

ORDINANCE # 41
RENTAL ORDINANCE

STATE OF WISCONSIN

Town of Namakagon

Bayfield County

The Town of Namakagon does repeal and recreate the following.

SECTION I - TITLE AND PURPOSE

The title of this Ordinance is the "Town of Namakagon Rental Ordinance." The purpose of this Ordinance is to regulate the capacity and compliance with all safety regulations of rental properties in the town.

SECTION II - AUTHORITY

The Town Board of the Town of Namakagon has the specific authority under s. [157.50 \(2\)](#), Wis. stats., and general authority under its village powers under s. [60.22](#), Wis. stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

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 rental properties in the town.

SECTION IV - DEFINITIONS

In this ordinance:

A. Bed and Breakfast. Any place of lodging that provides eight (8) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owners personal residence, is occupied by the owner at the time of rental, and in which only meal served is breakfast.

B. Condominium. Any property subject to a condominium declaration established under Ch. 703, Wis. Stats. For purposes of this Chapter, the requirements that apply to condominiums shall be the same as those which would apply to a physically identical

development under a different form of ownership.

C. Child. For the purposes of this ordinance, this is a person 12 years old or younger

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D. Duplex. A structure consisting of two (2) dwelling units. For the purpose of this Chapter, a duplex shall not be construed as a multiple unit dwelling; provided, however, that thirty thousand (30,000) square feet of open space shall be provided for each duplex unit.

E, Dwelling Unit. A unit that is designed for independent human habitation, which includes sanitary and food preparation facilities.

F. Hotel/Motel. A building or series of attached, semi-attached sleeping units for the accommodation of transient guests for compensation. Multiple unit dwellings containing average floor areas of greater than four hundred(400) square feet per unit shall not be exempt from open space provisions of section 13-1-29(d).

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G. Short Term Rental. Rental of less than one month of consecutive occupancy by the same occupant.

H. Short Term Rental. Accommodation. A building, or buildings on the same lot (including a building or buildings located on condominium Property), with one to four units for human occupancy used for short term rentals but not including a Bed and Breakfast.

I. "Short Term Rental Criteria" means the printed list that is attached to all permits that lists all stipulations that must be met by property owners to comply with this ordinance.

J. "Town" means the Town of Namakagon, Bayfield, County, Wisconsin.

K. "Town board" means the board of supervisors for the Town of Namakagon, Bayfield County, Wisconsin, and includes designees of the board authorized to act for the board.

L. "Town chair" means the chairperson of the Town of Namakagon, Bayfield County, Wisconsin.

- M. "Town clerk" means the clerk of the Town of Namakagon, Bayfield County, Wisconsin.
- N. "Town treasurer" means the treasurer of the Town of Namakagon, Bayfield County, Wisconsin.
- O. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statute.

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SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI - STATEMENT OF POLICY

After given a license from the Bayfield Health Department but before an approved Conditional Use or Special Use Permit from Bayfield County Zoning can be obtained, each rental property must obtain a certificate of occupancy from the Town of Namakagon. The fee for this inspection and permit will be \$75. All outstanding debt owed the Town of Namakagon by the property owner must be updated and paid before a permit will be issued. This certificate will designate the maximum occupancy for the building and state that the building passes a complete safety inspection. Occupancy is rated at a maximum of 4 adults per bedroom, each person having no less than 50 square feet. All designated bedrooms must have a

minimum of 7 foot high walls. Children under 12 years old can count as 2 for each adult. Follow up occupancy /safety inspections will occur on the property on an as- needed basis, but must occur every 5 years. If a property fails the occupancy/safety inspection, the owner has 30 days 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 Permit.

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SECTION VII – PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall be warned one time, a second offense for the same noncompliance, upon conviction, shall have their rental permit suspended. Third and subsequent violations will cause the revocation of the short term rental permit. This permit will not be reinstated until the property owner complies with all stipulations of the Bayfield County and Town of Namakagon regulations. All expenses incurred will be the obligation of the property owner and must be paid before the permit is reinstated.

Any person, partnership, or corporation that fails to obtain a permit from the Town of Namakagon shall be sent a written warning with notice to stop renting the property. If the person, partnership, or corporation continues to rent the property after the notice was given and a two week period has elapsed, the property owner will be fined as follows: \$50 per day until renting ceases or permits are obtained.

SECTION VIII – 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 IX - 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 11th day of September, 2018.

Town Chairman

Supervisor

Supervisor

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Town Clerk