

ORDINANCE V22-01

AN ORDINANCE AMENDING MUNICIPAL REGULATIONS ON TOURIST ROOMING HOUSES, SECTION 117-136 OF THE ZONING CODE

WHEREAS, on September 29, 2020 the Village Board adopted Ordinance V20-12, Municipal Regulations on Short Term Rentals; and

WHEREAS, on May 25, 2021 the Village repealed Ordinance V20-12 in its entirety and recreated regulations on Tourist Rooming Houses by adoption of Ordinance V21-13; and

WHEREAS, the Village wishes to monitor and provide reasonable means for residents to mitigate impacts created by tourist housing dwelling units; and

WHEREAS, the Village wishes to implement rationally based, reasonably tailored regulations to protect the integrity of the Village's neighborhoods; and

WHEREAS, the Wisconsin State Statutes allow municipalities to enact or adopt a regulation on short term rentals;

WHEREAS, the Village wishes to amend provisions of Ordinance V21-13 to extend the timeframe from 29 to 30 days, to not require a permit if rented less than 10 days a years, and redefine "operator" to include an authorized agent in charge of a Tourist Rooming House.

NOW THEREFORE BE IT ORDAINED, the Village Board of the Village of Harrison, Wisconsin, does hereby amend Section 117-136 as follows:

[Editor's Note: Deletions = ~~strikethrough~~ | Additions = *italics underline*]

REGULATION OF TOURIST ROOMING HOUSES.

- (1) It shall be unlawful for any person to operate a Tourist Rooming House (TRH) in the Village of Harrison *for more than ten (10) nights each year* without a permit issued by the Zoning Administrator.
- (2) Definitions. For the purposes of this section:
 - (a) A "tourist rooming house" is a dwelling unit, other than a Hotel, Motel, Bed and Breakfast Establishment or Hostel, in which sleeping accommodations are offered for pay to tourists or transients for stays between one (1) and ~~twenty-nine (29)~~ *thirty (30)* days. The definition does not include private boarding, lodging or rooming houses not accommodating tourists or transients.
 - (b) An "operator" is a person who is the owner or lessee *or authorized agent in charge* of property being used as a Tourist Rooming House (TRH) and who is conducting the TRH business by, among other things, interacting digitally and in person with guests and is identified in TRH listings and advertisements as the TRH "host." An operator may not be a LLC, Trust, Nonprofit, or other corporate entity.
 - (c) A "primary residence" is a dwelling unit 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 mail, claims

residence for purposes of voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.

- (d) A "Bedroom" is any habitable space in a Dwelling Unit other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas, is within the dwelling unit thermal envelope, that is at least seventy (70) square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation according to the Uniform Dwelling Code, Wis. Admin. Code Chs. SPS 320-325, or the Uniform Multifamily Dwelling Code, Wis. Admin. Code Ch. SPS 366. A room identified as a den, library, study, office, dining room, or other extra room that satisfies this definition will be considered a bedroom.
 - (e) "Multiple Unassociated Parties" is two (2) or more individuals who separately book accommodations at the same TRH on any shared date.
- (3) Application. Any person wishing to operate a TRH shall submit an application in writing to the Zoning Administrator along with a non-refundable application fee as outlined in the Fee & Penalty Schedule, reference this code section. Any submitted application that is not completed and still pending within one (1) year of the date the application is filed and the application fee is paid shall be administratively closed and the applicant must begin the licensing process anew.
- (a) All applications shall state each of the following:
 1. The name and address of the TRH operator.
 2. The address of the proposed TRH.
 3. Whether the TRH operator is the owner or lessee of the property.
 4. Whether the proposed TRH is the primary residence of the operator.
 5. Whether the TRH operator proposes to use the TRH solely for stays of more than six (6) but fewer than ~~twenty-nine (29)~~ thirty (30) consecutive days.
 6. Whether the proposed TRH is contained in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association.
 7. Any other information the Zoning Administrator may reasonably require.
 - (b) All applications shall be accompanied by documented proof that:
 1. The applicant has registered to pay room tax as required;
 2. In the case of a renter/applicant, a signed lease explicitly allowing the renter to operate a TRH at the property, a copy of the form used to notify property owner of the TRH operation, acknowledgement from property owner that they have been notified of the TRH operation;
 3. In the case of an owner who proposes to operate a TRH in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association, a letter of permission from the condominium association which states that the operation of a TRH in the dwelling unit is allowed by the condominium association's rules, regulations, or bylaws; and
 4. Any other information the Zoning Administrator may reasonably require.
 - (c) All applications shall be accompanied by the following documentation:
 1. Floor plans of the dwelling unit intended for use as tourist rooming house.
 2. Contact phone numbers and email addresses of both the property owner and TRH operator.

3. A listing of all websites and places where the TRH operator has advertised and intends to advertise the TRH.
 4. A signed and notarized affidavit stipulating that the TRH is the operator's primary residence or that the TRH will be used solely for stays of more than six (6) but fewer than ~~twenty nine (29)~~ thirty (30) days.
 5. Any other information the Zoning Administrator may reasonably require.
- (4) Regulations. Prior to receiving a TRH permit, the operator shall provide the following:
- (a) Notice to the property owner (unless the property owner is also the operator) and all properties within 200-feet of the property providing a brief description of the proposed TRH and how often the operator intends to rent the property. A copy of such notice as well as a list of addresses the notice was sent shall accompany the application.
 - (b) The owner or operator of the Tourist Rooming House shall register with the appropriate entities and shall pay room tax as required under law.
 - (c) Only the owner of the property may operate a Tourist Rooming House, except that a renter may operate if explicitly allowed in the lease. A property owner proposing to operate a TRH in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association may only operate the dwelling unit as TRH if explicitly allowed by the condominium association.
 - (d) If the tourist rooming house is operated for stays of more than six (6) but fewer than ~~twenty-nine (29)~~ thirty (30) consecutive days, the tourist rooming house may be operated for no 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 the TRH operator must give the Zoning Administrator notice of the first rental of any 365-day period.
 - (e) If the tourist rooming house is operated for stays of one (1) to six (6) consecutive days, the tourist rooming house shall be the operator's primary residence.
 - (f) If an operator who is operating a TRH pursuant to sub. (e) above occupies the residence at the time of rental, there is no limit to the number of days the Tourist Rooming House may operate.
 - (g) If an operator who is operating a TRH pursuant to sub. (e) above does not occupy the residence at the time of rental, the tourist rooming house may operate no more than thirty (30) days per permitting year; July 1 to June 30th.
 - (h) If an operator who is operating a TRH pursuant to sub. (e) above does not occupy the residence at the time of the rental, the TRH may not be rented to Multiple Unassociated Parties at the same time.
 - (i) Maximum tourist occupancy shall not exceed the lesser of two times the number of legal bedrooms in the dwelling unit or ten (10). Children under the age of 12 shall not count toward the maximum tourist occupancy.
 - (j) There shall be at least two designated off-street parking spots on the short-term rental property for guests.
 - (k) All short-term rental property owners or guests must abide by the noise regulations.
 - (l) No recreational vehicles (RVs), campers, tents, or other temporary lodging arrangements shall be permitted on site as a means of providing additional accommodations for paying guests or the owner of the property.
 - (m) Providing meals to guests is prohibited.
 - (n) Owner to present proof of insurance at time of application.

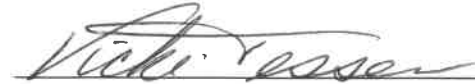
- (o) A TRH shall be available for inspection by Village staff with at least forty-eight (48) hours prior written notice. However, in the event the Village has probable cause to believe that a violation of this ordinance has occurred or is occurring, an inspection may occur at other times.
 - (p) All advertisements of the tourist rooming house, including advertisements on the website of a Lodging Marketplace, must contain a clearly displayed valid TRH permit number issued under this ordinance.
- (5) Inspection. Prior to issuing a permit to operate a TRH or approving the renewal of an existing permit, the Zoning Administrator or designee shall inspect the premises to ensure compliance with this ordinance. At all other times, a TRH shall be available for inspection by Village staff with at least forty-eight (48) hours prior written notice. However, if the Village has probable cause to believe that a violation of this ordinance has occurred or is occurring, an inspection may occur at other times.
 - (6) Permit Issuance. The Zoning Administrator shall grant a TRH permit upon verification of a complete TRH application and compliance with this ordinance, including specifically the regulations contained in Section (4) above related to the operation of a TRH.
 - (7) Transferability. Permits issued under this Section shall not be transferrable.
 - (8) Permit Fees. The fee for a TRH operator permit shall be as stated in the Fee & Penalty Schedule for new and renewals. Annual permits shall expire on the thirtieth (30) day of June after the granting thereof. Renewal permits shall be obtained on or before June 30 of each year as provided in sub. (9) below or be subject to a late filing fee equal to twice the renewal fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a permit.
 - (9) Renewal. TRH operator permits shall be renewed by the thirtieth (30) day of June of each year. Prior to receiving a renewal permit, the TRH operator shall provide the Zoning Administrator with any updates or changes to any of the documentation required in sub. (3) & (4) above or submit a statement to the Zoning Administrator stating there have been no changes to the information contained in the documentation. Prior to issuing a renewal permit, the Zoning Administrator may conduct a reinspection as provided in sub. (5) above.
 - (10) Enforcement and Violations. The Zoning Administrator or designee shall enforce this ordinance. Any person who operates a TRH without a permit or in violation of this ordinance, upon conviction thereof, shall be fined in accordance with the Fee & Penalty Schedule, reference Section 1.16 General Penalties. Each day or portion thereof such violation continues shall be considered a separate offense. Any fine imposed under this subsection shall be doubled if the violator's permit has been revoked under Sub. (11) below.
 - (11) Revocation. The Zoning Administrator or the Village Board may suspend, deny or revoke a permit issued hereunder for failure of a permittee to comply or maintain compliance with, and/or for violation of, any applicable provisions of this ordinance. Any such suspension or revocation is reviewable under Sec. 32.56 of the Harrison Village Code. A revocation shall result in a 6-month prohibition on the issuance of a new permit at the property.
 - (12) Initial Compliance Date. This ordinance becomes effective on July 1, 2021. All TRH Operators in the Village of Harrison shall obtain a permit as required by this section no later than July 1, 2021. TRH Operators that applied prior to July 1, 2021 under Ord V20-12 may have the application fee applied to the TRH Application.

EFFECT. This ordinance shall be in force and effect upon passage and publication as provided by law.

Adopted by the Village Board of the Village of Harrison this 8th day of March 2022.



Allison K. Blackmer, Village President



Attest: Vicki Tessen, Clerk/Treasurer