

## GOVERNING SHORT-TERM RENTAL LICENSING

The Town Board of the Town of Lincoln does hereby ordain as follows:

**SECTION 1 – TITLE, PURPOSE AND APPLICABILITY.** The title of this ordinance is the “Town of Lincoln Ordinance Governing Licensing of Short-Term Rentals.” The purpose of this ordinance is to ensure that the quality and nature of short-term rentals operating within the Town of Lincoln are adequate for protecting the public health, safety and general welfare and to protect the character and stability of neighborhoods within the Town. This Ordinance shall be applicable to any person maintaining, managing or operating a short-term rental within the jurisdictional limits of the Town of Lincoln.

**SECTION 2 – STATUTORY AUTHORITY.** The Town Board of Supervisors of the Town of Lincoln, Adams County, Wisconsin, pursuant to village powers the Town has been authorized to exercise under Secs. 60.10(2)(c) and 60.22(3) of the Wisconsin Statutes, and under 66.1014, Wisconsin Statutes, provides under this Ordinance regulations to Short-Term Rentals.

### **SECTION 3 – DEFINITIONS.**

“Property Manager” means a person who is not the property owner and who provides property management services for one or more short-term rentals and who is authorized to act as the agent of the property owner for the receipt of service of notice of municipal ordinance violations and for service of process pursuant to this ordinance.

“Property Owner” means the person who owns a residential dwelling that is being rented.

“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 or more persons maintaining a common household, to the exclusion of all others.

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

### **SECTION 4 – SHORT-TERM RENTAL LICENSE.**

- A. No person may maintain, manage or operate a short-term rental more than ten (10) nights each year without a Town Short-Term Rental License issued pursuant to this ordinance.
- B. Licenses shall be issued using the following procedures:
  - 1. All Applications for a short-term rental license shall be filed with the Town Clerk on forms provided. Applications must be filed by the Property Owner or Property Manager. No license shall be issued unless the completed application form is

accompanied by the payment of the required application fee.

2. The Town Clerk shall issue a short-term rental license to all applicants following payment of the required fee, receipt of all information and documentation requested by the application, and Town Board approval of the application.
3. A Short-Term Rental License shall be effective for one (1) year from July 1 to June 30 of the following year, and may be renewed for additional one (1) year periods. A renewal application and renewal fee must be filed with the Town Clerk at least thirty (30) days prior to license expiration so that the Town Board has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. 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.
4. The Town Board may suspend, revoke or non-renew a short-term rental license following a hearing if the Board finds that the licensee: a) failed to comply with any of the requirements of this ordinance; b) fails to control the property from nuisance activities prohibited by Town Ordinance or Ch. 823, Wis. Stat.; or c) has outstanding fees, taxes, or forfeitures owed to the Town.

#### **SECTION 5 – OPERATION OF A SHORT-TERM RENTAL.**

Each short-term rental shall comply with all of the following requirements:

1. A local property contact (either the Property Owner or appointed Property Manager) must be on file with the Town at all times and must be located within 50 miles of the short-term rental. The Property Owner and/or Property Manager must provide the Town with current contact information.
2. Each short-term rental shall hold a valid State of Wisconsin Tourist Rooming House License and shall provide proof of such license by attaching a copy to the initial license application and all renewal applications.

**SECTION 6 - PENALTIES.** Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than fifty dollars (\$50.00) nor more than two-hundred dollars (\$200.00) plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs, whether existing under this ordinance or otherwise.

#### **SECTION 7 – FEES.**

Initial Short-Term Rental License Application Fee: \$10.00

Renewal Short-Term Rental License Application Fee: \$5.00

**SECTION 8 - SEVERABILITY.** 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 8 – EFFECTIVE DATE.** This Ordinance is effective the day after proper publication or posting by the Clerk as required under Wis. Stats. 60.80, and posting of applicable signs.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Peter J. Church, Town Chairperson

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Larry Yunck, Town Supervisor

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Dennis J. Thurber, Town Supervisor

Attest: \_\_\_\_\_  
Patti Nelson, Town Clerk