

1 **ARTICLE IV. SHORT-TERM HOME RENTALS**

2 **Sec. 22-300. Purpose.**

- 3 (a) The purpose of this section is to allow short-term home rentals in the City while mitigating impacts on  
4 surrounding properties by implementing balanced regulations to protect the integrity of the City's  
5 neighborhoods as well as protect the general public health, safety and welfare.
- 6 (b) These provisions establish the framework for City review and approval of applications for short-term home  
7 rental licenses and the standards which apply to the operation of these businesses.

8 **Sec. 22-301. Definitions.**

9 As used in this article, the following terms shall have the meanings indicated:

10 *Accessory buildings or structures.* A building or structure detached from and clearly incidental and subordinate  
11 to a residential dwelling located on the same lot, including, but not limited to, garages, garden and tool sheds,  
12 swimming pools, and gazebos.

13 *Guest bedroom.* A room for lodging at a short-term home rental which meets the standards for occupancy set  
14 forth in Section \_\_\_\_\_ of this article.

15 *License.* A license to operate a short-term home rental pursuant to Chapter 22, Article IV, of the Code of  
16 Ordinances of the City of St. Croix Falls.

17 *Outdoor recreation area.* Any man-made structure within or on a short-term home rental property that is used  
18 for outdoor recreational purposes which includes, but is not limited to: swimming pools, decks, patios, seating areas,  
19 gathering spaces, gazebos, children's playground equipment, and areas for smoking, playing yard games, or similar  
20 activities.

21 *Parking mitigation plan.* A plan that identifies existing parking conditions and consists of proposed parking  
22 conditions within 300 feet of a proposed short-term home rental to address the impact of the short-term home  
23 rental on traffic flow and parking in the neighborhood of the short-term home rental.

24 *Primary residence.* The dwelling within which a person lives for six months plus a day during a calendar year.  
25 A person shall only have one primary residence.

26 *Property.* The premises at which a short-term home rental is located.

27 *Property manager.* The person identified as being the person responsible for the short-term home rental,  
28 including responding to complaints and being available to address the needs of transient guests, in the absence of  
29 the property owner.

30 *Property owner.* The owner of the property being used as a short-term home rental.

31 *Residential dwelling.* Any building, structure, or part of a building or structure that is used or intended to be  
32 used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common  
33 household, to the exclusion of all others.

34 *Short-term home rental.* A residential dwelling that is offered for rent for a fee and for fewer than 30  
35 consecutive days as defined in Wis. Stat. § 66.0615(l)(dk). This includes the rental of any accessory buildings or  
36 structures, the second unit of an owner-occupied duplex, and mother-in-law apartments.

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37 *Transient guest.* A person who travels to a location away from his or her primary residence for a short period  
38 of time for vacation, pleasure, recreation, culture, business or employment and rents a short-term home rental.

39 **Sec. 22-302. Application.**

40 Any property owner desiring to operate a short-term home rental must apply to the City Clerk's office for a license.  
41 A license must be approved by the City Clerk prior to operating within the City of St. Croix Falls. The license  
42 application must be submitted on the form prescribed by the City Clerk and must include all the information  
43 requested on the application form. Incomplete applications will not be accepted.  
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45 This article shall apply to all new short-term home rentals, except that the requirements for issuing a license under  
46 Section 22-305 (b) (2), (3), (5), (6), (7) and (9) and Section 22-306 a (2) i. does not apply to any short-term home  
47 rentals legally in operation at the effective date of this ordinance under a conditional use permit regarding allowing  
48 the rental and any conditions imposed as part of the conditional use permit. The full requirements of this Article  
49 shall apply to any such existing short-term home rental when there is a change in ownership of the short-term home  
50 rental or an expansion of the short-term home rental building, accessory buildings, and structures, and/or property.

51 **Sec. 22-303. Operation of a Tourist Rooming House.**

52 (a) No property may be used or operated as a short-term home rental for more than ten (10) nights each calendar  
53 year unless granted a license by the City Clerk. (*WI Statute 66.1014 (2) d 2*)

54 (b) Each tourist rooming house is required to have the following licenses or permits.

55 (1) A Wisconsin permit for a tourist rooming house permit issued under Wis. Stats. § 254.64 and ATCP  
56 72.04.

57 (2) A seller's permit issued by the Wisconsin Department of Revenue.

58 *Note: A homeowner who sells or furnishes lodging to the public for periods less than one month, must report*  
59 *and pay Wisconsin state sales tax on such rentals. One month means a calendar month or 30 days, whichever*  
60 *is less, counting the first day of the rental and not counting the last day of the rental. If a marketplace lists or*  
61 *advertises lodging on behalf of the homeowner and also processes the payment, directly or indirectly, from*  
62 *the purchaser of lodging, the marketplace is a marketplace provider. The marketplace provider, not the*  
63 *homeowner, is responsible for remitting tax on the entire sales price charged to the purchaser of lodging. The*  
64 *marketplace provider must notify the homeowner that the marketplace provider is collecting and remitting*  
65 *Wisconsin sales or use tax on taxable sales.*

66 (c) *License standards.* Each Tourist Rooming House shall comply with all the following to qualify for a license, and  
67 the property owner must certify on the license application that all applicable standards and requirements  
68 found in this article are satisfied, including:

69 (1) Tourist rooming house permit if effective for a one-year period from May 1—April 30, and must be  
70 renewed annually subject to City Council approval or denial. The short-term rental permit is not  
71 transferable and shall automatically expire upon change of ownership of the property.

72 (2) The property owner of the tourist rooming house shall have appropriate insurance for the building that  
73 is used for tourist rooming house and provide proof of insurance with the license and renewal.

74 (3) The licensee and/or property owner agrees to advertise per their approved application and site plan,  
75 specifically regarding the number of bedrooms, occupancy, and parking spaces available.

76 (4) Compliance with any other applicable state, county, or local regulations that are not otherwise identified  
77 as part of this Article.

78 (5) General building and fire code.....???

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79 *Act 176 changed Wisconsin law on the inspection of rental units. It provides in part as follows: "No city, village, town,*  
80 *or county may enact an ordinance that does any of the following: ... requires that a rental property or rental unit be*  
81 *inspected except upon a complaint by any person, as part of a program of regularly scheduled inspections conducted*  
82 *in compliance with s. 66.0119, as applicable or as required by state or federal law." The Act took effect on March 2,*  
83 *2016.*

84 (6) Each tourist rooming house shall provide a register and require all guests to provide their true names  
85 and addresses before occupancy of the tourist rooming house. The register shall be kept intact and  
86 available for inspection by a representative of the City of St. Croix Falls for at least one year.

87 (7) Each license shall be posted within two feet of the main entrance.

88 (8) Guest disclosure posting. Each short-term home rental shall post inside, within two feet of the main  
89 entrance, in writing, the following rules and regulations and must submit a copy of the disclosure to the  
90 City with the license application and renewal applications.

91 a) The name, phone number and address of the property owner or property manager.

92 b) The maximum number of transient guests allowed at the property, calculated as set forth in  
93 Subsection (a) of this section.

94 c) The maximum number of vehicles allowed at the property and where they are to be parked.

95 d) Property rules related to the use of outdoor recreation areas, such as decks, patios, grills,  
96 recreational fires, pools and other recreational facilities.

97 e) City nuisance ordinances will be enforced by the City, including reduced noise levels between 5:00  
98 p.m. and 9:00 a.m.

99 f) Any regulations promulgated by a Homeowner's Association or other legal common ownership  
100 structure. The city does not enforce these regulations, but only requires their posting.

101 (9) City Room Tax.

102 (a) Each tourist rooming house shall comply with the accommodation tax reporting requirements of  
103 the city Municipal Code Chapter 16, Article IV.

104 (b) Each property owner or property manager shall file room tax returns for the managed tourist  
105 rooming houses.

106 (c) All tax returns and supporting documentation filed with the clerk are confidential and subject to  
107 the protections provided under city Municipal Code subsection 70-35(l), and Wis. Stats. §  
108 66.0615(3) and Wis. Stats. § 77.61.

109 *Note: The homeowner or marketplace provider that is responsible for collecting and remitting Wisconsin state sales*  
110 *tax to DOR is also responsible for collecting and remitting municipal room tax if the lodging is furnished in a Wisconsin*  
111 *municipality that imposes a municipal room tax under sec. 66.0615(1m), Wis. Stats. The homeowner or marketplace*  
112 *provider should contact the Wisconsin municipality in which it sells short-term lodging to determine if additional*  
113 *registration is required, the applicable room tax rate, and how to file and pay the room taxes.*

114 (10) Property Manager. If the owner utilizes a property manager, the manager shall be authorized by the  
115 property owner to act as the agent for the owner for the receipt of service of notice of violation of this  
116 article's provisions and for service of process pursuant to this article and shall be authorized by the owner  
117 to allow city employees, officers and their designees, to enter the owner's property for purposes of  
118 inspection and enforcement of this article and/or the Code. The local property manager must be within  
119 30 miles of the short-term rental property and must be available 24 hours a day. The property owner  
120 must notify the city within 24 hours of a change in management contact information for the short-term  
121 rental.

122 (11) Performance standards as set forth in Section 22-306 below.

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123 **Sec. 22-304. Application fee.**

124 The license application form must be accompanied by payment in full of the required license application fee  
125 for short-term home rental. The application fee amounts will be as determined by the City Council in the City fee  
126 schedule.

127 **Sec. 22-305. License Issuance and Procedure**

128 (a) License Issuance.

129 (1) All short-term home rentals are required to have an administratively issued license from the City, issued  
130 by the City Clerk, as set forth in Section 22-303 above.

131 (2) Licenses are non-transferable and shall automatically expire upon change of ownership of the property.

132 (3) A license constitutes a limited license granted to the applicant by the City and in no way creates a  
133 vested zoning right or property right to operate a short-term home rental.

134 (b) License Procedure. All applications for a tourist rooming house permit shall be filed with the city clerk on forms  
135 provided. Applications must be filed by the property owner. No permit shall be issued unless the completed  
136 application form is accompanied by payment of the required fee. Each application shall include the following  
137 information and documentation for each tourist rooming house unit:

138 (1) A copy of Wisconsin permit for a tourist rooming house permit issued under Wis. Stats. § 254.64  
139 and ATCP 72.04;

140 (2) A copy of a completed City of St. Croix Falls inspection form dated within two months of the issue  
141 date;

142 (3) Proof of insurance;

143 (4) A copy of seller's permit from the Wisconsin Department of Revenue;

144 (5) Stated number of bedrooms and requested maximum occupancy number;

145 (6) Site plan identifying available on-site parking;

146 (7) Property management agreement (if applicable);

147 (8) Designation of the property manager;

148 (9) Attestation from the property owner that the property meets the requirements of this article;

149 (10) An employer identification number issued by the Internal Revenue Service.

150 (c) *Application review procedure.* When satisfied that the application is complete, the city clerk shall forward the  
151 initial application for permits and licenses to the appropriate city departments for review. If the clerk in  
152 consultation with city staff determines that the application meets the requirements of this article, the clerk  
153 may submit the application to the plan commission for approval. If the clerk in consultation with city staff  
154 determines that the application does not meet the requirements of this article, the clerk may deny the  
155 application.

156 (d) No permit shall be issued or renewed unless there is filed with the clerk a completed fire and building  
157 inspection report dated not more than two months before the date of issuance or renewal. All tourist rooming  
158 houses must meet the health and safety requirements as outlined in ATCP 72.10—72.15 of the Agriculture,  
159 Trade and Consumer Protection, Chapter 72.

160 (f) No permit or license shall be issued or renewed if the applicant or property has outstanding fees, taxes or  
161 forfeitures owed to the city, unless arrangements for payment have been approved by the treasurer, and the  
162 room tax return filings are current.

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163 **Sec. 22-306. Performance standards.**

164 (a) *Parking.*

165 (1) Except as set forth in Subsection (d)(2) of this section, outdoor parking for transient guests shall be  
166 limited to available parking on the property. This includes motor vehicles and recreational vehicles such  
167 as ATV's and UTV's. In no event shall parking for transient guests include spaces in any public street right-  
168 of-way or other public property. Parking by transient guests is also prohibited on private property not  
169 owned by the property owner unless the property owner has received written permission from the  
170 private property owner.

171 (2) In Residential Zoning Districts, transient guest parking shall comply with the following:

172 i. A minimum of one parking space per bedroom is required.

173 ii. Parking must either be accommodated entirely on the Property, or a Parking Mitigation Plan must  
174 be approved by the City.

175 iii. No vehicular traffic or parking use shall be generated, that is greater than normally expected in the  
176 neighborhood for the zoning district for which the short-term home rental is zoned.

177 (b) *Exterior signage.* There shall be no commercial signage of the short-term home rental or property or other  
178 visible evidence of the conduct of a short-term home rental, except an additional on-site parking sign, of no  
179 more than one square foot, may be added to accommodate transient guests provided such on-site parking  
180 meets all requirements of the City Code.

181 (c) *Refuse.* As required by City of St. Croix Falls Code Chapter 22, waste shall be kept in approved receptacles or  
182 containers with closed tops and shall be stored out of view as much as possible.

183 (d) *Noise.* Use of outdoor recreation areas or any other outdoor spaces at the short-term home rental property  
184 must comply with all applicable noise and nuisance ordinances, including but not limited to City Code Chapter  
185 14. There shall be no amplified outdoor sound after 5:00 p.m. or before 9:00 a.m.

186 (e) *Health and safety.* Short-term home rentals shall be equipped with the following:

187 (1) Smoke detector and carbon monoxide detectors in accordance with Wisconsin statutes on each floor  
188 level and sleeping area.

189 (2) Fire extinguishers shall be placed in the kitchen area.

190 (Note: A 2A10BC fire extinguisher is a type of fire extinguisher that can be used to put out fires involving flammable  
191 liquids, electrical equipment, and ordinary combustibles.)

192 Short-term home rentals shall comply with all requirements of Chapter 26 of the City's Code, as applicable.

193 (g) *Inspections.* Upon prior notice to the property owner or property manager, as applicable, and at reasonable  
194 times, unless an emergency exists, City departments, including police, fire and building inspections, have  
195 permission to inspect the property to investigate any complaints or possible violations.

196 (h) No recreational vehicles (RVs), campers, tents, or other temporary lodging arrangements shall be permitted  
197 onsite as a means of providing additional accommodations for paying transient guests or other invitees.

198 **Sec. 22-307. Appeal of licensing decisions; filing complaints; license revocation; appeal**  
199 **procedure; judicial review.**

200 (a) *License decision.* The City Clerk's decision to deny an initial license or to deny renewal of a license shall be in  
201 writing and shall specify the reason(s) for such denial. Prior to the time for the renewal of the license, the City

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202 Clerk shall notify the licensee, in writing, of the City's intention not to renew the license and notify the licensee  
203 of his or her right to an appeal hearing as provided in Subsection (b) of this section.

204 (b) *Appeal procedure.* The applicant or licensee, as applicable, may appeal the City Clerk's decision to deny an  
205 initial license or to deny renewal of a license to the City Council by filing a written appeal with the Clerk within  
206 20 business days after the date of mailing of the written notice of the City Clerk's decision denying such license  
207 or renewal license. The City Council shall conduct a due process hearing within 30 business days of the Clerk's  
208 receipt of the written appeal. The Clerk shall provide a minimum of ten calendar days' notice to the appellant  
209 of the date, time, and location of the hearing. At the hearing, the appellant may produce and cross-examine  
210 witnesses, present relevant evidence, and be represented by counsel of the appellant's/licensee's choosing  
211 and at the appellant's/licensee's expense. The City Council shall issue a written decision on the appeal within  
212 20 business days of the hearing. If the City Council finds the reason(s) for the City Clerk's decision to be  
213 consistent with the requirements of this article, the decision shall be affirmed. If the City Council finds the  
214 reason(s) for the City Clerk's decision to be inconsistent with the requirements in this article, the decision shall  
215 be reversed, and the license shall be granted and issued. The City Council's written decision on the appeal must  
216 specify the reason(s) for its determination. The Clerk shall give written notice of the City Council's decision to  
217 the applicant or licensee.

218 (c) *Revocation.* A license may be revoked by the City Council during the term of a license as set forth in subsection  
219 Section (c) of Section 22-305 above and following a due process hearing as described in Subsection (b) of  
220 Section 22-307 for one or more of the following reasons:

221 (1) Licensee's failure to pay any and all delinquent fees, taxes, special charges, forfeitures or other debt the  
222 licensee owes to the City.

223 (2) Licensee's failure to maintain all required local, county and state licensing requirements.

224 (3) Failure to make payment of City of St. Croix Falls room tax including submittal of the required  
225 Marketplace Provider Municipal Room Tax Return.

226 (4) Three or more police calls for service, building or health department for nuisance activities or other law  
227 violations win a 12-month period.

228 (5) Any violation of local, county or state laws or regulations which, based upon their number, frequency  
229 and/or severity, and their relation to the short-term home rental property, its owner(s), tenant(s),  
230 occupant(s) or visitor(s), substantially harm or adversely impact the surrounding neighborhood.

231 (d) *Complaint—Violations.* Any resident of or owner of property within the City may file a sworn written complaint  
232 with the City Clerk at St. Croix Falls City Hall, alleging one or more violations of Subsection (c) of Section 22-  
233 307 as grounds for revocation of a short-term home rental license issued under this article. Upon the filing of  
234 the complaint, the Clerk shall notify the licensee of the complaint by certified mail, return receipt requested,  
235 and provide the licensee with a copy of the complaint. The notice shall direct the licensee to appear before  
236 the City Council on a day, time and place included in the notice, not less than ten days and not more than 30  
237 days from the date of the notice and show cause why his or her license should not be revoked. The hearing  
238 shall be conducted as provided in Subsection (b) of Section 22-307. If a license is revoked by the City Council,  
239 the Clerk shall give notice of revocation to the licensee by certified mail, return receipt requested. No part of  
240 the fee paid for any license so revoked may be refunded.

241 (e) *Judicial review.* Any party to the proceeding resulting in a final action of the City Council in granting or  
242 renewing, refusing to grant or renew, or revoking a license under this article may seek review thereof by  
243 certiorari within 30 days of receipt of the final determination by the City Council pursuant to Wis. Stat. § 68.13.

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244 **Sec. 22-309. Violations and penalties.**

245 (a) Any person who violates any provision of this article shall be subject, upon conviction thereof, to a forfeiture  
246 of not less than \$250.00 nor more than \$750.00 for each offense, together with the costs of prosecution. Each  
247 violation and each day a violation occurs or continues to exist shall constitute a separate offense.

248 (b) The penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or  
249 costs, or any other remedy available under this article or Wisconsin or federal law.

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