

Ordinance# 2023-2-13

Township of Waterford, Racine County, Wisconsin

An ordinance repealing and re-creating ordinance 1-14-19 dealing with short-term rentals (STR) of residential dwellings (with or without consideration paid) within the Town of Waterford.

THE TOWN BOARD OF THE TOWNSHIP OF WATERFORD, at its duly noticed and regular monthly meeting does hereby pass the following ordinance dealing with short term rentals. This ordinance, in part, repeals and recreates Ordinance labeled 1-14-19 which ordinance was passed on January 14th, 2019 and which said January 14th ordinance itself repealed ordinances 6.15 and ordinance 8.14.17.

Section I. Purpose

The purpose of this ordinance is to ensure that residential real estate within the Town of Waterford is used in such a manner as to protect and promulgate public health, safety, and general welfare and to protect the character and stability of neighborhoods within the Town. The public has concerns regarding noise, litter, public safety, and uses which contribute to diminishing property values. Said contribution attributed to short term rental property.

Section II. Exclusions

The following uses are excluded and exempt from this ordinance:

1. Any member of the short-term rental owner's family (for example an owner being an LLC) using the real estate for no consideration.
2. Any person providing long term care to an occupant of said real estate.
3. Rental of lands for hunting purposes.

Section III. Authority

The Town Board of the Town of Waterford has been authorized to exercise village powers pursuant to Wis. Stats 60.10(2) and 60.22(3). The Town Board adopts this ordinance under its general village powers authority and Wis. Stat. 66.1014.

Section IV. Definitions

"Property Manager" means a person who is not the property owner and who provides property management services for one or more short-term rentals and who is authorized to act as the agent of the property owner for the receipt of service of notice of municipal ordinance violations and for service of process pursuant to this ordinance.

"Short-term rental" (STR) means a residential dwelling that is offered for rent for a fee and for

fewer than 29 consecutive days.

"Lodging Marketplace" means an entity that provides a 3rd party rental platform such as Airbnb or VRBO and other entities, such as property management companies that rent short-term rentals for the owner and collect the consideration for the rental from the occupant.

Section V. Short-Term Rental License

A) No person may maintain, manage, or operate a short-term rental more than 10 nights each year without a Town Short-term Rental License issued pursuant to this ordinance

B) Licenses shall be issued using the following procedures:

1. Prior to applying for a Town Short-term Rental License:
 - The applicant must obtain a valid State of Wisconsin Tourist Rooming House License from the Racine County Public Health Department.
 - All applications for a Town Short-term Rental License shall be filed with the Town Clerk, or designee, on forms provided.
 - Applications shall be filed by the Property Owner or authorized Agent.
 - No license shall be issued unless the completed Short-Term Rental application form is accompanied by the payment of the required application fees.
 - Other required documentation includes, proof of casualty and liability insurance, a floor plan showing living areas with room measurements and maximum occupancy, and a site plan showing 2 on-site parking spaces for every 4 occupants.
 - The Town Clerk shall issue a Short-term Rental permit subject to applicants completing all documentation and payment of all required fees and approval by the Town Planning Commission and the Town Board, or its designee.
2. A Short-term rental license shall be effective for one year. The annual licensing term begins July 1st and ends June 30th the following year. The Town Clerk may conditionally accept late applications, subject to the payment of the late filing fee. A renewal application and renewal fee must be filed with the town clerk at least 45 days prior to license expiration so that the Town has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. An existing license becomes void and a new application is required any time the ownership of a residential dwelling licensed for short-term rentals changes.

Section VI. Operation of a short-term rental

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

1. If a residential dwelling is rented for a fee and for fewer than 29 days.
2. The Property Owner or Property Manger shall notify the Town Clerk in writing when the

first rental within a 365-day period begins.

3. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for occupants beyond the number of overnight guests authorized pursuant to the Property Owner's Tourist Rooming House License and applicable town, county, or state rules and regulations.
4. The Property Owner and/or Property Manager must provide the Town with current contact information and must be available 24 hours a day, 7 days a week by telephone during periods the property is being rented. The Town must be notified within 24 hours of any change in contact information.
5. Each short-term rental shall maintain a register and require all guests to register with their actual names and addresses. The register shall be kept on file for at least one year. The register shall also include the time period for the rental and the monetary amount or consideration paid for the rental.
6. Each short-term rental shall hold a valid State of Wisconsin Tourist Rooming House License and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications.

Section VII. Property Rules and Standards

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

1. The maximum number of occupants allowed shall not exceed the following limits: not less than 150 square feet of floor space for the first occupant thereof, and at least 100 square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area excluding kitchens, bathrooms, closets, garages, and rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two people.
2. A floor plan showing the requested maximum occupancy, room measurements, designated sleeping areas, and showing at least one internal bathroom for every four occupants.
3. A site plan showing the location of two on-site off-street parking spaces for every four occupants based on maximum occupancy.
4. Compliance with all state, county, and local codes and regulations is required.
5. There shall be no excessive noise, fumes, glare, or vibrations generated during the use of the dwelling as a short-term rental. Town regulations on pets, outdoor burning, fireworks, and lake rules shall be followed. Quiet hours are to be observed on weekdays between 10:00 PM and 7 AM, and on weekends and holidays quiet hours are to be observed between 11:00 PM and 7:00 AM. Quiet means that noise levels at the property line shall not exceed 60dBA.
6. A copy of the Short-term Rental License and, if applicable, Property Manager License shall be displayed on the inside of the main entrance door of each Tourist Rooming House (STR).
7. Each dwelling unit shall provide two safe, unobstructed means of egress leading to safe,

open space at ground level.

8. 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 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.
9. No dwelling unit shall have an accessible wood or solid fuel burning stove or fireplace unless the owner provides a current "cleaning and inspection" certificate by a certified chimney sweep professional.
10. 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.
11. 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.
12. All advertisements for rental of a tourist lodging unit shall contain the Town of Waterford identification number assigned to the dwelling unit, including any advertisements by a third party or a Lodging Marketplace.
13. The property owner or property manager of each short-term rental shall provide a guest register and require all guests to register their true names and addresses and rental time period(s) before being assigned sleeping quarters. The guest register shall be kept by the property owner or property manager and available for inspection for at least one year, as required by the Wisconsin Administrative Code.

Section VIII: Inspections

1. Each separate STR unit which is offered for rental as a tourist rooming house is required to be inspected annually by the State or by the Racine County Public Health Department
2. The holder of the permit or license shall be responsible for payment of the Health Department inspection fees.
3. If the Racine County Public Health Department 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.

Section 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 Waterford.
 2. Three or more police officer-verified violations in a twelve-month period for nuisance activities or other law violations.

3. Three or more citations issued by the Racine County Public Health Department in a 12-month period.
4. Failure to comply with applicable building code/inspection requirements.
5. Failure to maintain all required local, county, and state licensing requirements.
6. Any violation of local, county, or state laws that substantially harm or adversely impacts the predominately 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.

Section X: Penalties

Any person, partnership, corporation, or other legal entity that fails to comply with the revisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$300 nor more than \$1000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement, or costs whether existing under this ordinance or otherwise.

Section XII. Permit Fee

The license application fees established by the Town of Waterford Board of Supervisors shall correlate with the administrative and related costs involved with compliance monitoring. Fees are nonrefundable and shall not be prorated. Any renewal application received after the expiration date may be subject to a late fee.

Initial Short-Term Rental License Application fee	\$750.00
Renewal Short-Term Rental License application fee	\$350.00
Late filing fee/Failure to file fee	\$1500.00
Inspections/Reinspection (as necessary)	Conducted by Racine County Health Dept.

Section XII. Severability

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

Section XIII. Effective Date and Publication

This ordinance shall become effective upon adoption and publication/publication as required under Wis. Stat. 60.80.

Adopted by a vote of 4 Ayes and 1 Absentia on this 13th day of February, 2023.



Thomas Hincz, Town Chairman

Attest:



Tina Mayer, Clerk