

VILLAGE OF TWIN LAKES

ORDINANCE NO. 2021-04-02

An Ordinance Creating Chapter 5.40 Of The Twin Lakes Code Of Ordinances Pertaining to Short Term Rentals

The President and the Trustees of the VILLAGE OF TWIN LAKES, Kenosha County, Wisconsin, do herewith ordain as follows, to wit:

SECTION I

Chapter 5.40 of the Twin Lakes Code of Ordinances, pertaining to short term rentals, is hereby created to read as follows:

“Chapter 5.40 **Short Term Rentals**

Sections:

- 5.40.010 Short Term Rentals.**
- 5.40.020 Operations of Short-Term Rentals.**
- 5.40.030 Standards for Short-Term Rentals.**
- 5.40.040 Display of License.**
- 5.40.050 Appeal and License Revocation.**
- 5.40.060 Penalties.**
- 5.40.070 Fees.**
- 5.40.080 Severability.**

“5.40.010 Short Term Rentals.

A. Purpose. The purpose of this Article is to ensure that the quality of short-term rentals operating within the Village of Twin Lakes 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 Village of Twin Lakes; 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.

B. Definitions.

- (1) For the purpose of administering and enforcing this Article, the terms or words used herein shall be interpreted as follows:
 - (a) Words in the present tense include the future.
 - (b) Words in the singular number include the plural number.

(c) Words in the plural number include the singular number.

(2) The following definitions and conditions apply unless specifically modified:

(a) Clerk. The Village Clerk of the Village of Twin Lakes or designee.

(b) Corporate entity. A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.

(c) Dwelling Unit. One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family. Dwelling Units include residential, tourist rooming house, seasonal employee housing and dormitory units.

(d) Owner. The owner of a short-term rental.

(e) Person. Shall include 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 this Article prescribing a penalty or fine, as to partnerships or association, 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. Any person that is not the property owner and is appointed to act as agent and/or provides property management services to one or more short-term rental.

(g) Short-Term Rental. A residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days, as defined in Wis. Stat. § 66.0615(1)(dk).

(h) State. The State of Wisconsin Department of Health, or its designee.

5.40.020 Operations of Short-Term Rentals.

A. No person may maintain, manage, or operate a short-term rental more than 10 nights each year without a short-term rental license. Every short-term rental shall be operated by an Owner or Property Manager.

B. Each short-term rental is required to have the following licenses and permits:

(1) A State of Wisconsin Tourist Rooming House License;

(2) A Seller's permit issued by the Wisconsin Department of Revenue, unless the short term rental is rented exclusively through a lodging marketplace, as defined by 66.0615(1)(bs), which (1) has informed the operator that the lodging marketplace will collect and remit all applicable taxes on behalf of the short term rental operator and (2) actually collects and remits all applicable taxes relating to the short term rental.

(3) A permit or license issued pursuant to the provisions of this Article.

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

- (1) No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.
- (2) There shall not be excessive noise, fumes, glare, vibrations generated during the use.
- (3) Name plates or other signage shall not exceed one square foot. No other signage advertising the short-term rental is permitted on site. Off-site advertising in media channels relating to the availability of the rental may take place only after all Village and State permits and licenses have been obtained.
- (4) The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable county and Village housing regulations based upon the number of bedrooms in each unit. In no case shall the short-term rental have more than two occupants per bedroom.
- (5) No recreational vehicle (RV), camper, tent, or other temporary lodging arrangement shall be permitted on site as means of providing additional accommodations for paying guests or other invitees.
- (6) Any activities shall be in compliance with other applicable noise regulations.
- (7) Compliance with all applicable state, county, and local codes and regulations is required.
- (8) Annual general building inspection is required prior to issuance or renewal of the license.
- (9) A local property management contact for the short term rental must be on file with the Village at the time of application with a 24-hour contact phone number. The local Property Manager must be available 24 hours a day. The Property Owner must notify the Village within twenty- four (24) hours of a change in management contact information for the short-term rental.
- (10) A short-term rental license shall not be issued until the following contingency has been met:
 - (a) General Building and fire code inspections completed by the Village and no outstanding orders remain.
- (11) Short-term rental licenses are issued for one-year period and must be renewed annually subject to Village approval or denial.
- (12) Each short-term rental shall maintain the following written records for each rental of the dwelling unit: the full name and current address of any person renting the property, the time period for that rental, and the monetary amount or consideration paid for that rental.

A. Each short-term rental shall comply with this Article's requirements or any other applicable Village ordinance. Each short-term rental shall comply with the following minimum requirements:

- (1) One (1) internal bathroom for every (4) occupants.
- (2) Not less than one hundred fifty (150) square feet of floor space for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area. Floor space is determined using interior measurements of each room. Floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people plus two (2) additional people per house.
- (3) A safe, unobstructed means of egress from the short-term rental leading to safe, open space at ground level.
- (4) Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 321 of the Wisconsin Administrative Code.
- (5) There shall be no outdoor storage by the tourist or transient.
- (6) As a condition of issuance of a license under this Article, the Property Manager shall certify that each managed property is in compliance with the terms and conditions of the license and this Article.
- (7) Operators shall review the Boat Safety brochure provided to them by the Village and disseminate that information to any renter they may have.

5.40.040 Display of License.

Each short-term rental license shall be displayed on the inside of the main entrance door of each short-term rental.

5.40.050 Appeal and License Revocation.

A. The denial of a short-term license or the renewal of a short-term license under this Article may be appealed by filing a written appeal request with the Clerk within ten (10) days of the Village's notice of denial. The appeal shall be heard by the Village Board. The Village Board shall then reconsider the initial application or renewal application, and any recommendations, and may approve or deny the application or renewal.

B. A license may be revoked by the Village Board for one or more of the following reasons:

- (1) Failure to make payment on taxes or debt owed to the Village.
- (2) Three (3) or more legitimate calls for police service, building inspection or the health department for nuisance activities or other law violations in a twelve (12) month period.

- (3) Failure to comply with annual Village building inspection requirements.
- (4) Failure to maintain all required local and state licensing requirements.
- (5) Failure to comply with any requirements cited within this Article.
- (6) Any violation of an applicable zoning regulation or other state or local land use or property maintenance regulation.
- (7) Any violation of local, county, or state laws that substantially harm or adversely impact the predominately residential uses and nature of the surrounding neighborhood.

5.40.060 Penalties.

A. Any person who shall violate any provision of this Article shall be subject to a \$500 penalty after one warning and in the forfeiture amounts as provided for in the bond schedule for the Village Municipal Court.

B. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Article or otherwise.

5.40.070 Fees.

A. Short-Term Rental License application fee - \$150.

B. Re-inspection fee - \$65

5.40.080 Severability.

If any provision of this Article 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 Article. It is hereby declared to be the intention of the Village of Twin Lakes that all provisions of this Article are separable. This Article shall not invalidate or interfere with any lawful private or other lawful public covenant or restriction on property which prohibits or restricts to a greater extent the uses described and licensed herein.”

SECTION II

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION III

This Ordinance shall take effect immediately upon passage and publication as provided by law, and the Village Clerk/Treasurer shall so amend the Village of Twin Lakes Code of Ordinances, and shall indicate the date and number of this creating Ordinance therein.

Dated this 20 day of April, 2021.

ATTEST:

VILLAGE OF TWIN LAKES



Sabrina Waswo, Village Clerk



Howard K. Skinner, Village President

Members Voting:

5 Aye

____ Nay

2 Absent

____ Abstained