

Town of Cable Short-term Rental Ordinance 40-19

SECTION I - PURPOSE

- A. The purpose of this Ordinance is to ensure quality and compliance of short-term rental properties operating within the Town of Cable in order to protect the health, safety and general welfare of the public and to protect the character and stability of neighborhoods.

SECTION II - AUTHORITY

- A. The Town Board of the Town of Cable has the specific authority under s. 157.50 (2), Wis. Stats. and general authority under its village powers per ss.60.10(2)(c) and 60.22(3), Wis. Stats. to adopt this ordinance.

SECTION III - DEFINITIONS

- A. "Bed and Breakfast". Any place of lodging providing eight (8) or fewer rooms for rent, which is the personal residence of the owner, is occupied by the owner while rented, and where breakfast is the only meal served.
- B. "Campground". A parcel or tract of land owned by a person, state, corporation, non-profit, or local government designed, maintained, intended, or used for the purpose of providing campsites offered for fee for temporary overnight sleeping accommodations.
- C. "Condominium". A property subject to a condominium declaration established under Ch. 703, Wis. Stats. For purposes of this ordinance, the requirements that apply to condominiums shall be the same as those that apply to a physically identical development under a different form of ownership.
- D. "Duplex". A structure consisting of two (2) dwelling units meeting applicable zoning requirements. For the purpose of this Ordinance, a duplex shall not be construed as a multiple unit dwelling.
- E. "Dwelling Unit". A unit designed for independent human habitation, which includes sanitary and food preparation facilities.
- F. "Hotel/Motel". A building or series of attached, or semi-attached units in which sleeping accommodation are offered to transient guests for fee, including Condominium or Multiple Unit Dwellings as per WI Admin Code Chapter ACTP 72.
- G. "Short-term Rental". Exchange of accommodations for a fee for a period of less than 29 consecutive days by the same occupant. A property rented for 10 or less cumulative days per year is exempt from provisions of this ordinance.
- H. "Multiple Unit Dwelling". A building, or buildings on the same lot (including a building or buildings located on condominium property), with more than 2 units for human occupancy.
- I. "Property Owner". The person or entity listed as owner of the real estate on the Town's tax roll.

- J. "Property Manager". A person or entity who is not the property owner but provides management services for one or more properties and is authorized to act as the agent of the property owner for service of all notices or processes regarding town ordinances.
- K. "Recreational or Educational Camp". A premise, including temporary and permanent structures, operated as an overnight living quarters where both food and lodging or facilities for food and lodging are provided for children or adults or both children and adults for a planned program of recreation or education.
- L. "Residential Dwelling". Any building, structure or part thereof that is used or intended to be used as a home, residence or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
- M. "Short-term Rental Criteria". The most current versions of the BAYFIELD COUNTY HEALTH DEPARTMENT TOURIST ROOMING HOUSE REQUIREMENT CHECKLIST and THE TOWN OF CABLE SHORT-TERM RENTAL CRITERIA listing stipulations that must be met by property owners to comply with this ordinance.
- N. "Town" means the Town of Cable, Bayfield, County, Wisconsin.
- O. "Town board" means the board of supervisors for the Town of Cable, Bayfield County, Wisconsin, and includes designees of the board authorized to act for the board.
- P. "Town clerk" means the clerk of the Town of Cable, Bayfield County, Wisconsin
- Q. " Planning Commission" means the Planning Commission of the Town of Cable, Bayfield County, Wisconsin.
- R. "Town treasurer" means the treasurer of the Town of Cable, Bayfield County, Wisconsin.
- S. "Wis. Stats" or "Wis. Admin Code" means the Wisconsin statutes and administrative code, including successor provisions to cited statute or code.

SECTION IV – ADOPTION AND APPLICABILITY OF ORDINANCE

- A. This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of short-term rental properties in the town.
- B. Requirements shall apply equally to all defined properties, regardless of ownership by private, corporate, governmental or non-profit entities.

SECTION V - SHORT-TERM RENTAL LICENSE

- A. No person or entity may offer short-term rental for any accommodation or activity as defined in Section III without first obtaining a Short-term Rental License from the Town. All licenses shall be renewed on an annual basis.
- B. All applications for an initial or renewal Short-term Rental License shall be filed, along with fees, by the property owner with the Town clerk on forms provided. Applications may designate a property manager as agent. Clerk will forward new applications to the Planning Commission for review.
 - a) New applications will be reviewed by the Planning Commission before approval by Town Board.
 - b) Before a Short-term Rental License is issued, the following additional authorizations must be obtained:

- i) An appropriate State license as defined under WIS Administrative Chapters ATCP-72 (Motels & Tourist Rooming House), ATCP-73 (Bed & Breakfasts), ACTP-78 (Recreational or Educational Camps) or ACTP-79 (Campgrounds) through Bayfield County Health Department, agent per ACPT-74,
 - ii) Appropriate zoning designation from Bayfield County Zoning Department.
 - iii) Town of Cable Accommodation Tax Permit.
- C. A local contact available to be on site within 1 hour during any time property is occupied must be on file with the town and posted at rental location. Town must be notified within 24 hours of any change in contact information.
- D. A current Short-term Rental License issued by the Town of Cable shall be posted at the rental premises. The license may not be altered or defaced.
- E. Short-term rental criteria for residential dwelling, as defined in Section III and attached as Appendices A and B, shall become part of and enforced as if written within this ordinance.
- F. An Accommodation Tax report and fees shall be submitted to the Town treasurer on a quarterly basis.
- G. A register showing actual names and permanent address of all guests along with dates of occupancy and fees collected shall be maintained by owner or agent and available for inspection for up to one year after date of occupancy.
- H. Except as provided in this subsection, no license issued under this chapter is transferable from one premise to another or from one person or entity to another, except to an immediate family member. A new license must be applied for with change of ownership or premise. A business entity that reorganizes as a different type of business entity may transfer a license to the newly formed business entity if at least one individual who had an ownership interest in the entity to which the license was issued has an ownership interest in the newly formed business entity.

SECTION VI - STATEMENT OF POLICY

- A. Before being issued a Short-term Rental license, each property must be inspected by the Town to determine compliance with the Town of Cable Driveway Ordinance and assess maximum occupancy. This license will designate the maximum occupancy for the building and state that the building passes inspection. Occupancy is determined based on the following factors: square footage, number of bedrooms and bathrooms, capacity of septic system, available parking and road access.
- B. Follow up inspections will occur on the property on an as-needed basis but must occur every 5 years. If a property fails the inspection, the owner will have 30 days after notification to correct the problem and schedule a follow-up inspection. Failure to repair the problems within 30 days will result in suspension of the Short-term Rental License.

SECTION VII - FEES

- A. Fee for initial and renewal license with inspection: \$75.00
- B. Fee for renewal license without inspection: \$25.00
- C. Daily penalty for non-compliance of any section: \$50.00

*Penalties will be assessed beginning on the first day following compliance period as outlined in verified warning notice

SECTION VIII – PENALTY PROVISION


- A. Any outstanding debt owed the Town of Cable by the property owner must be updated and paid before a license will be issued or renewed. Nonpayment of fees, forfeitures or taxes will result in revocation of rental license.
- B. Any property owner, property manager or renter that fails to comply with the provisions of this ordinance or is convicted of illegal activity shall first be issued a notification/warning. A second offense for the same noncompliance, upon due process, shall result in rental license suspension. Third and subsequent violations will result in revocation of the Short-term Rental License.
- C. After revocation, a new license must be applied for and will not be issued until the property owner complies with all stipulations of the Bayfield County and Town of Cable regulations. All expenses incurred will be the obligation of the property owner and must be paid before the license is reinstated.
- D. Any person, partnership, or corporation that operates a regulated premise without a license from the Town of Cable shall be sent a written warning with notice to cease renting the property immediately. If the person, partnership, or corporation continues to operate after the notice was given and 30 days has elapsed, the property owner will be fined as outlined in Section VII until operation ceases or licenses are obtained.

SECTION IX- SEVERABILITY

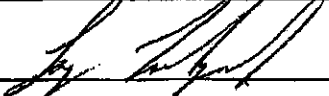
- A. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION X - EFFECTIVE DATE

This ordinance is effective on publication or posting. The town clerk shall properly post or publish this ordinance, as required under s. 60.80, Wis. Stats. Adopted this 21 day of MARCH 2019

 Town Chair

 Supervisor

 Supervisor

 (Attest) Town Clerk

APPENDIX "A"

TOWN OF CABLE RESIDENTIAL DWELLING SHORT-TERM RENTAL CRITERIA

1. All occupancy limits must be adhered to with no exception.
2. Property owner or agent with authority must be available to be on-site within 1 hour anytime property is rented (24 hours a day, 7 days a week). Contact information for agent and emergency service providers will be posted in conspicuous place.
3. Property must meet town driveway ordinance and have adequate off-street parking to support the allowed occupancy (1 space per 4 persons). No parking is allowed which would restrict access by neighbors or emergency vehicles.
4. Owner must comply with Town of Cable Accommodation Tax Ordinance.
5. No recreational vehicle, camper, tent or other temporary lodging will be allowed on the property to expand occupancy limits.
6. Code of conduct or rules in place by Homeowners Association or Lakes Association shall be posted and abided to.
7. A copy of this document and any other special rules/regulations or restrictions must be posted and included in the rental contract.
8. Any outdoor event shall be restricted to between the hours of 8:00 a.m. and 11:00 p.m. Quiet hours shall be observed between 11:00 p.m. and 8:00 a.m.
9. Campfires are restricted to contained fixtures and must be attended at all times.
10. Any illegal or disorderly conduct will result in law enforcement action and possible revocation of rental license.
11. Pets, when allowed, must be kept leashed and not left unattended.
12. Property boundaries and trespass laws must be abided to by all occupants.
13. No regulated fireworks are allowed without a proper permit.
14. Approved sanitary wastewater system must be in good working order.
15. Garbage and recycling must be kept contained and in a secure location off the road, except on collection day.

APPENDIX "B"

BAYFIELD COUNTY HEALTH DEPARTMENT TOURIST ROOMING HOUSE

REQUIREMENT CHECKLIST

- ___ A cabin or vacation home that is rented to the public requires a license from the Department of Health.
- ___ Drinking water from private wells shall be tested once per year for coliform bacteria and a copy of the results provided to the Bayfield County Health Department.
- ___ The Department of Commerce, the Department of Natural Resources, and local zoning must approve the private well and private septic system construction. All plumbing systems must be connected to an approved waste water system.
- ___ All bathroom facilities must include a toilet, sink, and bathtub or shower. Hot and cold running water shall be available at all sinks and washing facilities.
- ___ All garbage shall be kept in separate, leak proof, nonabsorbent containers with tight fitting covers, and shall be emptied often to prevent decomposition and overflow. Recycling container shall be provided with tight fitting covers.
- ___ Appliances and furnishings shall be clean, in good repair and installed to facilitate cleaning.
- ___ Eating and cooking utensils shall be in good repair and cleaned by washing, rinsing, sanitizing (with 1 capful of bleach to 1 gallon of water), and air-drying.
- ___ Mattress and pillow covers or protectors must be provided.
- ___ Linens shall be washed between guests and at least once per week. Blankets, quilts, and bedspreads shall be washable and maintained in a clean condition.
- ___ Sheets shall be of sufficient size to cover the bed and have a fold-back over the blanket of at least 12 inches.
- ___ Housekeepers with communicable diseases shall refrain from working.
- ___ All home construction shall comply with the Uniform Dwelling Code if constructed after June 1, 1980. A UDC inspection may be requested depending on existing conditions.
- ___ All cabins or homes constructed after June 1, 1980 must have two exits.
- ___ A lodging facility must comply with the commercial building code if it houses three or more unrelated groups of people.
- ___ One 2A fire extinguisher shall be provided in homes or cabins under 6000 square feet.
- ___ Fuel fired appliances have ventilation requirements based on the International Fuel Gas and International Mechanical Codes. Compliance will be determined during inspection. Installations that were made by certified HVAC professionals are most likely in compliance with applicable codes.
- ___ At least one smoke alarm per floor level shall be installed in cabins or homes constructed before April 1, 1992. Smoke alarm installation must comply with Comm. 21.09 and NFPA 72. Consult with your health inspector regarding placement or see attachment I.

- ___ Every sleeping room must be 400 cubic feet per occupant over 12 years of age and 200 cubic feet per occupant under 12 years of age. All ceilings shall be at least 7 feet high.
- ___ There must be at least two directions of escape from every sleeping room.
- ___ All exterior doors shall be key locking from the outside and non-key locking from the inside.
- ___ All windows that can be opened shall be screened and screen doors shall be installed on dwellings that lack air conditioning.
- ___ There must be adequate guard and handrails along stairs and elevated platforms or decks 24 inches above grade.
- ___ Adequate ventilation must be provided to all bathrooms.
- ___ Pressure release valves on hot water heaters must be piped to within six inches of the floor.
- ___ There shall be no plumbing cross connections that may contaminate potable water supply.
- ___ There shall be no electrical shock hazards (exposed wires within reach and missing plates).
- ___ There shall be directions for use of fireplaces and wood stoves.
- ___ All dwellings shall be maintained and equipped in a manner conducive to health, comfort and safety of all guests. They shall be kept in good repair and in a sanitary condition.
- ___ Effective measures shall be taken to minimize the presence of insects and rodents.
- ___ A guest register shall be maintained and kept on the premises.
- ___ Swimming pools and whirlpools that have recirculation and disinfection systems must be plan approved and licensed. Plumbed fill and drain jacuzzi tubs are permitted without licensure.
- ___ Any facility that prepares, serves or sells food to the public must be licensed.
- ___ No food items, alcohol, or other personal goods shall be accessible to guests.
- ___ Carbon monoxide detectors shall be installed within 15 feet of all bedrooms and in the basement if there is a fuel fired appliance present.

This checklist is based on the State of Wisconsin Regulations in DHS 195: Hotels, Motels, and Tourist Rooming Houses. These regulations are for a Department of Health Lodging License ONLY. Other local permits from your city, town or county, including Bayfield County Zoning, may be needed.

Contact your local Town Chairperson/Clerk for more details.