

TOWN OF LINCOLN

Ordinance No. 18-001

An ordinance adopted by the Town Board of the Town of Lincoln at its regular meeting of July __, 2018, for the purpose of creating a Short-Term Rental Ordinance and Licensing requirement.

1. Creation of a Short-Term Rental Ordinance

(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 Lincoln are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the Town.

(2) Definitions:

(a) **Bed and Breakfast:** Any place of lodging that provides eight (8) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served is breakfast. Notwithstanding this Ordinance, a Bed and Breakfast is required to be licensed by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

(b) **Operator:** The individual responsible for maintaining a Short-Term Rental Accommodation, with duties including, but not limited to, maintenance, upkeep, correspondence with renters, collection of rent, and communications with the Town, etc.

(c) **Owner:** The title-owner of a Short-Term Rental Accommodation.

(d) **Short-Term Rental:** Rental of a residential dwelling for a period of less than one-month.

(e) **Short-Term Rental Accommodation:** A building, or buildings, on the same lot, with one to four units for human occupancy used for Short-Term Rentals but not including a Bed and Breakfast.

(3) Short-Term Rentals:

(a) Exemptions: The restrictions set forth herein do not apply to a Bed and Breakfast.

(b) Allowed: Duration: No Short-Term Rental Accommodation may be rented for a period of 6 or fewer days. If a Short-Term Rental Accommodation is rented for periods of more than 6 but fewer than 29 consecutive days, the total number of days within any 365-day period that the dwelling may be rented is 180, which must run consecutively. The short-term rental Operator shall notify the Town Clerk in writing of the date when the first Short-Term Rental within a 365-day period begins.

(c) Restrictions:

- (i) Short-Term Rental Accommodations must be the Operator's primary residence, and only the Owner of the residential dwelling may offer it for Short-Term Rental.
 - (ii) A Short-Term Rental Accommodation's Owner must, at all times, keep the Village apprised of the Owner's current phone number and/or email address and must agree to respond within 24 hours of any attempted contact by any representative of the Town. The Owner must provide the Town with updated contact information within 15 days of such change.
 - (iii) The Owner must provide all short-term renters with written information containing the Owner's 24/7 contact information, local emergency and non-emergency numbers, and a listing of any special restrictions, limitations or considerations with respect to the property and/or the neighboring properties so as to minimize the likelihood of any conflict between renters and neighboring residents.
 - (iv) The maximum number of short-term renters of Short-Term Rental Accommodation at a single time may not exceed twice the number of bedrooms being rented, plus 1.
 - (v) A Short-Term Rental Accommodation must have adequate off-street parking sufficient to accommodate at least one car per bedroom being rented.
 - (vi) Each Owner must maintain a renter registry indicating the guests' actual names and addresses, the time period for the rental, and the amount of consideration paid for the rental. Such registry must be maintained and kept on file for at least one year. The Owner shall allow the Town to review the renter registry upon request.
 - (vii) 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.
- (d) Licensing:
- (i) A person who owns, maintains, manages or operates a Short-Term Rental Accommodation shall obtain and maintain all permits and licenses required by state law, which may include obtaining a "Tourist Rooming House" permit from the Department of Agriculture, Trade and Consumer Protection, and may require collection of state sales and use tax. Applicants for a Town of Lincoln short-term rental license shall provide proof of compliance with all required state permits and/or licenses.
 - (ii) A person who owns, maintains, manages or operates a Short-Term Rental Accommodation shall obtain and maintain an annual short-term rental license from the Town of Lincoln. All applications for a short-term rental license shall be made by the owner of the residential building.
 - (iii) A renewal application and renewal fee must be filed with the Town Clerk at least 45 days prior to a short-term rental license expiration to ensure that

there is not a gap in coverage. Reapplications to the Town Board for a short-term rental license shall be required with a change in ownership, alterations to the operational rules, non-compliance with the standards of this Ordinance, or documented violations.

- (iv) A copy of the Town of Lincoln short-term rental license shall be posted on an exterior wall near the main entrance of the Short-Term Rental Accommodation during all times that it is being rented.
- (e) Fees: The short-term rental license fee and renewal fee shall be \$100.00.
- (f) Non-compliance:
 - (i) Fines: A fine of \$50.00 shall be assessed for each violation of this Ordinance, plus all applicable surcharges, assessments and costs for each violation. Each day that a violation continues shall be determined to be a separate violation.
 - (ii) The Town Board may suspend, revoke, or non-renew a short-term rental license following a due process hearing if the board determines that the licensee: (a) failed to comply with any requirements of this ordinance; (b) has been convicted of engaging in illegal activity while on the short-term rental premises on 2 or more separate occasions within the past 12 months; (c) has outstanding fees, taxes, or forfeitures owed to the Town; or (d) if the licensee's short-term renters are shown, by sworn testimony, to have repeatedly and unreasonably interfered with the neighbor's quiet enjoyment of their own properties or of the neighborhood.
 - (iii) Penalties set forth herein are in addition to all other remedies of injunction, abatement or costs, whether existing under this ordinance or otherwise.

2. Approval of Short-Term License Application

The Town Board approves of the Short-Term Rental License Registration Form as attached hereto.

3. Effective Date of Ordinance. This ordinance shall take effect upon passage and publication.

Attest:


Douglas Glaspie
Chairperson


Lacey Kastern
Town Clerk

Adopted: July 10, 2018

Published: 0