

**ORDINANCE 2022-001**

**AN ORDINANCE CREATING CHAPTER 11 OF THE TOWN OF PLEASANT SPRINGS MUNICIPAL CODE REGULATING AND PERMITTING SHORT-TERM RESIDENTIAL RENTALS.**

**WHEREAS**, there is a growing market for short-term rentals, including vacation rentals, of residential properties in the Town of Pleasant Springs; and

**WHEREAS**, the Town Board has determined that it is in the public interest for health and safety to provide a permitting process regulating these short-term rentals.

**NOW, THEREFORE**, the Town Board of Pleasant Springs, Wisconsin, does ordain as follows:

**Section 1.** Chapter 11 of the Town of Pleasant Springs Municipal Code is created to read as follows:

Chapter 11

SHORT-TERM RENTALS

§11-1 Purpose.

The Purpose of this Chapter is to ensure that the quality of short-term rentals operating within the Town of Pleasant Springs is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for adequate parking, determining the responsibilities of owners and operators offering these properties for tourists or transient occupants, protecting the character and stability of all areas within the Town of Pleasant Springs, and requiring a permit for short-term rental activity and provisions for the administration and enforcement of the same.

§11-2 Definitions.

- (a) For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows:
- (1) Words 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 apply:
- (1) Clerk. The Town Clerk of the Town of Pleasant Springs or designee.
  - (2) Designated Agent. A responsible party authorized and available to immediately respond to issues arising at the short-term rental.
  - (3) Lodging marketplace. An entity that provides a platform through which an unaffiliated third party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant.
  - (4) Operate. Advertising, marketing, maintaining, managing, and renting residential dwellings as short-term rentals.

- (5) Operator. The individual or entity that operates or manages a short-term rental, including, but not limited to, interacting with guests and renters, and being identified in short-term rental listings as the “host.”
- (6) Owner. The individual or entity that owns the residential dwelling used as a short-term rental.
- (7) Primary residence. A residential dwelling 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 government-issued mail, receives a Wisconsin lottery credit, claims residence for purposes of voter registration, claims as an address on Federal income tax forms, and lists as their address on state issued identification cards and driver's licenses. An individual can have only one primary residence.
- (8) Residential dwelling. 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 individual or by two (2) or more individuals maintaining a common household, to the exclusion of all others.
- (9) Short-term rental. A residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days, as provided in Wis. Stat. §66.0615(1)(dk).

§ 11-3 Short-Term Rental Permit Requirement.

- (a) It shall be unlawful for any individual or entity to operate a short-term rental more than ten (10) days each calendar year in the Town of Pleasant Springs without a short-term rental permit issued by the Clerk.
- (b) Application. Any individual intending to operate a short-term rental more than ten (10) days in any calendar year shall submit an application in writing to the Clerk, prior to the first day of operation as a short-term rental, along with a nonrefundable application fee as provided in par. (f).

All applications shall include the following:

- i. The name and address of each individual and entity with an ownership interest in the property.
- ii. The name and address of each individual and entity with an ownership interest in the short-term rental business.
- iii. The name and address of the operator, who may also be an owner or lessee.
- iv. The address of the proposed short-term rental.
- v. Two separate items of documentation showing that the proposed short-term rental is the primary residence of the operator, or a statement that the short-term rental is not the operator's primary residence. Identifying documents must contain the operator's current and complete name, including both the given and family name, and a current and complete residential address, including a numbered street address and the name of the Town. Adequate identifying documents that contain the required information include the following:
  - 1. A current and valid driver's license issued under Wis. Stat. ch. 343.
  - 2. A current and valid identification card issued under Wis. Stat. §343.50.
  - 3. A residential lease.

4. A bank statement.
  5. A paycheck or pay stub.
  6. A check or other document issued by a unit of government.
  7. An identification card issued by a federally recognized Indian tribe in this state.
  8. Any other documentation deemed acceptable by the Clerk.
- vi. Whether the short-term rental will operate for stays of more than 6 but fewer than 30 consecutive days.
  - vii. Number of off-street parking spaces on the property designated by the operator for renter use.
  - viii. A site plan showing the location of the off-street parking spaces.
  - ix. The number of bedrooms within the residential dwelling and the number of bedrooms intended for use as a short-term rental.
  - x. Contact phone numbers and email addresses of each property owner and operator.
  - xi. Name, address and contact phone numbers of the designated agent if other than operator.
  - xii. A copy of a current Tourist Rooming House License issued by Public Health Madison & Dane County (PHMDC) for the property.
  - xiii. A copy of any other permit or license required to operate the short-term rental, such as a seller's permit.
  - xiv. A statement providing that if the property is used for short-term rentals of 1 to 6 days duration, the property is and will remain the operator's primary residence during the period of the permit, or that the short-term rental will be used solely for stays of more than 6 but fewer than 30 days.
  - xv. A statement providing that if the property is used for short-term rentals of 1 to 6 days duration, the operator will stay at the property during the period of all rentals including overnights, or that the operator or designated agent shall be physically present at the at the property within 30 minutes of request during any rental period, or that the short-term rental will not be operated for more than thirty (30) days in any 365-day period.
  - xvi. Signed and sworn statements from all the owners and operators acknowledging that the contents of the application are true and that as signatories they are individually and collectively responsible for compliance with this Chapter.
- (c) Permit issuance. The Clerk shall grant a short-term rental permit upon verification of a complete short-term rental application and compliance with the regulations contained in sec. 11-4 relating to the operation of a short-term rental. A permit may be provisionally approved and issued pending approval of any other license or permit, such as that issued by PHMDC.
  - (d) Transferability. Permits issued under this Chapter shall not be assigned or transferred to other individuals or entities.
  - (e) Duration and renewal. Short-term rental permits expire on May 31<sup>st</sup> each year, unless renewed, except that permits initially issued after January 1<sup>st</sup> but prior to May 31<sup>st</sup> in a given year shall expire on May 31<sup>st</sup> the following year. Applications for renewal shall be submitted at least 30 days, but no more than 60 days, prior to expiration. Prior to receiving a renewed permit, the operator shall pay applicable fees and provide the Clerk with an updated application required under sec. 11-3(b), including sworn statements from the owners and operators acknowledging that the contents of the

application are true and that as signatories they are individually and collectively responsible for compliance with this Chapter. For permit renewals, and applications for new permits for properties in which a permit was issued during the previous 365-day period, the applicant shall also provide a written report with the application stating the dates and durations of all rentals of the subject property occurring during the previous 365-day period, to the extent this same information was not already provided by the applicant pursuant to §11-4(g) below.

- (f) Fees. The fee for an initial or renewed permit shall be as determined by the Town Board. In addition, all forfeitures, assessments and fines owed to the Town by any owner or operator of the property subject to the permit shall be paid prior to issuance or renewal of the permit.
- (g) Enforcement and violations. Any individual who operates a short-term rental without a permit or in violation of this Chapter may be assessed a forfeiture of not less than \$300 nor more than \$1,000. Each day or portion thereof such violation continues shall be considered a separate offense. In addition to issuing citations, the Town may seek, obtain and enforce injunctive relief.
- (h) Denial and revocation. A short-term rental permit may be revoked or denied for renewal after notice and hearing before the Town Board, for failure to comply with any applicable provisions of this Chapter, including providing false or misleading information on a permit application and any other violation of this Chapter. Written notice of the revocation or denial will be provided to the permittee at least 72 hours prior to a hearing, and shall include the time and place of the hearing. The notice shall include the reasons for denial or revocation. A revocation or denial shall result in a twelve-month prohibition on the issuance of a new short-term rental permit at the property. If the Town Board's decision is appealed, the permit remains valid during the pendency of the appeal.
- (i) Appeals. Any denial or revocation of a permit may be appealed as provided under Wis. Stat. ch. 68.

#### § 11-4 Operation of a Short-Term Rental.

##### (a) Rental periods.

- (1) Except as provided below under §11-4(a)(2), for all short-term rentals the minimum stay shall be seven (7) consecutive days up to a maximum of twenty-nine (29) consecutive days, and the short-term rental may be operated for not more than 180 days in any consecutive 365-day period as provided in Wis. Stat. §66.1014(2)(d). ~~The 180 allowable days in any 365-day period must run consecutively and t~~The operator must give the Clerk notice of the first rental of any 365-day period. Reservations made prior to adoption of this Chapter shall not be counted as part of the 180 allowable days, but the owner or operator shall provide proof to the Town of the date of reservation upon request, to the Town's satisfaction.
- (2) If the short-term rental is the operator's primary residence, then short-terms rentals of one (1) to six (6) consecutive days are permitted under the following terms and conditions:
  - i. If the operator stays at the residence with the renters and the number of bedrooms rented at the residence during the permit period are two (2) or less then there is no limit on the number of days per year the short-term rental may be operated; however, if the number of bedrooms rented at the residence at any time during the permit period are three (3) or more then the short-term rental may be operated for no more than 180 days in any consecutive 365-day period, under the terms provided in §11-4(a)(1). "Stays at the residence" means the operator is physically present at the residence while the residence is rented, including overnights.

- ii. If the operator does not stay at the residence with the renters but meets all the following conditions then the short-term rental may be operated for no more than 180 days in any consecutive 365-day period, under the terms provided in §11-4(a)(1):
    - 1. The number of bedrooms rented at the residence during the permit period are two (2) or less; and,
    - 2. The operator's short-term rental permit application includes a statement that the operator or designated agent shall be physically present at the property within thirty (30) minutes of request to respond to any issues arising during any rental period whether it be from the rental party, public safety personnel, utility personnel or other municipal party; and,
    - 3. There is no more than one (1) documented instance during the current and immediately prior permit period where the operator or designated agent fails to respond to any public safety, utility or other municipal party request within thirty (30) minutes while the residence is rented, or otherwise fails to comply with this Chapter.
  - iii. If the operator does not stay at the residence with the renters and does not meet the conditions set forth in §11-4(a)(2)ii., then the short-term rental may not be operated for more than thirty (30) days in any 365-day period.
- (b) Maximum occupancy. Maximum renter occupancy shall not exceed the lesser of two times (2x) the number of legal bedrooms to be rented in the residential dwelling or twelve (12). Children under the age of twelve (12) shall not count toward the maximum renter occupancy.
- (c) Parking. The operator shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed the number of parking spaces the operator provides. Parking space limit shall appear in all advertising for the short-term rental.
- (d) Other licenses and inspections. The operator or owner shall maintain all other licenses and permits required to operate the short-term rental, including but not limited to those issued by PHMDC, and shall cooperate with all other requested inspections of the property required by law.
- (e) Compliance with other laws and regulations. The operator and owner shall comply with all other laws and regulations applicable to the operation of the short-term rental, including those required by PHMDC and the Wisconsin Department of Agriculture, Trade and Consumer Protection, including Wis. Admin. Code § ATCP 72.
- (f) Registry. Each short-term rental shall keep a registry and make it available to law enforcement upon request or lawful order, stating the true name of the individual making the short-term rental reservation; the telephone number, mailing address, or email address of the individual making the short-term rental reservation; dates of stay; and whether the operator was present or absent during the stay. The registry shall include all information from the current registry year and the year immediately prior.
- (g) Reports. The operator shall provide the Clerk with a report of short-term rental activity for each calendar quarter as follows: by February 1 for the quarter ending December 31, by May 1 for the quarter ending March 31, by August 1 for the quarter ending June 30, and by November 1 for the quarter ending September 30, which includes the dates of stay, number of guests for each stay, whether the operator was present or absent during each date of the stay, and a listing of all websites and places where the operator has advertised the short-term rental. Failure of the operator to submit two (2) such reports by required deadlines, or two (2) incidents of inaccurate reporting in any one-

year period shall be grounds for automatic revocation of a short-term rental permit.

- (h) Advertisements. All advertisements of the short-term rental, including advertisements on the website of a lodging marketplace, must contain a valid short-term rental permit number, clearly state the minimum duration of stay, if any, and state the limit for renter parking spaces. No advertisement can offer rental arrangements that are in violation of this Chapter, that are for less than the required minimum stay, or that instruct potential renters to contact the host to pursue a rental arrangement that is not in compliance with this ordinance.

§ 11-5 Information Provided to Renters of Short-term Rentals.

Operators shall provide renters with the Town’s short-term rental guidelines and standards provided by the Clerk.

§ 11-6 Severability.

If any provision of this Chapter and its ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this Chapter or its ordinances. It is hereby declared to be the intention of the Town of Pleasant Springs that all provisions of this Chapter and its ordinances therein are separable. This Chapter shall not invalidate or interfere with any lawful private or other lawful public covenant or restriction on property which prohibits or restricts to a greater extent the uses described and licensed herein.

This ordinance is effective on publication. The Town Clerk shall properly post or publish this ordinance as required by law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

TOWN OF PLEASANT SPRINGS

By

\_\_\_\_\_  
Town Chair

By

\_\_\_\_\_  
Town Supervisor

By

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Town Supervisor

By

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Town Supervisor

By

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Town Supervisor

ATTEST:

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Maria P. Hougan, Town Clerk/Treasurer

Approved:

Posted: