

**TOWN OF RICE LAKE ORDINANCE NO. 23-103**  
**REGULATING AND PERMITTING SHORT-TERM RENTALS**

STATE OF WISCONSIN  
Town of Rice Lake  
Barron County

**Section 01 - Purpose**

The Purpose of this Ordinance is to ensure that the quality of Short-Term Rentals operating within the Town of Rice Lake is adequate for protecting public health, safety, and general welfare, including establishing minimum standards of space for human occupancy and for adequate parking; determining the responsibilities of Owners and Operators offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially residential areas, within the Town of Rice Lake; and to require a permit for Short-Term Rental activity and provisions for the administration and enforcement thereof.

**Section 02 - Definitions**

- (a) For the purpose of administering and enforcing this Ordinance, the terms or words used herein shall be interpreted as follows:
  - (1) Words in the present tense include the future.
  - (2) Words in the singular number include the plural number.
  - (3) Words in the plural number include the singular number.
- (b) The following definitions apply:
  - (1) Clerk. The Town Clerk of the Town of Rice Lake or his/her designee.
  - (2) Lodging Marketplace. An entity that provides a platform through which an unaffiliated third party offers to rent a Short-Term Rental to an occupant and collects the consideration for the Short-Term Rental from the occupant.
  - (3) Operate. Advertising, marketing, maintaining, managing, or renting Residential Dwellings as Short-Term Rentals.
  - (4) Operator. The Owner or designated agent of the Short-Term Rental who is operating the Short-Term Rental. The Operator is authorized to act as the agent of the Owner and as a local contact person regarding compliance with this Ordinance during periods of operation. An Operator may not be an LLC, trust, nonprofit, or other corporate entity.
  - (5) Owner. The individual or entity that owns the Residential Dwelling that has been rented as a Short-Term Rental.
  - (6) Primary Residence. A Residential Dwelling that serves as an individual's true, fixed, and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a Primary Residence include, but are not limited to, where an individual receives government-issued mail, receives a Wisconsin lottery credit,

claims residence for purposes of voter registration, claims as an address on Federal income tax forms, and lists as their address on state-issued identification cards and driver's license. An individual can have only one Primary Residence.

- (7) Rental Property. The real property upon which a Short-Term Rental is operated.
- (8) Residential Dwelling. 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 individual or by 2 or more individuals maintaining a common household, to the exclusion of all others.
- (9) Short-Term Rental. A Residential Dwelling that is offered for rent for a fee and for fewer than 30 consecutive days, as provided in Wis. Stat. § 66.0615(1)(dk). Short-Term Rental does not include private boarding houses, rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wis. Admin. Code Chapter ATP 73. This type of Residential Dwelling is issued a Tourist Rooming House License by the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection "DATCP".

### **Section 03 - Short-Term Rental Permit Requirement**

- (a) Permit Issuance. It shall be unlawful for any individual to operate a Short-Term Rental more than 10 days each calendar year in the Town of Rice Lake without a permit issued by the Clerk. The Clerk shall grant a Short-Term Rental permit upon verification of a complete Short-Term Rental application and compliance with the regulations contained in Section 04 of this Ordinance relating to the operation of a Short-Term Rental.

Owners and/or Operators will have 6 months from the date the Ordinance becomes effective to file application materials for their initial permit.

- (b) Application. Any individual intending to operate a Short-Term Rental more than 10 days in any calendar year shall submit an application in writing to the Clerk prior to the operation as a Short-Term Rental, along with a nonrefundable application fee as provided in Section 03(f).

- (1) All applications shall include the following:

- i. The name, address, and contact information of all Owner(s).
- ii. The name, address, and contact information of each individual or entity with an Ownership interest in the Short-Term Rental business, if different than the Owner.
- iii. The name, address, and contact information of the Operator.
- iv. The address of the proposed Rental Property.
- v. Two separate items of documentation showing that the proposed Short-Term Rental is the Primary Residence of the Operator or is immediately adjacent to the Operator's Primary Residence. If the proposed Short-Term rental is not the Operator's Primary Residence or adjacent thereto, the applicant must provide a statement that the Short-Term Rental is not the Operator's Primary

Residence nor is it immediately adjacent to the Operator's Primary Residence. Identifying documents must contain the Operator's full and complete name and a current and complete address of Primary Residence, including a numbered street address. Adequate identifying documents that contain the required information include the following:

1. A current and valid operator's license issued under Wis. Stat. Ch. 343.
  2. A current and valid identification card issued under Wis. Stat. § 343.50.
  3. A residential lease.
  4. A real estate tax bill or receipt for the current year or the year immediately preceding the date of application.
  5. A bank statement.
  6. A paycheck or pay stub.
  7. A check or other document issued by a unit of government.
  8. An identification card issued by a federally recognized Indian tribe in this state.
  9. Any other documentation deemed acceptable by the Clerk.
- vi. Whether the Short-Term Rental will operate for stays of no less than seven (7) but fewer than thirty (30) consecutive days.
  - vii. Number of off-street parking spaces on the Rental Property designated by the Operator for renter use in accordance with Section 04(b).
  - viii. Proof of the insurance required by Section 04(h).
  - ix. A site plan showing the location of the Residential Dwelling, accessory buildings, onsite parking spaces, and fire pit (if applicable) on the Rental Property.
  - x. The number of bedrooms within the Residential Dwelling and the number of bedrooms intended for use as a Short-Term Rental.
  - xi. A signed affidavit stipulating:
    1. that for Short-Term Rentals of any duration, the Short-Term Rental is and will remain the Operator's Primary Residence or is immediately adjacent to the Operator's Primary Residence during the period of the permit, or,
    2. that the Short-Term Rental will be used solely for stays no less than seven (7) but fewer than thirty (30) consecutive days.
- (c) Term. A permit issued under this Ordinance shall be effective for one year and may be renewed for additional one-year periods as set forth in Section 03(e).
- (d) Transferability. Permits issued under this Ordinance shall not be assigned or transferred to other individuals.
- (e) Renewal. A renewal application must be filed with the Town Clerk at least 45 days prior to license expiration. Prior to receiving a renewed permit, the Owner shall pay all applicable fees and outstanding fines, provide the Clerk with updated application information required under Section 03(b), and submit a signed and notarized affidavit

stipulating that either (i) for Short-Term Rentals of any duration, the Short-Term Rental is and will remain the Operator's Primary Residence or is immediately adjacent to the Operator's Primary Residence during the period of the permit or (ii) the Short-Term Rental will be used solely for stays of no less than seven (7) but fewer than thirty (30) consecutive days.

(f) Fees.

(1) The fees for a Short-Term Rental permit shall be as follows:

- i. Annual permit fee: \$150.
- ii. Reinstatement fee after revocation, inclusive of the annual permit fee: \$500.

**Section 04 - Operation of a Short-Term Rental**

(a) Rental periods.

(1) If the Short-Term Rental is not the Operator's Primary Residence or is not immediately adjacent to the Operator's Primary Residence, the minimum stay shall be no less than seven (7) but fewer than thirty (30) consecutive days and may be operated for no more than 180 days in any 365-day period as provided in Wis. Stat. § 66.1014(2)(d). The 180 allowable days in any 365-day period must run consecutively, and the Operator must give the Clerk written notice of the first day of the 180-day consecutive period prior to operating.

(2) If the Short-Term Rental is the Operator's Primary Residence or is immediately adjacent to the Operator's Primary Residence, and the Operator is physically present during the entire rental period, there is no requirement for the minimum duration of stay and no limit on the number of days the Short-Term Rental may operate during the year.

(3) Maximum occupancy. Occupancy of the Short-Term Rental shall be limited to the number of bedrooms the existing septic system can serve. The maximum number of occupants shall not exceed two (2) occupants for each bedroom, plus an additional two (2) occupants. For example, a Residential Dwelling with an approved three (3) bedroom septic system would be allowed a maximum of eight (8) occupants (3 bedrooms x 2 + 2 = 8).

(b) Parking. The Operator shall designate off-street parking spaces for renters on the Rental Property and shall limit the number of vehicles, trailers, and recreational items renters may bring to the Rental Property to the number of parking spaces the Operator provides. At a minimum, the Operator must designate not less than one onsite, off-street parking space for every four occupants based upon maximum capacity. Parking space limit shall appear in all advertising for the Short-Term Rental.

(c) Noise/Public Nuisance.

(1) The Operator of a Short-Term Rental shall provide renters with a copy of the Town's Ordinance 19-105 Public Nuisance.

(2) Quiet time shall be observed between the hours of 10:00 pm and 8:00 am.

(3) Any outdoor event held at the Short-Term Rental shall last no longer than one day

and must occur between the hours of 8:00 a.m. and 10:00 p.m. Any activities shall be in compliance with other applicable noise regulations, including, but not limited to, keeping quiet hours from 10:00 p.m. to 8:00 a.m.

- (4) Outdoor fires are allowed only in a fire pit area shown on the site plan for the Rental Property. Owners, occupants, and guests at the Short-Term Rental are prohibited from bringing firewood from locations further than ten (10) miles away from the Rental Property pursuant to Wis. Admin. Code § NR 45.045(2)(a).
- (5) Fireworks are strictly prohibited.
- (6) The discharge of firearms is strictly prohibited, except as set forth in Wis. Stat. § 66.0409(b).
- (7) Pets shall be restricted to the Rental Property and must be under the control of the renter at all times.
- (d) Required Signage. A sign, no smaller than 8.5 inches by 11 inches, shall be placed at the junction of the main driveway and the adjoining street. A copy of the sign must be submitted as part of the permit application. The sign shall be viewable from the street and display the following information:
  - (1) Owner name and contact information
  - (2) Operator name and contact information
  - (3) Rental Property address
  - (4) Maximum occupancy of the Short-Term Rental
  - (5) Barron County Land Use Permit Number
- (e) Registry. Each Operator shall keep a registry and make it available to law enforcement upon lawful order, stating the true name of the individual making the Short-Term Rental reservation; the telephone number, mailing address, or email address of the individual making the Short-Term Rental reservation; dates of stay and whether the Operator was present or absent during the stay. The registry shall include all information from the current registry year and the year immediately prior.
- (f) Reports. Upon request, the Operator of a Short-Term Rental shall provide the Clerk a report of Short-Term Rental activity for each calendar quarter which includes the dates of stay, number of guests for each stay, whether the Operator was present or absent during each date of the stay, and a listing of all websites and places where the Operator has advertised the Short-Term Rental. Failure of the Operator to submit such reports by required deadlines could be grounds for revocation of a Short-Term Rental permit.
- (g) Advertisements. All advertisements of the Short-Term Rental, including advertisements on the website of a Lodging Marketplace, must contain a valid Short-Term Rental permit number, clearly state the minimum duration of stay, if any, and state the limit for renter parking spaces. Lodging Marketplace calendars must block renters from making reservations that are not compliant with the minimum duration of stay requirements. Lodging Marketplace calendars must block renters from making reservations outside of the allowable 180-day consecutive period, as set forth in

Section 04(a)1. When required, Operators must ensure that Lodging Marketplaces disable any dynamic scheduling that fills gaps in the rental calendar with stays that do not meet the 7-day minimum. No advertisement can offer rental arrangements that are in violation of this Ordinance or that instruct potential renters to contact the host to pursue a rental arrangement that is not in compliance with this Ordinance.

- (h) Insurance. All Owners shall carry casualty and liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than \$300,000.00 per individual and \$1,000,000.00 aggregate.
- (i) Operators. An Operator shall be available at all times on days the Short-Term Rental is rented. The Owner must notify the Town Clerk within three business days of any change in the contact information of the Owner or Operator. If the Short-Term Rental is not the Operator's Primary Residence, the Operator must reside within 30 miles of the Rental Property.

## **Section 05 - Enforcement and violations**

- (a) Citations. The Clerk may issue citations for any violations of this Ordinance. Any Owner of a Short-Term Rental that is operated for 10 days or more in a calendar year without a permit or in violation of this Ordinance may be assessed a forfeiture of not less than one hundred dollars and no more than one thousand dollars, plus the applicable surcharges, assessments, and costs for each violation. Each day or portion thereof such violation continues shall be considered a separate offense. In addition to issuing citations, the Town may seek, obtain, and enforce injunctive relief and all other remedies available under law.
- (b) Denial and revocation. The Clerk may deny or revoke a permit issued hereunder for failure to comply or maintain compliance with or for violation of any applicable provisions of this Ordinance, including providing false information on a permit application and advertising the Short-Term Rental in violation of Section 04(a)1. Any such denial or revocation must be made in writing and must include the reasons for which it was made. A revocation shall result in a twelve-month prohibition on the issuance of a new Short-Term Rental permit at the Rental Property. If a revocation decision is appealed, the permit remains valid during the pendency of the appeal.
- (c) Appeals. Any citation, permit denial or revocation may be appealed to the Rice Lake Town Board as provided under Wis. Stat. Ch. 68.

## **Section 06 - Information Provided to Renters of Short-Term Rentals**

Operators shall provide renters with the Town's Short-Term Rental standards described in Sections 4(b) and 4(c) of this Ordinance.

## **Section 07 - Severability**

If any provision of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this Ordinance. It is hereby declared to be the intention of the Town of Rice Lake that

all provisions of this Ordinance are separable.

### Section 08 – Covenants and Restrictions

This Ordinance shall not invalidate or interfere with any lawful private or other lawful public covenant or restriction on the Rental Property which prohibits or restricts to a greater extent the uses described and permitted herein.


### Section 09 – Effective Date and Publication

This ordinance is effective on publication. The Town Clerk shall properly publish this Ordinance as required under Wis. Stat. § 60.80.

Adopted this 12<sup>th</sup> day of June, 2023.

AYES: 4


NAYS: 0

  
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Dean A. Borofka, Chairman

  
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Peter W. Gallagher, Town Supervisor

  
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Gerry Lisi, Town Supervisor

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John Blaskowski, Town Supervisor

  
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Donald Putnam, Town Supervisor

Posted: June 12, 2023

Published: June 28, 2023

### CERTIFICATION

The undersigned, Town Clerk/Treasurer for the Town of Rice Lake, does hereby certify that the foregoing Ordinance was duly adopted by the Town Board of the Town of Rice Lake at a meeting held on June 12, 2023, which meeting was properly noticed and conducted in the manner provided for by law, and at which a quorum of members of the Town Board were present.

Dated this 12<sup>th</sup> day of June, 2023.

  
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Dawn M. Nelson, Clerk/Treasurer