

**DRAFT SHORT TERM RENTAL ORDINANCE**

**VERSION 5, 01/16/2024**

**TOWN OF BRAZEAU  
COUNTY OF OCONTO  
STATE OF WISCONSIN**

**Section I: Purpose**

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

**Section II: Authority**

The Town Board of Brazeau is authorized to exercise village powers under Wis. Stat. §§ 60.10(2)(c) and 60.22(3). The Town Board adopts this ordinance under its general village powers authority and Wis. Stat. § 66.1014.

**Section III: Definitions**

"POWTS" means private onsite wastewater treatment system.

"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 function 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.

"Property Owner" means the person who owns the residential dwelling that is being rented.

"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 person or by two or more persons maintaining a common household, to the exclusion of all others.

"Short-term rental" means a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days.

"Town Clerk" means the Town Clerk of the Town of Brazeau or designee.

"Wisconsin Tourist Rooming House License" means the Wisconsin Tourist Rooming House License for the short-term rental issued by the Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Wis. Admin. Code ATCP ch. 72.

**Section IV: 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. Every short-term rental shall be operated by a Property Owner or Property Manager.
- B) Short-term rental 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) Each application for a short-term rent license shall include the following information and documentation:
  - i. Address and tax parcel number of the residential dwelling.
  - ii. Identify the Property Owner with contact information, including mailing address, physical address, email address, and 24-hour telephone number.
  - iii. If applicable, identify the Property Manager with contact information, including mailing address, physical address, email address, and 24-hour telephone number.
  - iv. A POWTS certification including maximum number of occupants.
- 3) 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. If the Town Board determines that the application does not meet the requirements of this ordinance, the Town Board may deny the application.
- 4) Each short-term rent license shall generally run from June 1<sup>st</sup> to May 31<sup>st</sup> annually. An initial short-term rental license shall be valid from the date of issuance until midnight of the following May 31<sup>st</sup>.
- 5) A short-term rental license may be renewed for one-year periods from June 1<sup>st</sup> to May 31<sup>st</sup>. A renewal application and renewal fee must be filed with the Town Clerk at least 45 days prior to license expiration so 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. If the Town Board finds that the license should not be renewed, the Town Board shall deny the renewal.
- 6) No short-term rental license shall be issued or renewed if the applicant or property has outstanding fees, taxes, or forfeitures owed to the Town unless arrangements for payment have been approved by the Town Board.
- 7) A short-term rental license issued under this ordinance is not transferable to another Property Owner or location. An existing short-term rental license becomes void, and a new application is required any time the ownership of the short-term rentals changes.
- 8) The Town Board may suspend, revoke, or non-renew or modify a short-term rental license following a due process hearing for one or more of the following reasons:
  - i. Failure to make timely payment on fees, taxes, forfeitures, or debt to the Town;
  - ii. Failure to make timely payment of annual real estate taxes for the short-term rental;
  - iii. Failure to comply with the requirements of this ordinance;
  - iv. Making a false statement on or omitting a material fact from a short-term rental license application;
  - v. Failure to maintain all required local, county, and state licensing requirements;
  - vi. Three or more calls for police service or the county health department for nuisance activities or other law violations in a 12-month period;
  - vii. Violation of local, county or state laws that substantially harms or adversely impacts the predominately residential uses and nature of the surrounding neighborhood; or
  - viii. Conviction of the Property Owner or the Property Manager of engaging in illegal activity while on the short-term rental premises on two or more separate occasions within the previous 12 months.
- 9) Any resident of or owner of property within the Town may file a written complaint with the Town Clerk alleging one or more reasons set for in this ordinance as grounds for revocation

or suspension of a short-term rental license issued under this ordinance. Complaints can be submitted with the complainant identified or anonymously, but all written complaints shall be subject to inspection under Wisconsin Open Records Law. Upon receiving such complaint, the Town Clerk will notify the Property Owner of the short-term rental by mail and forward the complaint to the Planning and Zoning Commission Secretary. The Planning/Zoning Commission will review complaints monthly and determine action. Serious complaints or repeated complaints shall be referred to the Town Board for possible action.

C) Short-Term Rental License

- 1) The Town Clerk shall issue a short-term rental license, upon Town Board approval, if an applicant demonstrates compliance with the provisions of this ordinance. The short-term rental license shall contain the following information:
  - i. Property address.
  - ii. Name of the Property Owner and the Property Owner's contact information, including telephone number.
  - iii. Name of the Property Manager and the Property Managers' contact information, including telephone number.
  - iv. The expiration date of the short-term rental license.
  - v. The short-term rental license number.
- 2) The following shall be displayed on the inside of the main entrance door of each short-term rental:
  - i. Short-term rental license.
  - ii. Wisconsin Tourist Rooming House License.
  - iii. The local lake rules for the nearest lake.

Section V: Operation of a Short-Term Rental

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

- A) The total number of days the residential dwelling may be rented within any 365-day annual license period shall not exceed 180 days.
- B) 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.
- C) Parking on the street in front and around the short-term rental is prohibited.
- D) The obstruction of any public right-of-way, road, street, or highway is prohibited.
- E) Any organized outdoor event held at the short-term rental, such as a wedding, graduation party, reunion, and similar events, shall last no longer than one day and only occur between the hours of 7:00 a.m. and 11:00 p.m. At a minimum, a seven consecutive day interval must occur between organized outdoor events held at the short-term rental.
- F) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted to the interior of the short-term rental shall be between 11:00 p.m. and 7:00 a.m. the following morning.
- G) All activities occurring at the short-term rental shall comply with applicable noise regulations and nuisance ordinances of the Oconto County Code of Ordinances.
- H) The Property Owner and/or Property Manager must provide the Town Clerk with current contact information and must be available 24 hours a day, 7 days a week, by telephone. The Town Clerk must be notified within 72 hours of any change in contact information.
- I) Each short-term rental Property Owner and/or Property Manager shall maintain a register and require all guests for each rental to register with their actual names and addresses. The register shall also include the time period for the rental and monetary amount or consideration paid for

the rental. The register shall be kept by the Property Owner or Property Manager for at least three years and made available for inspection by representatives of the Town upon the request of the Town Clerk or Town Board.

- J) Each short-term rental shall hold a valid Wisconsin Tourist Rooming House License and shall provide proof of such license.
- K) Each Property Owner of a short-term rental shall hold and keep current a seller's permit issued by the Wisconsin Department of Revenue, unless all rentals of the property are exempt from such permit requirements under Wisconsin law.
- L) All rentals of the short-term rental shall be subject to the Town of Brazeau Room Tax Ordinance
- M) Compliance with all applicable state, county, and local codes and regulations is required.
- N) The Property Owner shall have and maintain homeowner's liability or business liability insurance effective during all short-term rental periods and shall provide written evidence of such insurance upon request by the Town.
- O) The Property Owner or Property Manager shall, upon notification that any occupant or guest of the short-term rental has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule, or regulation pertaining to the use and occupancy of the short-term rental, promptly respond in a timely and appropriate manner to immediately halt or prevent recurrence of such conduct by the occupants or guests. Failure of the Property Owner or Property Manager to respond to calls or complaints regarding the condition, operation, or conduct of occupants or guests of the short-term rental in a timely and appropriate manner shall be subject to all administrative, legal, and equitable remedies available to the Town.
- P) Property rules shall be provided to the renters and shall include at a minimum the following information:
  - 1) Maximum occupancy of the property.
  - 2) Contact information for the Property Owner and Property Manager.
  - 3) Where to park.
  - 4) Quiet hours of 11:00 p.m. to 7:00 a.m.
  - 5) Property Owner's policy regarding pets, if any.
  - 6) Outdoor burning regulations.
  - 7) Non-emergency contact information for law enforcement and fire department.
  - 8) How to deal with the POWTS or holding tank if applicable (location of high-water alarms, etc.)
  - 9) How to deal with waste and recycling.

#### Section VI: Occupancy

- A) Maximum occupancy for a short-term rental served by a POWTS is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the Wisconsin Tourist Rooming House License, whichever is less.
- B) Maximum occupancy for a short-term rental served by a public sewage facility is limited to the number of occupants authorized by the Wisconsin Tourist Rooming House License.

#### Section VII: 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 \$100 or more than \$500, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues, is 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 VIII: Fees**

Any person applying for an initial short-term rental license or renewing a license under this ordinance shall be subject to the fees as established by the Town Board.

**Section IX: Severability**

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

**Section X: Effective Date and Publication**

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

Originally dated the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Motion made by \_\_\_\_\_, Second by \_\_\_\_\_ Motion Carried.

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Town Board

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Chairperson:

\_\_\_\_\_  
Supervisor

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Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

Attest: \_\_\_\_\_

Clerk -

Published: \_\_\_\_\_