

2.30 Vacation Rental Establishments

1. Subject to the provisions of subsection 2.30 (2), vacation rental establishments may be permitted only by conditional use in the following districts:
 - a) Agricultural District
 - b) Agricultural Conservation District
 - c) Single Family Residential District

2. Conditional use status shall not be granted to vacation rental establishments unless all of the following conditions are met:
 - a) The petitioner must provide to the Town Clerk a copy of the State Tourist Rooming House License for the subject property, prior to the conditional use order being granted; and evidence of each renewal of such license shall be filed by the Petitioner with the Town Clerk, such as evidence that a current license is always on file for the duration of the vacation rental establishment conditional use permit.
 - b) Transfer of a conditional use permit issued in accordance with this section shall not be permitted. Should the subject property be sold or transferred, then the conditional use permit shall become void and a new conditional use permit must be issued for use as a vacation rental establishment to continue. The town is not obligated or required to issue a conditional use permit to the new property owner.
 - c) All vacation rental establishments shall be subject to and comply with Wis. Stats. Chapter 254, subchapter VII as required by Wis. Stats. 254.69 (2), which sections are incorporated herein by reference.
 - d) All vacation rental establishments shall be subject to and comply with Wisconsin Administrative Code HS 195 which is hereby incorporated herein by reference.
 - e) A minimum of one off-street parking stall shall be provided for every 4 occupants. All off-street parking shall be established outside of the town highway (road) right-of-way. All guest parking for vehicles and trailers shall be within a parking space designated on the site plan, on an area with an all-weather surface.
 - f) Sleeping quarters related to a vacation rental establishment use shall only be located within the principal residential structure on the property. Accessory buildings cannot be used for sleeping quarters.
 - g) All refuse containers shall be screened from view and instructions for recycling shall be posted.
 - h) Unless the property is connected to a municipal sewer system, the property owner must provide proof that the septic system is properly sized for the proposed use and shall be properly maintained.
 - i) The property owner shall post a map of the property boundaries in a conspicuous location within the dwelling unit, and shall provide a copy of the map of the property boundaries to any person using the property for vacation rental purposes prior to the commencement of each use.
 - j) The Planning and Zoning Commission and the Town Board shall consider the potential impact to the surrounding neighborhood and proximity to any existing lodging place as defined by Wis. Stat. 254.61

when reviewing a request for a vacation rental establishment conditional use permit.

- k) The Town Board may revoke the conditional use permit if the property has been declared a public nuisance affecting the peace and safety affecting the public. Public nuisances shall include, but are not limited to all loud and unnecessary noises, including those produced by animals and the unlawful use of fireworks, particularly before 6:00am and after 9:00pm; unlawful or unauthorized use of any town highway (road) which causes large crowds to gather or obstructs traffic; illegal or unlawful activity; and failure to remove all snow and ice from sidewalks, parking areas, and driveways.
- l) The Town Board shall not renew the conditional use permit if the property owner has failed to remit room tax. Upon remittance of the delinquent room tax, the conditional use permit may be reinstated by the Town Board.
- m) Room tax shall be collected by the property owner from the lessee to whom the Agreement has been made. The room tax shall be remitted to the Town Clerk on a quarterly basis. Should the property owner fail to remit the room tax, the property shall be subject to the forfeiture provisions of Town Ordinance 1-78 and the conditional use permit shall be automatically revoked. Upon remittance of delinquent room tax, the conditional use permit may be reinstated.
- n) Every conditional use permit for a vacation rental establishment expires on June 30 of each year and shall be eligible to apply for one (1) year renewal periods unless the conditional use permit is revoked by the town or voluntarily surrendered by the property owner. The Town Clerk shall prepare a renewal application for vacation rental establishments and collect an application fee as set forth in the Town of Merrimac fee schedule plus costs for legal publications. All renewals shall be subject to the following:
 - 1. The clerk shall post and publish a Class I legal notice 15 days prior to the granting of the conditional use permit renewal.
 - 2. The Town Board may renew a conditional use permit if the property owner has demonstrated it has met all of the same conditions established when the conditional use permit was initially issued unless a condition has been specifically waived by the Planning and Zoning Commission.
 - 3. The Town Board may deny renewal of the conditional use permit if the property is deemed to be a nuisance or has failed to meet any of the conditions established.
 - 4. The Town Board shall not renew the conditional use permit if the property owner has failed to remit room tax. Upon remittance of the delinquent room tax, the conditional use permit may be reinstated by the Town Board.
- o) If the town finds that any statement made on the conditional use permit, or the renewal application, is incorrect, the Town Board may, at any time, immediately and summarily revoke the conditional use permit.
- p) The property owner shall provide a copy of this ordinance along with a current copy of the conditional use permit to any person using the property for vacation rental purposes prior to the commencement of each use.

- r) There shall be no outdoor storage of any kind allowed on the subject property, with the exception of trailers, watercraft, snowmobiles, or ATVs on trailers.
 - s) No recreational vehicle or tent may be used for living or sleeping purposes.
 - t) The property owner shall post at the main entrance contact information for the owner and the contact information of a local property manager who resides within 25 miles of the property and can be reached twenty-four (24) hours a day, seven (7) days a week. This information shall be on file with the town clerk.
 - u) The property shall not be leased for a period of less than 3 days stay.
 - v) Any vacation conditional use may not be leased for more than 180 days total per licensing year.
 - w) A current floor plan for the vacation property shall be provided at a minimum of one-inch equals four feet, and a site plan of the property at a minimum scale of one-inch equals 10 feet, showing on-site parking spaces and trash storage.
 - x) Proof of valid property and liability insurance for the property.
 - y) The maximum number of occupants shall not exceed the total number licensed by the State of Wisconsin or two per bedroom plus two additional occupants, whichever is less.
 - z) No exterior signage or outdoor advertising related to the vacation rental home is permitted, other than the property address.
 - aa) Each short-term rental shall maintain a register and require all guests to register with their actual names and addresses. The register shall be kept on file by the property owner for at least two years and shall be available for inspection by the Town. The register shall also include the time period for the rental and the monetary amount or consideration paid for the rental.
3. Description: A dwelling unit available for overnight, weekend or weekly stays by paying guests, which may or may not be owner-occupied for parts of the year. These uses are often referred to as vacation rentals and include timeshare units. This land use category is distinct from Bed and Breakfast, Commercial Indoor Lodging, and Boarding House land uses.
4. All leases 29 days or less are prohibited unless a conditional use permit has been granted in accordance with Section 2.30 of this ordinance. Leases over 29 days are not subject to the requirements of this Section.

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