

## Chapter 362

### RENTAL PROPERTIES

**[HISTORY: Adopted by the Town Board of the Town of La Pointe 4-8-2014 by Ord. No. 2014-01. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Finance and taxation — See Ch. 40.  
Building construction — See Ch. 205.  
Peace and good order — See Ch. 350.

#### ARTICLE I

##### Title; Purpose; Authority

###### § 362-1. Title.

"Town of La Pointe Ordinance to Regulate Rental Property."

###### § 362-2. Purpose.

The purpose of this chapter is to fix the responsibility of owners, operators, occupants and government to provide a suitable environment for safe, healthy, and desirable living conditions in a variety of rental units in the Town of La Pointe.

###### § 362-3. Authority.

The Town Board has the specific authority under §§ 66.0413, 66.0415, 175.25 and Ch. 823, Wis. Stats., and the general authority under village powers in Ch. 61 in general and § 61.34, in particular, and the police powers at § 60.22, Wis. Stats., to adopt this chapter.

#### ARTICLE II

##### Definitions

###### § 362-4. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY DWELLING** — An accessory dwelling is any structure or part of a structure used for habitation other than the principal dwelling. Accessory dwellings shall and do require a sanitary permit. Accessory dwellings shall not exceed 65% of the square footage of the principal dwelling or up to 1,500 square feet, not including decks, whichever is lesser. The term "guest house" and "accessory dwelling" are synonymous for the purposes of this chapter.

**BED-AND-BREAKFAST** — A place of lodging that: a) provides six or fewer rooms for rent to no more than 16 tourists or transients; b) provides no meals other than breakfast and provides breakfast only to renters of the place; c) is the owner's personal residence; d) is occupied by the owner at the time of rental; e) was originally built or occupied as a single-family dwelling.

**BOARDINGHOUSE** — A building where lodging and meals are offered for three or more persons, but not to exceed eight, nontransients who are not members of a family. This definition includes employee housing.

**BUILDING INSPECTOR** — The Town staff, person or contractor who inspects and administers building construction procedures and processes, code enforcement, and property maintenance for the Town of La Pointe according to Wisconsin statutes and codes.

**DESIGNATED TOWN AGENT** — The Town staff person designated to act on behalf of the Town in carrying out the responsibilities designated in this chapter.

**DORMITORY/STUDENT HOUSING** — A building or part of a building with sleeping accommodations for students enrolled in a commercial educational facility located in the Town of La Pointe.

**DWELLING** — A building or part thereof designed or used exclusively as a residence or sleeping place, but not used for transient occupancy, except when complying with §§ 362-6, 362-9 and/or 362-10 of this chapter.

**DWELLING, MULTIFAMILY** — A dwelling on one plot containing separate living units for two or more families, but no more than four, but which may have joint services or facilities or both.

**DWELLING, SINGLE-FAMILY** — A building or structure designed or constructed to be occupied by a single family for the purposes of human habitation.

**ESSENTIAL SERVICES** — Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, overhead gas, electrical, steam, water, sanitary sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

**FAMILY** — A person living alone or two or more people living together as a single housekeeping unit as distinguished from a group occupying a boardinghouse or rooming house.

**PARKING SPACE** — Each off-street parking space, whether inside or outside, shall be not less than nine feet wide, not less than 18 feet long, not less than 162 square feet in area, and be so located and situated so as to not block any on-street parking.

**RENTAL, LONG-TERM** — Rental for one month or more. "One month" means the lesser of: 1) a calendar month; or 2) a continuous period of 30 days. The day of check-in is counted as a day; however, the day of check-out is not counted as a day.

**RENTAL, SHORT-TERM** — Rental for less than one month. "One month" means the lesser of: 1) a calendar month; or 2) a continuous period of 30 days. The day of check-in is counted as a day; however, the day of check-out is not counted as a day.

**ROOMING HOUSE** — A building where lodging only is offered for three or more persons, but not to exceed eight, nontransients who are not members of a family. This definition includes employee housing.

**SINGLE FAMILY** — "Single family" shall mean and refer to one family as opposed to more than one family.

**TOURIST ROOMS** — A room rented to no more than two adult tourists/transients and related children, without meals or cooking facilities and with or without an individual bathroom. A tourist room includes a room or rooms so rented in a principal single-family dwelling.

**TOURIST/TRANSIENT** — A person who travels to a location away from his or her permanent physical address for less than one month for vacation, pleasure, recreation, culture, business, or employment. "One month" means the lesser of: 1) a calendar month; or 2) a continuous period of 30 days. The day of check-in is counted as a day; however, the day of check-out is not counted as a day.

**UNIT** — A single residence, as an apartment, that is part of a complex (a rental unit).

### **ARTICLE III Regulation of Rental Uses**

#### **§ 362-5. Permit required.**

A permit is required for the rental of rooms. Permit expiration is May 14 each calendar year. Annual permit renewal is required. All property owners/managers are responsible for familiarizing themselves with and following all other Town ordinances relating to this chapter, especially Chapter 40, Finance and Taxation, Chapter 205, Buildings, and Chapter 350, Peace and Good Order.

#### **§ 362-6. Bed-and-breakfasts.**

Bed-and-breakfasts may be permitted within the Town of La Pointe in accordance with the following provisions:

- A. Parking. Off-street parking in accordance with § 362-12 shall be provided.
- B. Type of dwelling. A bed-and-breakfast shall only occur within a single-family dwelling.
- C. Number of allowable guest rooms. No more than six guest rooms shall be offered.
- D. Exterior character. The exterior appearance of the building shall not be altered from its single-family dwelling appearance.
- E. Food preparation. No food preparation or cooking shall be allowed in guest rooms.
- F. Meals. Breakfast shall only be offered to overnight guests.
- G. Residency. The bed-and-breakfast shall be the owner's personal residence.
- H. Occupancy. The owner shall occupy the bed-and-breakfast at the time of rental.
- I. Licensing. Prior to establishment of this use, and at periodic intervals that may be required thereafter, the owner shall obtain and maintain a license as required by state law.

#### **§ 362-7. Boardinghouses and rooming houses.**

Boarding- and rooming houses may be permitted in accordance with the following provisions:

- A. Adequate sanitation shall service the building or buildings in accordance with applicable state, county and/or municipal regulations.
- B. Minimum requirements for boardinghouses and rooming houses:
  - (1) Every dwelling unit shall contain at least 150 square feet of floor area for the first occupant thereof and at least 100 additional square feet of floor area for every additional occupant thereof, the floor area to be calculated on the basis of total habitable room floor area. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of habitable floor area and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of habitable floor area for each occupant thereof.
  - (2) No dwelling unit containing two or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. One bathroom/water closet compartment is required for every three occupants.
  - (3) In all dwelling units the average ceiling height shall be not less than seven feet six inches and the minimum ceiling height shall be not less than seven feet zero inches in the entire first floor area. The minimum ceiling height shall be seven feet six inches for all floor areas above the first floor except under sloping roofs where the minimum shall be seven feet six inches for not less than 50% of the floor area, and that portion of the floor area under the sloping roof having a ceiling height of less than five feet shall not be considered as part of the floor area in computing the maximum permissible occupancy thereof.
  - (4) No habitable room shall have its floor level below the alley, court, yard or street grade immediately adjoining or abutting upon said habitable room except that it may be permitted when constructed to comply with the building code.
  - (5) Every boarding- and rooming house shall have a kitchen. A "kitchen" means any room or area that has provisions for a sink, stove, refrigerator, cabinets, and shelves for storage of food, equipment and utensils, and a counter or table for food preparation.
- C. Off-street parking in accordance with § 362-12 of this chapter shall be provided.
- D. There shall be no accumulation of garbage, refuse, junk, or waste including boxes, scrap lumber, scrap metal, appliances, or motor vehicles in nonworking condition. Garbage, refuse, and waste shall be stored and disposed of in a clean and safe manner.
- E. Boarding- and rooming houses shall not be the location of any condition that causes a nuisance. Persons housed, and their guests, shall respect the privacy of surrounding properties.

- F. Vegetative screening and/or fencing may be required to accomplish a visual and sound buffer with neighboring properties.
- G. No floodlights or spotlights shall be allowed.
- H. Windows and doors shall be closed and secured when the building is not occupied.
- I. All premises are to be supervised by the owner/operator or authorized agent.
- J. No camping unit may be converted or used as a boardinghouse or rooming house.

**§ 362-8. Dormitories and student housing.**

Dormitories/student housing may be permitted in accordance with the following provisions:

- A. Occupancy. Occupancy of dormitories/student housing shall be provided only to students and teachers currently enrolled in classes at the associated Town of La Pointe commercial educational facility. The maximum number of occupants shall not exceed 24 persons per parcel, and there shall be no more than three dormitories/student housing per parcel.
- B. Off-street parking in accordance with § 362-12 of this chapter shall be provided.
- C. There shall be no accumulation of garbage, refuse, junk, or waste including boxes, scrap lumber, scrap metal, appliances, or motor vehicles in nonworking condition. Garbage, refuse, and waste shall be stored and disposed of in a clean and safe manner.
- D. Dormitories/student housing shall not be the location of any condition that causes a nuisance. Students and teachers housed shall respect the privacy of surrounding properties.
- E. Vegetative screening and/or fencing may be required to accomplish a visual and sound buffer with neighboring properties.
- F. No floodlights or spotlights shall be allowed. This does not include lighting for safety and security.
- G. Windows and doors shall be closed and secured when the building is not occupied.
- H. All premises are to be supervised by the owner/operator or authorized agent while occupied by students and/or teachers.

**§ 362-9. Rental of principal single-family dwelling.**

Rental of a principal single-family dwelling may be permitted in accordance with the following provisions:

- A. A rental of single-family dwelling permit is required for the long- or short-term rental of a principal single-family dwelling. Permit expiration is May 15 each calendar year. Annual permit renewal is required.
- B. Off-street parking in accordance with § 362-12 of this chapter shall be provided.
- C. Adequate sanitation shall service the dwelling in accordance with state and county regulations.

- D. Safe and sanitary removal and disposal of all refuse and garbage shall be provided.
- E. The rental of a principal single-family dwelling shall not result in excessive noise, traffic, and/or parking congestion. Renters shall respect the privacy of surrounding properties including private docks and beaches.
- F. Short-term rentals must obtain licensure and inspection through the Ashland County Health Department.
- G. Where the Town official reasonably believes a rental does not continue in conformity with the requirements of this section, the Town official will notify the property owner and/or authorized agent. Upon receipt of such notification, the property owner shall abate such action or inaction so as to comply with this chapter as soon as reasonably possible under the circumstances. It shall be arguably presumed that this section can be complied with immediately. The Town official shall thereafter forward the matter to the Town Board for action thereon including but not limited to revocation of the permit for rental of a principal single-family dwelling.
- H. Where a written complaint regarding a rental property is received by the Town official, the procedure set forth in § 362-19 of this chapter shall apply.

**§ 362-10. Rental of accessory dwellings.**

Long- or short-term rental of accessory dwellings on lots improved with a principal single-family dwelling may be permitted in accordance with the following provisions:

- A. Provisions for the rental of a principal single-family dwelling shall be met.
- B. The principal single-family dwelling shall not be rented short- or long term and shall not possess a permit to rent.
- C. The principal single-family dwelling shall not possess a permit for tourist room rental.

**§ 362-11. Tourist rooms.**

Tourist rooms may be permitted in accordance with the following provisions:

- A. Parking. Off-street parking in accordance with § 362-12 of this chapter shall be provided.
- B. Type of dwelling. Tourist rooms shall only occur within a principal single-family dwelling.
- C. Number of allowable guest rooms. No more than two guest rooms shall be offered. No more than two adult guests are allowed per room.
- D. Exterior character. The exterior appearance of the building shall not be altered from its single-family dwelling appearance.
- E. Food preparation. No food preparation or cooking shall be allowed in guest rooms.
- F. Meals. No meals shall be offered to guests.
- G. Residency. The single-family dwelling offering tourist rooms shall be the owner's personal residence.

- H. Occupancy. The owner shall occupy the dwelling at the time of rental.
- I. Licensing. Prior to establishment of this use and at periodic intervals that may be required thereafter, the owner shall obtain and maintain a license as required by state law.

ARTICLE IV  
**General Provisions**

**§ 362-12. Off-street parking.**

- A. Any building hereafter erected, or converted to commercial use, or placed on a lot, or added onto in such way as to increase the square footage of usable floor space, shall provide off-street parking spaces specific to its use and in the manner and number described below.
- B. All dwelling units, whether a single-family dwelling, condominium, multifamily dwelling, motel or other rental unit shall provide off-street parking either on premises or on adjacent premises in the number and manner described below:
  - (1) Single-family dwellings shall each provide two off-street parking spaces.
  - (2) Each rental unit and each unit in a multifamily dwelling, motel, hotel, condominium, bed-and-breakfast, or similar use shall provide at least two off-street parking spaces.
  - (3) Loading and unloading requirements. Any use that requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no public street, alley, or access to any parking area is blocked by such activities.
  - (4) The number of off-street parking spaces required for nonresidential uses is shown in the following table:

<b>Use</b>	<b>Minimum Parking Required</b>
Boardinghouse	One space per bedroom or sleeping unit
Dormitory/student housing	One space per bedroom or sleeping unit
Rooming house	One space per bedroom or sleeping unit
Tourist rooms	One space per rental unit

- C. In the case of structures or uses not mentioned, the provision for a use that is similar shall apply, as determined by the Town Plan Commission.
- D. For structures and/or properties containing more than one use, the required number of spaces shall be computed by adding space required for each use.
- E. Handicap parking requirements. In addition to any other requirements relating to parking spaces contained in this chapter, the provisions contained in § 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

- F. Landscaping. All public and private off-street parking areas which serve four vehicles or more, are located within 15 feet of any lot line or right-of-way and are created or redesigned and rebuilt subsequent to the adoption of this section shall be provided with accessory landscape areas totaling not less than 10% of the parking area. The minimum size for each landscaped area shall not be less than 100 square feet.
- G. Lighting. Any lighting used to illuminate an off-street parking area shall be directed away from residential properties and public or private streets in such a way as not to create a nuisance.
- H. Abandonment. No parking space or driveway providing access thereto shall be abandoned, closed, converted to another use, or in any way eliminated from use as a parking space or driveway, unless adequate off-street parking and access are provided to the property in full compliance with the provisions of this chapter.

**§ 362-13. Signs.**

Signs identifying or advertising the property must meet the requirements of the La Pointe ordinances regarding signs.

**ARTICLE V  
Administration**

**§ 362-14. Designation.**

The provisions of this chapter shall be administered and enforced by the designated Town official who shall be employed by the Town of La Pointe and shall be designated by and report directly to the Town Board and with guidance from the Town Plan Commission. This Article V of the chapter shall apply to all lodging permits in Article III, Regulation of Rental Uses.

**§ 362-15. Permit process.**

- A. Application by owner accompanied by necessary fees.
- B. Screening by the designated Town official. Property must meet all applicable zoning requirements.
- C. Annual inspection by Ashland County Health Department's designated official.
- D. Decision by either the designated Town official or the Town Plan Commission about whether to issue the permit.
- E. Issuance of permit within 10 days after approval by Town Plan Commission or designated Town official, where applicable.

**§ 362-16. Inspection.**

- A. The Town of La Pointe designated Building Inspector shall inspect properties as requested/reported by the designated Town official and as reported under § 362-19. The Building Inspector shall inspect the premises with at least 48 hours' notice to the owner, operator and/or authorized agent and shall be granted entrance to any locked premises.



- B. Following the inspection, the designated Building Inspector shall advise the designated Town official in writing whether the annual permit should be granted/continued.
- C. If the designated Building Inspector's report recommends denial/revocation, the basis for such decision shall be provided. The designated Town official shall notify the owner of the rental property by certified mail within five days of receipt of the report recommending denial/revocation including the basis for such decision. The designated Town official shall not issue any rental permit contrary to the recommendation of the designated Building Inspector. The owner, operator and/or designated agent shall not occupy or let to another for occupancy any space unless it possesses a current rental permit, complies with the requirements of applicable building codes and zoning ordinances, and occupancy is limited to the maximum number of persons permitted.
- D. Nonoccupancy for reason of noncompliance with this section for a period of 12 months will render the permit void.
- E. Existing boarding- and rooming houses operating at the time of amendment to this chapter may be allowed to continue. However, to further the purpose of this section any boarding- or rooming house not in compliance with the following provisions shall constitute a nuisance and will not be allowed to continue:
  - (1) Within six months of amendment to this chapter, the owner must prove the legality of the nonconforming use by the greater weight of credible evidence. The original nonconforming use shall not in its lifetime have been added to, expanded, changed, or discontinued for a period of 12 months.
  - (2) The boarding- or rooming house and its premises shall comply with annual inspection and permitting requirements.
- F. In any case where a provision of this section or of any regulation adopted pursuant thereto is found to be in conflict with a provision of any building, fire, safety, or health code or ordinance, the provision that established the higher standard for the promotion of health and safety of the public shall prevail.
- G. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provision of this section may be found in violation of this chapter. All clauses in rental agreements contrary to the expressed provisions of this section and any permit issued to the property are prohibited and will be interpreted as a violation of the permit and of this section of the La Pointe ordinance to regulate rental properties.

**§ 362-17. Enforcement.**

- A. The designated Town official shall have the power and authority to enforce all provisions of this chapter on behalf of the Town.
- B. The designated Town official shall have the power and authority on behalf of the Town to issue orders charging any person with violating any provision of this chapter which he or she reasonably believes such person to have violated.

**§ 362-18. Written orders.**

- A. The designated Town official shall have the power and authority on behalf of the Town to issue a written order to any person, requiring such person to do an act or to cease from doing an act so as to comply with this chapter.
- B. A person, upon receipt of such a lawful written order, shall comply with such written order as soon as is reasonably possible under the circumstances then existing. It shall be rebuttably presumed that such written order can be complied with immediately.
- C. A person, who upon receipt of such a lawful written order fails to comply with the same as soon as is reasonably possible under the circumstances existing, shall be guilty of violating this section of this chapter. The violation of such a lawful written order in and of itself shall constitute a separate violation of this chapter and the violation is subject to the penalty set out in this chapter whether or not such person is convicted of any other violation of this chapter. In the event such a written order was mailed, such order shall be arguably presumed to have been received by the person to whom it was addressed upon evidence being presented that the same was mailed by certified mail via the postal service.

**§ 362-19. Complaints.**

Any person who reasonably believes that a person or entity owning, using or occupying real property in the Town is, by act or omission, violating a permit, or lacks a required permit, or there is a life/safety issue, may file a written complaint with the designated Town official. Such written complaint shall set forth the name, address and telephone number of the complainant, the name and address of the property being complained about and a detailed statement on the grounds and basis for such a complaint. Such complaint shall be signed by the complainant. Complaint forms will be available in the designated Town official's office. The designated Town official shall receive and evaluate all written complaints received at such office. The designated Town official shall conduct a preliminary evaluation of complaints and may do any one of the following:

- A. Forward the matter to another agency.
- B. Forward the matter to the Town Plan Commission or Town Board for chapter interpretation.
- C. Attempt to reconcile the matter between the complainant and the property owner, user, or occupier, if it is a minor dispute.
- D. Close the matter if it does not present sufficient information of cause to proceed.
- E. Investigate any complaint that presents significant information to support an allegation of possible violation of this chapter and, upon completion of an investigation, the designated Town official may do one or more of the following:
  - (1) Dismiss the complaint for lack of sufficient cause to proceed.
  - (2) Divert the matter to another agency.
  - (3) With the approval of the Town Plan Commission:

- (a) Issue a stop-work, cease-and-desist order or order of correction.
  - (b) Revoke by order a rental of single-family dwelling permit for the rental of a principal or accessory dwelling.
  - (c) Issue one or more citations for apparent violations or, with the assistance of the Town's attorney, cause such violation to be prosecuted.
  - (d) Pursue such court action as is appropriate including, but not limited to, seeking injunction, restraining order or restitution.
- F. Any person aggrieved by a decision of the designated Town official or the Town Plan Commission regarding this chapter may seek review in accord with Ch. 68 of the Wisconsin Statutes or its successor statute in the event of renumbering.
- G. Nothing in this section shall be construed as preventing the designated Town official from pursuing enforcement of this chapter under § 362-17, 362-18 or 362-19 regardless of the manner in which the designated Town official learned of an alleged violation of this chapter.

**§ 362-20. Violations and penalties.**

Any person found to have violated any provision of this chapter shall, upon conviction, be subject to a forfeiture of up to \$500 plus court costs plus any applicable fees and assessments. Each day a violation exists or continues shall constitute a separate offense. In addition to such forfeiture, a violator may also be required to reimburse the Town for the costs of prosecution, including reasonable attorney fees. A person who fails to pay any forfeitures, costs and assessments imposed by the court shall, upon being found in contempt of court, be subject to imprisonment for not to exceed 30 days.

**§ 362-21. Nuisance.**

A violation of any provision of this chapter shall constitute a nuisance that the violator be required to abate. Injunctive relief may be ordered to terminate or prevent a violation of any provision of this chapter. There shall be an arguable presumption that any violation of this chapter causes irreparable harm to the public. A violator of any provision of this chapter may be required to pay for restitution performed by another party.