section of this Ordinance prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents, or members thereof who are responsible for any violation of such section.

**Primary Adult Occupant**

A person who shall be the primary tenant contact during a defined TRH rental period and who shall also be responsible for all occupants and their compliance with all provisions of this ordinance during same rental period.

**Primary Residence**

A dwelling unit that serves as an individual's true, fixed, and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state identification cards. An Individual can have only one primary address.

**Property Management Services**

An Owner selected service that provides; a local property manager, operation, control, maintenance and oversight of real estate and physical property.

**Short Term Rental**

The rental of a dwelling unit for a period of less than thirty(30) consecutive days.

**State**

The State of Wisconsin, WI. Department of Health, or its designee.

## **TOC - Town of Calumet**

### **Tourist / Transient**

Any person residing in a dwelling unit for a continuous period of less than thirty (30) days.

### **Tourist Rooming House / TRH**

All lodging places and tourist cabins and cottages (dwellings), other than hotels, motels, or resorts, in which sleeping accommodation are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients. For the purpose of compliance under Chapter ATCP 72 Wisconsin Administrative Code.

## **IV. OPERATION OF TOURIST ROOMING HOUSES.**

**A. Required Licenses, Permits and Inspections.** Each Tourist Rooming House owner is required to have the following completed and approved licenses, permits and inspections to operate a TRH in the Town of Calumet.

1. State of Wisconsin Tourist Rooming House License as required under Wis. Stat. § 97.605;
2. Conditional Use Permit to utilize the property as a Tourist Rooming House issued pursuant to Section 3.9 of the Town of Calumet Zoning Ordinance and consistent with this Ordinance Section;
3. Town of Calumet Short-Term Rental License issued pursuant to the provisions of this Ordinance Section;
4. A Marketplace Agreement signed by both parties, or a Seller's Permit issued by Wisconsin Department of Revenue, identifying the licensed premises as located in the Town of Calumet.
5. Each separate unit which is offered for rental as a tourist rooming house is required to be inspected annually by the State or by a local health department that is granted agent status. If the State or its agent fails to inspect the tourist rooming house, the applicant may request that the local building inspector conduct the inspection. If the local building Inspector conducts the inspection, the holder of a permit or license shall be responsible for payment of any additional inspection fees.

6. Each separate unit which is offered for rental as a tourist rooming house is required to be inspected annually by the Local Building inspector . If the Building Inspector or Fire Inspector at any time is unable to conduct an inspection due to denial of access, the tourist rooming house shall not operate until it has passed the inspection.

**B. Standards.**

Each Tourist Rooming House offered for short-term rental shall comply with all of the following:

1. Compliance with all applicable federal, state, county and local codes and regulations is required.
2. Town of Calumet TRH Ordinance and CUP imposed conditions.
3. Any Tourist Rooming House located in the Town of Calumet shall comply with Chapter ATCP 72 in its entirety, Conditional Use Permit must be renewed annually by July 1<sup>st</sup> and run through June 30<sup>th</sup> the following year. Conditional Use Permits may be revoked if neighbor complaints are based on substantial evidence.
4. Any advertising or marketing relating to the availability of the rental, or rental of a property, may take place only after all Town, County and State, permits and licenses have been obtained for that property.
5. The marketing of a Tourist Rooming House in which the advertised occupancy exceeds the maximum occupancy allowed, or which promotes any other prohibited activity, shall be a violation of this Ordinance.
6. A Short-Term Rental shall last no less than seven (7) consecutive days. Short-Term Rentals for six (6) days or less are prohibited.
7. Per State Statute 66.1014, The Town of Calumet has adopted a limit on the total number of rental days allowed within a license year, that a residential dwelling may be rented, to a maximum of 180 days.
8. Subletting of any Dwelling unit for use as a Tourist Rooming House is strictly prohibited.

9. Total Habitable Space requirements - Dwelling

Required habitable floor space of not less than one hundred fifty (150) square feet of for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof. Note: Required floor space shall be calculated using the definition of habitable area;

10. Bathroom(s) requirements

Not less than one (1) bathroom is required for every six (6) Occupants.

11. Bedroom(s) requirements

- a. A bedroom / sleeping room must be accessible without going through another bedroom or a bathroom to gain entry. The minimum allowed size of a bedroom / sleeping room is 70 square feet, with one horizontal dimension being a minimum of seven (7) feet. Every bedroom / sleeping room door must have an operable latching device;
- b. Per ATCP 72.14 (2) (b) Size of Sleeping Rooms. Every sleeping room shall be of sufficient size to afford at least 400 cubic feet of air space for each occupant Every sleeping room shall have a minimum ceiling height of 7 feet. No greater number of sleeping occupants than the number established by application of these standards is permitted in any sleeping room;
- c. All bedrooms in any dwelling unit offered as a short-term rental shall comply WI. SPS 321.03 Exit requirements. If a room does not meet these requirements, a sign shall be posted notifying occupants that the room shall not be used for sleeping due to lack of safe egress.

12. Unit occupancy no greater than the following is allowed;
- a. Two (2) people per unit without an enclosed bedroom;
  - b. Four (4) people per unit with one (1) enclosed bedroom;
  - c. Six (6) people per unit with two (2) enclosed bedrooms;
  - d. Eight (8) people per unit with three (3) enclosed bedrooms;
  - e. Ten (10) people per unit with four (4) enclosed bedrooms;

13. Parking requirements

- a. PC decided to ask for elector input:

OPTION 1. One (1) onsite off-street parking space per bedroom is required, but not less than two (2) onsite off-street parking spaces shall be provided.

OPTION 2. The required number onsite off-street operator provided parking spaces shall be equal to the number of bedrooms plus one (1) additional space. But not less than two (2) onsite off-street parking spaces shall be provided.

OPTION 3. One (1) onsite off-street parking space is required for every two (2) license allowed tenants, but not less than two (2) onsite off-street parking spaces shall be provided.

- b. All required parking spaces shall comply with Town of Calumet Zoning Ordinance Section 3.13 - Parking and Loading Requirements

- c. Lawn/ grass areas may not be used when considering number of provided parking spaces to determine max occupancy.

- d. On-street / in road right-of-way parking is prohibited.



14.     **Maximum TRH Occupancy Limits**

The maximum allowed number of tenants shall be calculated at the Conditional Use Permit Hearing by using; State Health Inspection Report information; and by complying with all requirements of: Total Habitable Space; Bathroom; Bedroom; Unit Occupancy Limits and Parking Spaces, as listed in TRH standards. The determined maximum occupancy shall be included as a condition when forwarding the Plan Commission's CUP recommendation to the Town of Calumet Town Board and listed on the TRH license.
15.     Any outdoor event held at the short-term rental shall last no longer than one day and may occur anytime between the hours of 8:00 am and 10:00 pm. At a minimum, a six-consecutive day interval must occur between any outdoor events held at the short-term rental. Guest visitors of renters are limited to a number equal to the number legally occupying the TRH. No visitor is permitted to remain in a TRH or on-site during ordinance established quiet time. Any activities occurring at the short-term rental shall comply with all other applicable ordinance regulations. Adequate off-street parking provisions must be provided to accommodate all event attendees.
16.     Use of recreational vehicles (RVs), campers, tents, or other temporary lodging arrangements as a means of providing additional accommodations for paying guests or other invitees is prohibited.
17.     If any portion of a TRH dwelling is located less than ten (10) feet to any side yard property line, said property lines shall clearly be distinguished with a minimum of three (3) foot tall markers at intervals of 10', with markers extending from front to rear property line. Markers shall be placed on TRH property. Maintenance of and around shall be by TRH operator. All TRH advertising and required postings shall also include information to potential tenants describing the method of property line marking and the need to respect neighboring property and their owners.
18.     There shall be no excessive noise, fumes, glare, or vibrations generated during the use of the dwelling as a short-term rental. Quiet hours are to be observed on weekdays between 9:00 PM and 7:00 AM, and on weekends and holidays they are to be observed between 11:00 PM and 7:00 AM. Quiet means that noise levels at the property line shall not exceed 55 dBA.

Weekday days / nights = Sunday thru Thursday  
Weekend days / nights = Friday & Saturday

19. Garbage and recycled materials shall be properly stored and screened from view. Instructions for recycling shall be posted. Garbage and recycling removal shall be provided, as a minimum, on a weekly basis. Removal service shall be evident by a contract with a licensed garbage hauler or, if not contracted, by providing a name and phone number of a private party responsible for trash removal.
20. Pets must be under control of their owner and on a leash when outside the dwelling. Pets may be tethered securely to a leash or pulley-run on the premises, provided that the tethered pet is a minimum of ten (10) feet inside the premises lot line.

Pet owners must adhere to minimizing nuisance pet noise, independent of location of the pet, inside or outside the dwelling.

Three (3) or more verified pet violations, occurring during any twelve (12) month period, will result in an added Conditional Use Permit condition, of no pets allowed and a required advertising change of no pets allowed, for a period of one (1) year.
21. Tenant access is not allowed to; basements, furnace rooms, building mechanical rooms, or accessory buildings, unless specifically identified during the Conditional Use Permit process.
22. Accessory buildings shall not have sleeping accommodations or be used to fulfill the count of parking spaces required by this ordinance, unless specifically identified during the Conditional Use Permit process.
23. Every Short-Term Rental / TRH shall have a kitchen. A kitchen means any room or area that has provisions for a sink, stove, refrigerator, cabinets, and shelves for storage of food, equipment and utensils, and a counter or table for food preparation.
24. All lighting used to illuminate an off-street parking area, walkway, or yard, shall be directed away from neighboring residential properties and public or private streets in such a way as not to create a nuisance.

25. All dwelling units shall carry 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.  
  
Proof of said, current, insurance coverage is required with each application and must also include written confirmation by the insurer, showing knowledge that insured property is being used as a short-term rental.
26. A Town of Calumet provided Life-Safety Plan form for the proposed TRH shall be completed and submitted for approval by the Town of Calumet Fire Department. **Town/Fire Dept provided form**
27. Each dwelling unit shall provide two safe, unobstructed means of egress leading to safe, open space at ground level.
28. Each dwelling unit shall have functional smoke detectors as follows: One (1) in each bedroom or sleeping area, one (1) outside of the bedroom or sleeping area within twenty-one (21) feet of the bedroom(s) in the direction of egress, one per floor. Carbon monoxide detectors as follows: one (1) per floor if a fuel burning appliance or attached garage is present.
29. Each dwelling unit shall provide at least one (1) UL rated 2A:10B:C fire extinguisher within the unit, which shall be maintained on an annual basis. If the extinguisher is not readily visible, one or more signs shall be posted indicating the location of the extinguisher.
30. All fires and embers are to be confined and must be fully extinguished when not attended. Unattended fires and embers are prohibited.
31. No dwelling unit shall have an accessible wood or solid fuel burning stove or fireplace unless the owner provides a "cleaning and inspection" certificate by a certified chimney sweep professional.
32. No dwelling unit shall have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose on any balcony, deck or under any overhanging structure or within ten (10) feet of any structure
33. Name plates or other exterior signage shall not exceed two (2) square foot.
34. No exterior signage or outdoor advertising related to the short-term rental unit is permitted, other than the properties name and address, unless specifically required in the Conditional Use Permit.

35. A copy of the Short-Term Rental License and if applicable, a current Property Manager License shall be displayed on the inside of the main entrance door of each Tourist Rooming House. The Operators 24/7 contact information shall also be posted at the same location.

Also, to be displayed inside of the main entrance shall be a document showing locations of onsite parking and information to tenants describing the location and method of property line marking and the need to respect neighboring Owners and their properties.

36. A complete legible copy of this ordinance shall be openly available at all times to the tenants of any tourist rooming house, including CUP conditions that apply specifically to each individual property.
37. All advertisements for rental of a tourist lodging unit shall contain the Town of Calumet identification number assigned to the dwelling unit, including any advertisements by a third party or a Lodging Marketplace. All said advertising shall also include the following site-specific information.
- a. The maximum number of occupants that are permitted at any time.
  - b. The number of onsite, off-street parking spaces provided.
  - c. Pet control requirements as described in this ordinance
  - d. A description of property line markers used, and the need to respect neighboring property.
  - e. Owner's trash storage rules pertaining to, leaving, or storing trash or refuse on the property, exterior of the dwelling or accessory building(s) and the plan for proper trash disposal.
  - f. Provide quiet hours times as described in these standards.
  - g. Any conditions placed on property by Conditional Use Permit not already listed above.

38. If the property owner's primary residence address is thirty (30) roadway miles or less from the proposed TRH address, a local property manager is not required to be designated. The property owner/operator must be available by phone twenty-four (24) hours a day, during the time of rentals. The property owner must notify the Town Clerk within twenty-four (24) hours of any change in the property owner's contact information and submit in writing the revised contact information to the Town Clerk within three (3) business days.
39. If the property owner's primary residence address is more than thirty (30) roadway miles from the proposed TRH address, a local property manager residing thirty (30) roadway miles or less from the proposed TRH address, during the time of rentals, must be designated for contact purposes, and his or her name must be included in the application filed with the Town Clerk. The local property manager must be available by phone 24 hours a day during the time of rentals. The property owner must notify the Town Clerk within twenty-four (24) hours of any change in the local property manager's contact information for the short-term rental and submit in writing the revised contact information to the Town Clerk within three (3) business days.
40. The Operator of each short-term rental shall provide a guest register and require all guests to register their true names and addresses and rental period dates before being assigned sleeping quarters. The guest register shall be maintained by the property owner or local property manager and be available for inspection for at least one (1) year, as required by the Wisconsin Administrative Code. If the property owner or property manager does not consent to inspection of the guest register, the register shall be subject to disclosure to an authorized official pursuant only to a proper search warrant, administrative subpoena, judicial subpoena, or other lawful procedure to compel the production of records that affords the property owner or property manager an opportunity for pre-compliance review by a neutral decision maker.

A separate ledger including the monetary amount or consideration paid for each unit rental shall be maintained by the property owner or local property manager and be available for inspection for at least eighteen (18) months. If the property owner or property manager does not consent to inspection of the ledger, the ledger shall be subject to disclosure to an authorized official pursuant only to a proper search warrant, administrative subpoena, judicial subpoena, or other lawful procedure to compel the production of records that affords the property owner or property manager an opportunity for pre-compliance review by a neutral decision maker.

41. Every Short-Term Rental application shall be submitted by the primary adult occupant, with a minimum age of twenty-one (21) years, who shall be the primary tenant contact during a defined TRH rental period and who shall also be responsible for all occupants and their compliance with all provisions of this ordinance during same rental period.
42. Prior to a tourist rooming house rental period occupancy, the operator shall obtain the name, address, phone number and email of the primary adult occupant whose minimum age shall be 21. The operator shall require that primary adult occupant sign a formal acknowledgement that they shall be responsible for all occupant's compliance with all provisions of this ordinance. This information shall be readily available from the operator upon request of any police officer or employee of the Town authorized to enforce this ordinance or state law. This information shall be retained with the guest registry and for the same length of time as the registry.
43. The Operator of each TRH shall provide a nuisance response plan.

A nuisance response plan detailed on an initial or renewal application for a TRH license is required by this ordinance shall contain the following information:

- a. The name, address and telephone number of the operator who will be available by telephone, and who will be responsible for promptly responding to or causing a prompt response to a nuisance complaint arising out of the occupancy or use of the short-term rental by tenants. For the purposes of this requirement, a return telephone call to a complainant within 45 minutes of the initial complaint shall be deemed "prompt";
- b. No more than a total of three persons shall be designated in the response plan as a person responsible for responding to or causing a response to a nuisance complaint;
- c. Any such person designated shall have the powers of an operator;
- d. The method of responding to or causing a response to a nuisance complaint, including, but not limited to the manner in which the complainant or complainants will be notified of the response and the method of documenting prompt responses and timely corrective action.
- e. The method of assuring timely corrective action to remedy the conditions that caused the nuisance complaint. For the purposes of this ordinance, "timely corrective action" shall include, at a minimum, a telephone call to the primary adult occupant of the short-term vacation rental within 30 minutes of the initial nuisance complaint.

44. Upon probable cause to believe that a violation of this chapter, or of a law, code, rule or regulation relating to buildings, housing, electrical, plumbing, heating, gas, fire, health, safety, environmental pollution, water quality, food or zoning has occurred or is occurring, the Town Building Inspector or a local health officer may request that the property owner or property manager allow him or her, upon presenting proper identification, access to the short-term rental premises at any reasonable time for any of the following purposes: to determine if there has been a violation of this chapter, or of a law, code, rule or regulation related to the short-term rental or its operation; to determine compliance with previously written violation orders; to examine and copy relevant documents and records related to the operation of the short-term rental; or to obtain photographic or other evidence needed to enforce this chapter. As used in this subsection, "probable cause" means facts and circumstances within an officer's knowledge and of which he or she has reasonably trustworthy information that are sufficient to warrant a reasonable officer in believing that a violation has been or is being committed. If consent is refused, the Building Inspector or health officer may apply for a special inspection warrant issued under Wis. Stats. § 66.0119, or other warrant, subpoena or order as may be necessary or appropriate.

**C. Exemptions.**

The following operations are exempt from complying with the requirements of this Ordinance.

1. A private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
2. A hotel, motel or resort licensed by the State of Wisconsin Department of Health, pursuant to s. 97.605 Wis. Stats.
3. Bed and breakfast establishments. Licensed under *DATCP Chapter 72*.

**V. LOCAL PERMITS AND LICENSING**

**A. Conditional Use Permit for Tourist Rooming Houses.**

1. A Tourist Rooming House may be an appropriate use within a specific zone provided that conditions can be met to limit the adverse effects of the use on the Town's and immediately surrounding area's health, general welfare, and safety.
2. Property Owners who wish to operate a Tourist Rooming House must obtain a conditional use permit in accordance with the procedures set forth in Section 3.9 "Conditional Uses" of the Town of Calumet Zoning Ordinance.

3. In addition to the standards set forth in Section 3.9.5 and 3.9.6 of the Town of Calumet Zoning Ordinance, the Planning Commission shall also consider and may recommend conditions addressing the following:
  - a. The amount and size of signage on the property identifying it as a Tourist Rooming House;
  - b. The impact of outside activities on nearby properties and the need for designated quiet hours;
  - c. Vegetative screening and/or fencing to accomplish a visual and sound buffer with neighboring properties and confine tourist use to the appropriate parcel.
4. Maximum TRH Occupancy Limits

The maximum allowed number of tenants shall be calculated at the Conditional Use Permit Hearing, by complying with all requirements of: Total Habitable Space; Bathroom; Bedroom; and Parking, listed in TRH standards. The determined maximum occupancy shall be included as a condition when forwarding the Plan Commission's CUP recommendation to the Town of Calumet Town Board.
5. An approved Conditional Use Permit is valid for a one-year period and must be renewed annually in conjunction with license TRH renewal.
6. Once a Conditional Use Permit for a tourist rooming house is issued, the subject property cannot be modified or materially altered unless the owner files an amended application with the Town. The Town shall inspect the subject property to determine compliance with the provisions of the existing Conditional Use permit and this Ordinance.
7. The transfer of a Conditional Use Permit issued in accordance with this section shall not be permitted. Should the subject property be sold or transferred, the Conditional Use Permit shall become void and a new Conditional Use Permit must be issued for use as a vacation rental establishment to continue. The Town is not obligated or required to issue a Conditional Use Permit to the new property owner.



**B. Initial Short-Term Rental License.**

1. Initial applications for a Town of Calumet Short-Term Rental License shall be filed with the Town Clerk on forms provided. Applications must be filed by a property owner or on the owner's behalf by an authorized agent. Each applicant shall certify to the Town that the tourist rooming house included in the license is in compliance with the provisions of this Ordinance. No license shall be considered unless the completed application form is complete and accompanied by payment of the required fee.

2. The Clerk shall:

- a. The Clerk shall review the initial application for completeness and verify the applicant and property are current on all fees, taxes, special charges, or forfeitures owed to the Town. Any application which does not include all of the required information, documentation, and filing fee shall be considered incomplete.

Each initial TRH license application shall include the following information and documentation for each Tourist Rooming House:

1. A completed conditional use permit application, including all application required documentation and fees.
2. A copy of a completed application for a State of Wisconsin Tourist Rooming House Lodging License, issued by the Agent Fond du Lac County Health Department, pursuant to Wis. Stat. § 97.605  
  
(Contact Fond du Lac County Health Dept. at 920-924-2410).
3. A copy of a completed Fond du Lac County Health Department Lodging Establishment Inspection report dated within one (1) year of the date of license issuance or renewal.
4. Annual Inspection Report by the Town Building Inspector dated less than 180 days prior to the license issuance or renewal date.
5. A Marketplace Agreement signed by both parties, or a Seller's Permit issued by Wisconsin Department of Revenue, identifying the licensed premises as located in the Town of Calumet.
6. Proof of current, required Insurance coverage, which includes written confirmation by the insurer showing knowledge that insured property is being used as a short-term rental.

7. A scalable floor plan showing, living spaces, designated sleeping areas, and bathrooms, including dimensions of each room.
  8. A scalable site plan of the parcel showing number and location of available, code compliant onsite parking spaces, including dimensions.
- b. The Clerk, after verifying a complete initial TRH License Application has been received shall, using the application provided list identifying the Owner's name and mailing address of any portion of any property lying within two-hundred fifty (250) feet in any direction of the property proposed as a tourist rooming house, notify all listed owners of receipt of a TRH application by use of regular mail. Notification shall include; notice that application for a tourist rooming house has been filed, address of proposed tourist rooming house; date, time and location of the meeting at which the Town Plan Commission will review the application. Said notice shall be mailed and postmarked no later than ten (10) days prior to the Plan Commission review.
  - c. The Clerk shall refer the complete initial TRH license application to the Town Plan Commission along with a report indicating whether the applicant and property are current on all fees, taxes, special charges, or forfeitures owed. The Plan Commission shall review the initial application for; completeness, verify compliance with all applicable standards and provisions of this ordinance, then recommend approval or denial, including a written explanation of the reasons for the approval or denial recommendation, to the Town Board.
3. The Town Board shall review the application along with the Plan Commission's recommendations and approve or deny the license. The Town Clerk shall issue a license for each tourist rooming house approved by the Town Board. The license shall include the following information:
    - a. Identity of the Property Owner;
    - b. Identity of the Property Manager with contact information;
    - c. The maximum occupancy for the premises per CUP
    - d. The minimum number of parking spaces required per CUP

- e. The license term;
  - f. State lodging license number;
  - g. Town Conditional Use Permit file number;
  - h. TRH contact information for the Town use.
- 4. License Term: Each license shall run from July 1 through June 30 of the following year. Any license issued after April 1 shall be in effect until June 30 of the following year.
  - 5. A Short-Term Rental License issued under this Ordinance is non-transferable. The license holder shall notify the Clerk in writing within three (3) business days of any transfer of the legal control of any property covered by the permit or license.

**C. Local Property Manager License.**

No person may function as a Local Property Manager for a tourist rooming house without a Property Manager License issued in accordance with the provisions of this Ordinance. The Property Manager License shall apply to a tourist rooming house(s) for which the Property Manager has exclusive rights for the rental of the property. The Local Property Manager must certify to the Town that each tourist rooming house operating under its license complies with the standards of this Ordinance.

- 1. A Property Manager must meet the following requirements:
  - a. Reside thirty (30) roadway miles or less from the proposed TRH address, during the time of rentals, must be designated for contact purposes, and his or her name must be included in the application filed with the Town Clerk. The local property manager must be available by phone 24 hours a day during the time of rentals. The property owner must notify the Town Clerk within 24 hours three (3) business days of any change in the local property manager's contact information for the short-term rental and submit the revised contact information in writing to the Town Clerk within three (3) business days the same time period.
  - b. Be authorized by the property owner to accept service of process for all Town communications, citations, and orders;
  - c. Be authorized to allow Town employees, officers, and their designees, to enter the owner's property for purposes of inspection and enforcement of this Ordinance.

2. In addition to the standards set forth in Section 3.9.5 and 3.9.6 of the Town of Calumet Zoning Ordinance, the Planning Commission shall also consider and may recommend conditions addressing the following:
  - a. Property managers record of conviction for a felony or misdemeanor of any offense involving dishonesty, fraud, deceit, robbery.
3. The Clerk shall issue a Property Manager license to all qualified applicants after Town Board approval.

## **VI. LICENSE RENEWALS**

- A. Renewal Applications.** Each application for renewal of a Short-Term Rental License, Conditional Use Permit, and Property Manager License shall include required application documents, updated information for the documentation on file with the Town Clerk, and payment of the renewal fee. A renewal application must be filed, and a nonrefundable renewal fee must be paid to the Clerk at least 60 days prior to the license expiration date to allow the Town Clerk adequate time to review the application. The Clerk shall determine whether the information provided in the renewal application is complete and meets the requirements of this Ordinance. The Clerk may also request reports from the Town Building Inspector, the Sheriff's Department and other law enforcement agencies regarding any enforcement actions taken with respect to the short-term rental properties and operations, and the property owners, property manager, tenants, occupants, or visitors. The Clerk shall refer all gathered info and recommendations for action to the Town Board.
- B. Pending Orders.** No license shall be renewed if the short-term rental property is under an order issued by the Building Inspector or a local health officer, or his or her designee, to bring the premises into compliance with state, county or local laws, codes, rules, or regulations.
- C. Town Board Review.** The Town Board shall review renewal applications, Clerks recommendations and any other info referred by the Clerk. The Town Board shall determine whether to approve or deny the application after taking into consideration the number, frequency and/or severity of law violations, if any, relating to the short-term rental property and operations, and its owner(s), tenant(s), occupant(s), or visitor(s), and whether such violations, if any, substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

**D. The Clerk shall:**

1. Notify the applicant in writing of the approval or denial by the Town Board and reason(s) for such decision.
2. Issue a license for each tourist rooming house approved by the Town Board. The license shall include the following information:
  - a. Identity of the Property Owner;
  - b. Identity of the Property Manager with contact information;
  - c. The maximum occupancy for the premises per CUP
  - d. The minimum number of parking spaces required per CUP
  - e. The license term;
  - f. State lodging license number;
  - g. Town Conditional Use Permit file number;
  - h. TRH contact information for the Town use.

- E.** A Short-Term Rental License issued under this Ordinance is nontransferable. The license holder shall notify the Clerk in writing of any transfer of the legal control of any property covered by the permit or license.

**VII. FEES.**

Any person applying for a Conditional Use Permit, Short-Term Rental License, Property Manager License, or any required renewals thereof, shall be subject to the fees identified in the Town's fee schedule, which may be revised from time to time by resolution of the Town Board.

**VIII. ROOM TAX.**

- A. Tax Imposed.** Pursuant to Wis. Stat. § 66.0615(1m), a tax is hereby imposed on the privilege of furnishing at retail, except sales for resale, rooms or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. A local room tax percentage shall be set by the Town Board and may be adjusted from time to time, and shall be based on the gross receipts from such retail furnishing of rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by Wis. Stat. § 77.52(2)(a)1, and may not be imposed on sales to the federal government and persons listed under Wis. Stat. § 77.54(9a).

- B. Revenue Distribution.** The proceeds of the room tax when collected shall be apportioned 30% to the Town for general purposes and the remaining 70% shall be forwarded to a tourism entity to be spent on tourism promotion and development as defined in Wis. Stat. § 66.0615(1)(fm). Disbursements of the room tax shall be administered by the Town Treasurer, who shall ensure that at least 70% is spent on tourism promotion and development.
- C. Administration.** Collection of the room tax shall be administered by the Town Treasurer. The room tax is due and payable within 30 days of the end of the calendar quarter for which imposed.
- D. Tax Returns.** Each Property Owner or Property Manager Licensee are required to collect and pay the room tax on the owner's behalf. shall file with the Town Treasurer consolidated room tax returns for the managed tourist rooming houses on or before the same date on which the tax is due and payable. All quarterly returns shall be signed by the Property Manager or authorized agent but need not be verified by oath. All tax returns and supporting documentation filed with the Treasurer are confidential and subject to the protections provided under Wis. Stat. §§ 66.0615(3) and 77.61.
- E. Late or Unfiled Returns.** If a person required to file a return fails, neglects, or refuses to do so for the amount, in the manner and form and within the time prescribed herein, the Town Treasurer may determine the amount of room tax according to his or her best judgment. All late taxes under this ordinance shall bear interest at a rate of 1% per month from the due date of the tax until the first day of the month following the month in which the tax is paid or deposited with the Town Clerk.
- F. Audit.** Whenever the Town Clerk has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, the Town Treasurer may inspect and audit the financial records of any person subject to the tax to determine whether the correct amount of tax is assessed and whether any room tax return is correct.

## **IX. LICENSE REVOCATION**

**A. Grounds for Revocation.** A license may be revoked by the Town Board during the term of a license year and 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 of Calumet.
2. Failure to comply with TRH Ordinance, and/or CUP required conditions.
3. Three or more verified violations in any twelve-month period for nuisance activities or other law violations.
4. Three or more citations issued in relation to building inspection or the health department in any twelve-month period.
5. Failure to comply with applicable building / health inspection requirements.
6. Failure to maintain all required local, county, and state licensing requirements.
7. Any violation of local, county or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

**B. Resubmission.**

Upon revocation of a license under this section, a new application for the same property or property manager will not be permitted for one (1) calendar year.

**C. Complaint procedure.**

Any resident of or owner of property within the Town may file a sworn written complaint with the Town Clerk alleging one or more of the reasons set forth above as grounds for revocation of a license issued under this chapter. Upon the filing of the complaint, the Town Board shall notify the licensee of the complaint by certified mail, return receipt requested and provide the licensee with a copy of the complaint. The notice shall direct the licensee to appear before the Town Board on a day, time and place included in the notice, not less than ten (10) days and not more than forty-five (45) days from the date of the notice and show cause why his or her license should not be revoked. If a license is revoked, the Town Clerk shall give notice of revocation to the licensee by certified mail, return receipt requested. No part of the fee paid for any license so revoked may be refunded. Any special meeting incurred costs shall be the responsibility of the complainant.

**D. Hearings and Appeals**

1. The Town Board shall conduct a due process hearing before revoking a license under this Ordinance and issue a written decision within thirty (30) calendar days of the hearing. If the license holder appears at the hearing he or she may produce and cross-examine witnesses, present relevant evidence, and be represented by counsel of his or her choosing, at his or her expense. If the Town Board finds there are sufficient grounds for revocation under this Ordinance, it shall revoke the license. The Town Board's written decision on the revocation must specify the reason(s) for its determination. The Town Clerk shall give written notice of the Town Board's decision to the license holder.
2. The Town Board's decision on a complaint for license revocation under this Ordinance may be reviewed by the Fond du Lac County Circuit Court upon appeal by the license holder or the complainant. Such appeal shall be filed within thirty (30) days of the Town Clerk mailing the Town Board's decision. The procedure on review shall be the same as in civil actions commenced in the circuit court pursuant to Wis. Stats. Chs. 801 to 807.

**X. PENALTIES.**

The following penalties, together with applicable costs and fees, shall be assessed for violations of this Ordinance:

1. Operating a Tourist Rooming House without the permits and licenses required by this ordinance shall be punishable by a forfeiture of not less than one thousand (\$1000) dollars, nor more than two thousand (\$2,000) dollars for each violation committed hereunder.
2. Operating a Tourist Rooming House in violation of the properties Conditional Use Permit shall be punishable by a forfeiture of not less than two thousand (\$2000) nor more than four thousand (\$4000) and shall result in revocation of the property's CUP.
3. A violation of Section VIII for non-compliance of collection / distribution of Room Tax shall be punishable by a forfeiture, together with applicable costs and fees, as follows:
  - a. A forfeiture equal to no more than 5% of the room tax imposed herein for failure to comply with an audit request. Means fine of 5% plus pay back tax.
  - b. A forfeiture equal to no more than 25% of the room tax due for the previous year or \$5,000, whichever is less, for failure to pay the room tax due. Means fine of 25% or \$5000 plus pay back tax.



4. Any other violation of any provision of this Ordinance shall be punishable by a forfeiture of not less than Five Hundred Dollars (\$500), nor more than One Thousand Dollars (\$1000) for each violation committed hereunder and may result in revocation of the applicable license.
5. Each day a violation exists after receiving an official violation notice or order shall constitute a separate violation of this Ordinance.
6. In addition to the penalties set forth above, failure to permit the inspection of a premises subject to this Ordinance by the Health Inspector, Zoning Administrator, Building Inspector or Fire Inspector, or their designee, shall result in the suspension of a permit or license. See IV. A 6
7. 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.

#### **XI. Severability.**

If any portion of this ordinance is ever determined by a court of competent jurisdiction to be unconstitutional or otherwise unenforceable, said portion shall be removed so as to allow the remaining provisions of this ordinance to be enforceable.

Signed and dated this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_/ Donald M. Breth, Jr./ \_\_\_\_\_

Donald M. Breth, Jr. Town Chair

\_\_\_\_/ Jodie Goebel / \_\_\_\_\_

Jodie Goebel, Clerk