

Ordinance 8-7-19

TOWN OF SARATOGA  
SHORT-TERM RENTAL ORDINANCE

1. PURPOSE:

The purpose of this Article is to ensure that the quality of short-term rentals operating within the Town of Saratoga is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators and property managers offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially residential areas, within the Town to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

2. GENERAL PROVISIONS:

2.1 For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:

a. Every word in this ordinance referring to a singular number only shall also be construed to apply to several persons or things, and every word in this ordinance referring to a plural number shall also be construed to apply to one (1) person or thing.

b. The use of any verb in the present tense shall not preclude the interpretation of a verb in the past or future tense where appropriate.

3. DEFINITIONS:

3.1 The terms set forth in this section, wherever they occur in this ordinance, shall be interpreted as defined below.

a. "Clerk" means the Town Clerk for the Town of Saratoga

b. "Corporate Entity" means a corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in the state.

c. "License" means a Short-Term Rental License issued under Section of this Ordinance

d. "Owner" means the person who own the residential dwelling that has been rented.

e. "Person" means a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any section of the Ordinance prescribing a penalty or fine, as to partnerships or associations the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

f. "Property Manager" means any person that is not the property owner and is appointed or hired for a fee to act as agent and/or provides property management services to one or more short-term rentals.

g. "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 (2) or more persons maintaining a common household, to the exclusion of all others.

h. "Short-Term Rental" means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

i. "State" means The State of Wisconsin Department of Health Services, or its designee.

#### 4. LICENSE REQUIRED:

4.1. No person may maintain, manage or operate a short-term rental in the Town of Saratoga for more than 10 (ten) nights each year without a short-term rental license. Every short-term rental shall be operated by a Property Owner or Property Manager.

4.2. The clerk shall issue a short-term rental license to all applicants following the approval of an application by the Town Board and the filing of all documents and records required by this Ordinance. Issuance of a Short-Term Rental License under this Ordinance will be deemed as meeting the requirement of obtaining a Business License per Ordinance 5-3-99.

#### 5. APPLICATION AND LICENSE:

5.1. All applications for a short-term rental license shall be filed with the Town Clerk on a form provided by the Town and approved by the Town Board. Applications must be filed by the Property Owner. No license shall be issued unless the completed application form is accompanied by payment of the required short-term rental license fee.

5.2. Each application shall include the following information and documentation for each short-term rental:

a. Identity of the Property Owner and any Property Manager (if applicable), with contact information including mailing address, physical address, email, and 24-hour phone number.

b. A Room Tax Permit Application issued by the Town of Saratoga

c. Town of Saratoga Short-Term Rental Application

d. Proof of an annual general building and fire inspection is required prior to issuance or renewal of the license, with no outstanding compliance orders remaining.

e. A copy of Tourist Rooming House Permit from the State of Wisconsin Department of Agriculture, Trade and Consumer Protection as per ATCP 72.04

f. A copy of a completed State Lodging Establishment Inspection form dated within sixty (60) days of the date of issuance or renewal

g. Proof of Casualty and Liability Insurance issued by an insurance company authorized to do business in Wisconsin, with liability limits of not less than \$300,000 per individual and \$1,000,000 aggregate.

h. Floor plan sketch with dimensions of the proposed property for rental and requested maximum occupancy.

i. Site Plan sketch with dimensions including available onsite parking.

j. An Employer Identification Number issued by the Internal Revenue Service.

k. Certification from the Property Owner that the property meets the requirements of this Ordinance.

l. A short-term rental lease agreement example which includes language regarding compliance with parking, noise, and other applicable town ordinances being met during occupancy of the structure.

## 6. LICENSE FEE, DURATION, AND RENEWAL:

6.1. License Fee: An annual fee shall be set by the Town Board. Fees are non-refundable and shall not be prorated. Any renewal application received after the expiration date shall be subject to a double-fee.

6.2. License Duration: All licenses granted shall be for one (1) calendar year beginning on July 1 and ending on June 30 and may be renewed for additional one-year periods.

6.3. License Renewal: A renewal application and renewal fee must be filed with the town clerk at least 45 days prior to license expiration so that the town board has adequate time to consider the application. Each application for renewal of a license shall include undated information for the documentation on file with the Town Clerk. The clerk shall verify that the information provided on the renewal application is complete and in accordance with this Ordinance. The clerk shall request reports from the Wood County Sheriff Department, Town Constable, and the Town Zoning Officer regarding any complaints received, calls for service or actions taken regarding the short-term rental property.

a. No license shall be renewed if the subject property has outstanding fees, taxes or forfeitures owed to the Town, or is under an order issued by the Building Inspector to bring the premises into compliance with Town ordinances, unless arrangements for payment have been provided to the Clerk and approved by the Town Board.

b. If the town clerk finds that the license should not be renewed, the clerk shall recommend to the Town Board a denial of the renewal. A denial of renewal under this section may be appealed in accordance with procedures under Section 13.

c. An existing license becomes void and a new application is required any time the ownership of a residential dwelling licensed for short-term rentals changes, except as provided in (d)

d. The holder of a license issued under this ordinance may transfer the license to an individual who is an immediate family member, as defined in § 97.605 (4)(2) Stats., if the holder is transferring operation of the short-term rental to the immediate family member.

## 7. PROPERTY MANAGER

7.1. Each Property Manager shall be authorized by the Property Owner to act as the agent for the owner for the receipt of service of notice of violation of this Ordinance's provisions and for service of process pursuant to this Ordinance and shall be authorized by the owner to allow Town employees, officers and their designees to enter the owner's property for purposes of inspection and enforcement of this Ordinance and/or any Town Ordinance.

## 8. STANDARDS FOR SHORT-TERM RENTALS

8.1. Each short-term rental shall comply with this Section's requirements along with all other Town of Saratoga Ordinances. Each short-term rental shall meet the following minimum requirements:

a. The number of occupants allowed in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable County and Town regulations.

b. Each short-term rental shall comply with the requirements of Town Ordinance 1-17-18 Housing Standards.

c. All motor vehicles, trailers, and ancillary equipment operated by any short-term rental occupant must park on the rental property. On street overnight parking is prohibited.

d. A sign shall be posted in a conspicuous place inside the rental unit, during the license duration, specifying information on approved parking spaces and Town Ordinance regarding Public Nuisance.

e. Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 321 of the Wisconsin Administrative Code.

f. No vehicular traffic shall be generated that is greater than normally expected in the neighborhood for the district for which the dwelling is zoned.

g. No recreational vehicle (RV), Camper, tent or any other temporary lodging arrangement shall be permitted on site for the means of providing additional accommodations for occupants and/or guests of a short-term rental.

h. There shall not be excessive noise, fumes, glare, or vibrations generated during the use of the dwelling as a short-term rental.

i. Animals or pets shall be contained within the short-term rental property, or otherwise be on a proper lead or leash and accompanied by a person when off the rental property.

j. Name plates or other outdoor signage shall not exceed one square foot. Availability of the short-term rental to the public shall not be advertised on site.

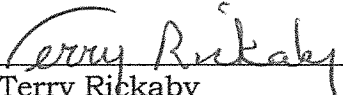
9. ROOM TAX: *(This section will not be enforced until such time as the Town Board approves a Room Tax Ordinance)*


- 9.1. Each short-term rental shall comply with any room tax reporting requirements imposed by the Town, County or state to the extent that a room tax is applicable.
- 9.2. Each Property Manager Licensee shall file any necessary room tax returns for any managed short-term rental.
- 9.3. Any and all tax returns and supporting documentation filed with the Clerk are confidential and subject to any protections provided under Town Ordinance, Wis. Stat. Section 66.0615(3) and Wis. Stat. Sec. 77.61(5)(a).
10. DISPLAY OF PERMIT: A short-term rental license, or copy, containing the name and telephone number of the local representative shall be visible from the exterior of the principal structure.
11. REVOCATION OF LICENSE:
- 11.1. A short-term rental license may be revoked by the Town Board for one or more of the following reasons:
- a. Failure to make payment on taxes or debt owed to the Town of Saratoga.
  - b. Failure to make payment on any applicable room tax.
  - c. Three (3) or more issued citations related to police service, building inspection or the health department for nuisance activities or other law violations in a twelve (12) month period as regulated in Town Ordinance 9-19-18 Defining and Prohibiting Public Nuisances.
  - d. Failure to comply with applicable building inspection requirements
  - e. Failure to maintain all required local, county, and state licensing requirements.
  - f. Any violation of local, county, or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.
  - g. Upon revocation of the Short-Term Rental License, under this section, a renewal application will not be permitted until after January 1 of the next calendar year.
12. PENALTY: Any person who operates a short-term rental within the Town of Saratoga for more than ten (10) nights in a 365-day period, without a license, shall be deemed an illegal operation, and upon conviction be subject to a forfeiture of not less than \$25 nor more than \$500, together with the costs of prosecution. Each day a violation exists or continues shall constitute a separate offense. Prosecutions of violations of parts of this ordinance shall be commenced by citation pursuant to Wis. Stat. Ch. 800.
13. APPEAL: The denial of a short-term rental license application or renewal under this Ordinance may be appealed by filing a written appeal request with the Clerk within ten (10) days of the Town's notice of denial. The appeal shall be heard by the Town Board, which shall consider the application or renewal and staff recommendations and may approve or deny the application or renewal.


14. SEVERABILITY: If any section, clause, provision or portion of this ordinance is declared unconstitutional or invalid, unlawful, or unenforceable by a final order of a court of competent jurisdiction including all applicable appeals, the remainder of this ordinance shall remain in full force and effect.

15. EFFECTIVE DATE: This Ordinance shall take effect upon its publication as provided by law.

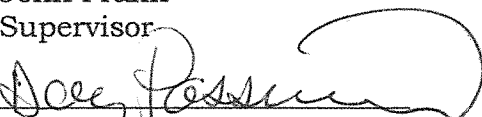
Passed, approved, and adopted by the Town Board of the Town of Saratoga, Wood County, Wisconsin, on the 7<sup>th</sup> day of August, 2019.


  
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Terry Rickaby  
Chairman

  
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Danny Forbes  
Supervisor

  
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John Frank  
Supervisor

  
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Patricia Heeg  
Supervisor

  
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Douglas Passineau  
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Heidi Kawleski  
Clerk