

TOWN OF EMPIRE
FOND DU LAC COUNTY, WISCONSIN
Short-Term Rental Licensing Ordinance
Ordinance No. 2019-10-1
Amended June 10, 2020

Section 1. Purpose.

The purpose of this ordinance is to ensure that the quality and nature of the short-term rentals operating within the Town of Empire are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the Town.

Section 2. Authority.

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

Section 3. Definitions.

The following definitions shall apply to this ordinance:

- a) “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.
- b) “Residential Dwelling” means 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 or more persons maintaining a common household, to the exclusion of all others.
- c) “Short-Term Rental” means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

Section 4. 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) All applications for a short-term rental license shall be filed with the Town Clerk on forms provided. Applications must be filed by the property owner. No license

shall be issued unless the completed application form is accompanied by the payment of the required application fee.

- 2) The Town Clerk shall issue a short-term rental license to all applicants following payment of the required fee, receipt of all information and documentation requested by the application, and Town Board approval of the application.
- 3) A short-term rental license shall be effective for one year and may be renewed for additional one-year periods. A renewal application and renewal fee must be filed with the Town Clerk at least 45 days prior to the license expiration so that the Town Board 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.
- 4) The Town Board may suspend, revoke, or non-renew a short-term rental license following a due process hearing if the Board determines that any of the following have occurred:
 - a. The licensee has failed to comply with any of the requirements of this ordinance;
 - b. The licensee, the licensee's Property Manager or the licensee's renters have been convicted of engaging in illegal activity while on the short-term rental premises on two or more separate occasions within the past 12 months; or
 - c. The licensee has outstanding fees, taxes, or forfeitures owed to the Town in violation of Town ordinance.

Section 5. Operation of a Short-Term Rental.

Each Short-Term Rental shall comply with all of the following requirements:

- a) No Residential Dwelling may be rented for a period of 6 or fewer days.
- b) If a Residential Dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days, which shall run consecutively.
- c) The property owner or Property Manager shall notify the Town Clerk in writing when the first rental within a 365-day period begins.

- d) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees. Further, parking shall comply with the parking plan that is made part of the license.
- e) Any outdoor event held at the Short-Term Rental shall last no longer than one day occurring between the hours of 8:00 a.m. and 10:00 p.m. At minimum, a seven-consecutive-day interval must occur between outdoor events held at the Short-Term Rental. Any activities occurring at the Short-Term Rental shall comply with other applicable noise regulations.
- f) A local property management contact (either the property owner or an appointed Property Manager) must be on file with the Town at all times and must be located within 10 miles of the Short-Term Rental. 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. The Town must be notified within 24 hours of any change in contact information.
- g) 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.
- h) 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. Licensees shall at all times comply with the applicable standards of Administrative Code Chapter ATCP 72.
- i) If the property is served by public sanitary sewer, occupancy is limited to the number of occupants authorized by the State tourist rooming house license issued with the State of Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Administrative Code Chapter ATCP 72. If the property is served by a POWTS, occupancy is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house license, whichever is less.

Section 6 Amended 6/10/2020 to Read: Penalties.

Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$1000 nor more than \$10,000, plus the applicable surcharges, assessments, attorneys' fees, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. The Town may also seek equitable relief, including injunctions and abatement orders, in the event of a violation.

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 7. Fees

The fee for a Short-Term Rental License shall be \$200.00.

Section 8. 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 9. Effective Date and Publication.

This ordinance shall become effective upon adoption and publication as required under Wis. Stat. §60.80. The Town Clerk and Town Attorney are hereby authorized and directed to incorporate this ordinance into Title 7 of the Town's Code of Ordinances.

Dated this 9th day of October, 2019.

TOWN OF EMPIRE

By: _____
Jim Pierquet, Chairperson

Attest:

Michael Morgan, Town Clerk

**TOWN OF EMPIRE
FOND DU LAC COUNTY, WISCONSIN**

Short-Term Rental License Application

Please complete and submit the following information to the Town of Empire Town Clerk.

Address of Short-Term Rental Property: _____.

Tax Parcel Number of Property: _____.

Number of Bedrooms at Property: _____.

Number of On-Site Parking Spaces: _____.

Property Management Contact Information (name, address, email, phone):

_____.

1. Submit with this application the Town's application fee for a Short-Term Rental License. (\$200).
2. State of Wisconsin Sale and Use Tax Number: _____.
3. Attach a copy of the State Sanitary Permit issued for the property.
4. Submit a sample rental contract that includes language ensuring compliance with the standards contained in the Town of Empire Short-Term Rental Licensing Ordinance.
5. Submit a Parking Plan showing allowable parking locations for renters of the property.
6. Submit a copy of the Tourist Rooming House License issued for the property pursuant to Administrative Code Chapter ATCP 72.
7. Submit proof of insurance in the name of the proposed license holder.

I, the undersigned applicant, hereby acknowledge receiving a copy of or am otherwise aware of the Town of Empire Short-Term Rental Licensing Ordinance and agree to comply with the requirements of that Ordinance. I understand that failure to comply with the requirements of the Ordinance may result in revocation or nonrenewal of my license or other penalties as provided in the Ordinance.

Signature of Applicant

Date