

TOWN OF BARNES
Chapter 19
Short Term Rental Ordinance

An ordinance adopted by the Town Board of the Town of Barnes at its regular meeting of August 16, 2022, 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 Barnes 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 home/cabin or dwelling for a period of less than thirty days.

(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 or licensed Motel, Hotel or Resort.

(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 more than thirty consecutive days.

(c) Restrictions:

- (i) Only the owner of the Short-Term Rental or his/her designee may offer it for Short-Term Rental
- (ii) A Short-Term Rental Accommodation's Owner must, at all times, keep the Town apprised of the Owner's and Operator'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 all vehicles to be parked on the driveway and not on road, street or neighbor's property.
- (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 Barnes 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 Barnes. All applications for a short-term rental license shall be made by the owner of the residential building.
- (iii) All short-term rental licenses shall expire on December 31st of each year.
- (iv) A renewal application and renewal fee must be filed with the Town Clerk at least 30 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.
- (v) A copy of the Town of Barnes 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 \$300.00 payable at the time the license application is filed with the Town. If the permit is denied the \$300.00 will be returned to the owner. There is no proration of fees.
- (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.

Signed and Dated this _____ of August, 2022

Supervisor Eric Neff _____

Supervisor David Scully _____

Supervisor Seana Frint _____

Supervisor James Frint _____

Chairperson Thomas Renz _____

Clerk Judy Bourassa _____