

ORDINANCE TO REGULATE RENTAL PROPERTIES

Town of La Pointe
Madeline Island
Ashland County, Wisconsin

Ordinance 2014-01

Effective: April 9, 2014

Amended: April 9, 2019, May 28, 2019

Revised draft 3.2.23

TABLE OF CONTENTS

Page Number

SECTION 1.	TITLE, PURPOSE, AUTHORITY	1
SECTION 2.	DEFINITIONS	2-5
SECTION 3.	REGULATION OF RENTAL USES	5-10
SECTION 4.	ADDITIONAL PROVISIONS	10-11
SECTION 5.	ADMINISTRATION	11-14
APPENDIX	ZONING DISTRICT USE MATRIX-RENTALS	15

A guide to proposed changes in the La Pointe Ordinance to Regulate Rental Properties

Tell us what you think

The Town Plan Commission is publishing these proposed revisions to La Pointe’s rental ordinance, in order to gather public feedback on the role and priority that rental properties should have on the Island.

Members of the community can offer overall comments, or make suggestions for specific changes, in four ways:

- Attend the Public Hearing scheduled for Wednesday March 15 at 5 p.m. at Town Hall.
- Submit a written comment in person at Town Hall, 240 Big Bay Road.
- Mail a written comment to: Town Plan Commission, PO Box 270, La Pointe, WI 54850.
- Email a written comment to: zoning@townoflapointewi.gov

What’s next

After the public hearing, the Town Plan Commission can make revisions and seek additional public feedback, before making a recommendation to the Town Board, which makes the final decision.

About these proposals

These proposed revisions attempt to balance these points:

- Prioritize long-term rentals, which helps promote the availability of decent, affordable housing on the Island. The existing rental ordinance already requires permits for long-term rentals, but the requirement has not been applied consistently.
- Recognize that short-term rentals (vacation rentals, Airbnb, VRBO, etc.) are a commercial activity that often takes place in a residential district. Short-term rentals, which are self-reporting, generated accommodation tax payments in 2022 that suggest they directly produced \$2.98 million in economic activity in La Pointe – a five-year increase of 74% since 2018. Rentals clearly allow visitors to experience the Island’s distinctiveness and character in a more natural way. But for many property owners, they are a business: in 2022, 6 property owners held 38% of the permits; only 44% of the permits were held by property owners that have La Pointe as their primary residence.
- Respond to preferences expressed in the community survey conducted in summer 2022 as part of updating the Town’s Comprehensive Plan. In that survey (filled out by 485 year-round and seasonal residents), the Island’s “natural environment” was the #1 value named by respondents. The majority of respondents – 54% -- opposed commercial activities outside the commercial zone. Only 16% favored encouraging commercial activities elsewhere on the island. An even larger majority – 60% -- said the Town should “maintain” vacation rentals, with roughly 22% saying the Town should restrict rentals, and roughly 18% saying the Town should encourage rentals.

The biggest changes

This proposal takes a new approach to short-term rentals – rentals that are less than 30 days. Under this draft (primarily Sections 3.1 and 3.3), permits for new short-term rentals no longer would be issued automatically once the property passes an Ashland County health inspection. Instead, these rentals would

have to obtain a conditional-use permit from the Town in any zoning district outside the C-1 commercial core.

The proposed changes do not affect existing short-term rentals, as long as existing rentals renew their permits on time each spring. However, existing short-term rentals that let their permits lapse, property owners who wish to start a new rental, or existing rentals that change ownership all would have to meet the new requirements and obtain a conditional use permit, under this proposal.

This proposal allows the Town to begin getting a handle on new short-term rentals by reviewing each application independently, allowing input from neighbors, and placing conditions that are appropriate for the property -- based on the number of bedrooms or bathrooms, available parking, and other criteria in the areas of health, public safety, and noise or other public nuisances.

This draft also creates additional oversight of events that take place on rental properties (Definition 16, Section 3.1.6). In order to hold events, the property owner would need to acquire a separate conditional use permit. Under this draft, no more than 4 events would be allowed each year.

Understanding other parts of the draft

Highlighted areas indicate changes of substance from the Town's existing rental ordinance. (Text that is in red indicated internal cross-references that will be verified once final language is verified.)

- Section 1.4, 1.5 and 2. Much of this is existing language imported from the Zoning Ordinance so that the terms used in the rental ordinance are easy to find and understand. There are new definitions for such things as Employee Housing, Events, and Tiny Houses.
- Dwelling, Multi-Household. Expands options to divide up the maximum number of units among 1, 2 or 3 buildings. The current ordinance allows only 1 building.
- Section 3.2. Emphasizes that long-term rentals require an annual permit, and that the property owner must certify that the property meets basic fire and safety requirements.
- Section 3.4. Upon the Town attorney's advice, distinguishes that the Town will allow B&Bs to have no more than 6 rooms and 16 guests, which is under the maximum allowed in state law (see Definition 2).
- Sections 3.7, 3.9, 3.10. Clarifies that Multi-Household Dwellings, Accessory Dwellings, and Incidental Dwellings may be used as long-term rentals.
- Section 5.1E. Clarifies the appeal process if an application for a short-term rental permit is denied.
- Section 5.5. The highlighted language, which exists in the current ordinance, will be removed upon advice of the Town Attorney.
- Section 5.6B. This language, which exists in the current ordinance, is being relocated upon advice of the Town Attorney.
- Appendix. Adds a "Use Matrix" to make it easier to understand which rental uses are allowed in various zoning districts.

SECTION 1: TITLE, PURPOSE, AUTHORITY

1.1 TITLE

Town of La Pointe Ordinance to Regulate Rental Property.

1.2 PURPOSE

The purpose of this Ordinance 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.

1.3 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 to adopt this ordinance.

1.4 DESIGNATION

The provisions of this Ordinance shall be administered and enforced by a Designated Town Agent who shall be employed or contracted 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.

1.5 INTERPRETATIONS AND DEFINITIONS

For this Ordinance certain terms or words herein shall be interpreted or defined as follows:

- Words used in the present tense include the future tense.
- The singular includes the plural.
- The word "person" includes an individual, all partnerships, associations, and bodies, political and corporate.
- The word "lot" includes the word "plot" or "parcel".
- The term "shall" is always mandatory.
- The word "used" or "occupied" as applied to any land or building shall be construed to include words "intended, arranged or designed to be used or occupied".
- Undefined terms shall be given their plain, ordinary meaning according to the dictionary.
- A document is considered filed when it has been received and stamped by one of the following: Town Clerk, Zoning Administrator, Administrative Assistant, or Clerical Assistant. This date is when the ten (10)-day or thirty (30)-day time limit begins; it is counted as day one. In counting a ten (10)-day limit under this Ordinance, weekends or holidays are not included; in counting a thirty (30)-day time limit, all days are counted.

SECTION 2: DEFINITIONS

(1) APARTMENT:

- A. A building containing several individual dwelling units.
- B. An individual dwelling unit within such a building.

(2) BED AND BREAKFAST:

A place of lodging that: a) provides up to eight (8) rooms for rent to no more than twenty (20) 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-household dwelling.

(3) BOARDING HOUSE:

A structure where lodging and meals are offered for three (3) to eight (8) non-tourist/transients who are not members of a household. This definition includes employee housing.

(4) BUILDING INSPECTOR:

A Town staff person, contractor or other designated Town agent who inspects and administers building construction procedures and processes, code enforcement, or property maintenance requirements for the Town of La Pointe according to Wisconsin statutes and codes.

(5) CAMPING UNIT:

A portable unit, no more than four hundred (400) square feet in area, used as a temporary dwelling. Camping units shall not be considered a minor accessory structure.

(6) CONDOMINIUM:

- A. A structure or complex of structures in which units of property (e.g., apartments) are owned by individuals, and common parts of the property (e.g., grounds and buildings) are owned jointly by the unit owners.
- B. A unit in such a structure or complex. Reference Wisconsin State Statutes Chapter 703.

(7) DESIGNATED TOWN AGENT:

A Town staff person or contractor designated to act on behalf of the Town in carrying out the responsibilities designated in this Ordinance.

(8) DORMITORY/STUDENT HOUSING:

A structure or part of a structure with sleeping accommodations for students enrolled in a commercial educational facility located in the Town of La Pointe.

(9) DWELLING:

A structure or part of a structure designed or used exclusively as a residence or sleeping place, but not used for transient occupancy, except when complying with Sections 3.1, 3.3, 3.4, 3.5, 3.6, 3.8 3.9 3.10 3.11 and/or 3.12 of this Ordinance.

(10) DWELLING, ACCESSORY:

A structure or part of a structure with a permanent foundation that is used for habitation other

than the principal dwelling (e.g., guest house). It shall not exceed fifteen hundred (1,500) square feet, or sixty-five percent (65%) of the square footage of the principal dwelling, whichever is less. Decks are not included in calculations. Accessory dwellings require a Land Use Permit and a Sanitary Permit, and must conform to Wisconsin UDC (Building Codes). Only one (1) Accessory Dwelling or one (1) Incidental Dwelling is allowed on a parcel, not both. The term “guest house” and “accessory dwelling” are synonymous for the purposes of this Ordinance.

(11) DWELLING, INCIDENTAL:

Items of personal property that may have been designed as transportable or as a vehicle but may be used for intermittent human habitation (e.g., campers, park models, buses, motor homes, and shipping containers). They require a Land Use Permit and a Sanitary Permit, and must conform to Wisconsin UDC (Building Codes). Only one (1) Incidental Dwelling or one (1) Accessory Dwelling is allowed on a parcel, not both.

(12) DWELLING, MULTI-HOUSEHOLD:

A dwelling on one lot containing separate living units for two (2) to four (4) households, but which may have joint services or facilities or both. Specifically:

- A dwelling on one (1) lot containing separate living units for two (2) to four (4) households in one (1) structure (e.g., duplex, triplex or fourplex).
- Or two (2) dwellings on one (1) lot containing separate living units, totaling not more than four (4) units combined, each on a permanent foundation.
- Or three (3) separate tiny house dwellings on one (1) lot, each containing one (1) living unit on a permanent foundation, neither living unit of which is larger than 500 square feet.

Multi-household dwellings must meet the required lot area minimums of the underlying district, unless modified by a conditional use permit or planned unit development [see Technical Memorandum #3]. Multi-household dwellings are not considered accessory dwellings.

(13) DWELLING, SINGLE-HOUSEHOLD:

A structure designed or constructed to be occupied by a single household for the purposes of human habitation.

(14) EMPLOYEE HOUSING:

A dwelling unit provided for an employee by an employer. These units are considered short-term or long-term rentals and shall comply with Section 3 of this Ordinance.

(15) ESSENTIAL SERVICES:

Those provided by public and private utilities that are necessary for the exercise of the use or service of a structure (e.g., underground, surface, and overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems). Also included are accessories (e.g., 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.

(16) EVENT:

A temporary meeting, activity, gathering, or group of persons having a common purpose, design, or goal that will affect or impact the ordinary and normal use upon the rental property.

(17) HOUSEHOLD:

A person living alone or two or more people living together as a single housekeeping unit, as distinguished from a group occupying a boarding house or rooming house.

(18) MOBILE HOME:

Any structure originally designed to be capable of transportation by any motor vehicle upon public highways, which does not require substantial on-site fabrication, and which is intended for occupancy.

(19) PARKING SPACE:

Each off-street parking space, whether inside or outside, shall be not less than nine (9) feet wide, not less than eighteen (18) feet long, not less than one hundred and sixty two (162) square feet in area, and be so located and situated so as to not block any on-street parking.

(20) 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 thirty (30) days. The day of move-in is counted as a day; however, the day of move-out is not counted as a day.

(21) 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 thirty (30) days. The day of check-in is counted as a day; however, the day of check-out is not counted as a day.

(22) RESORT:

A commercial lodging facility that provides amenities, e.g., recreation, entertainment, dining or shopping.

(23) ROOMING HOUSE:

A structure where lodging only is offered for three (3) to eight (8) non-tourist/transients who are not members of a household. This definition includes employee housing.

(24) SINGLE-HOUSEHOLD:

Single-Household shall mean and refer to one household, as opposed to more than one household.

(25) STRUCTURE, INCIDENTAL:

Items of personal property that may have been designed as transportable or as a vehicle but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures include campers, park models, buses, motor homes, and shipping containers. They may be used as a dwelling in accordance with this Ordinance.

(26) TINY HOUSE:

A single-household, free-standing dwelling on a permanent foundation that is 500 square feet or less.

(27) 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 thirty (30) days. The day of check-in is counted as a day; however, the day of checkout is not counted as a day.

(28) TOURIST ROOMS:

A room rented to no more than two (2) adult tourists/transients and children in their care, without meals or cooking facilities and with or without an individual bathroom. A “Tourist Room” is only allowed in a principal single-household dwelling.

(29) UNIT:

A single residence (e.g., an apartment or tiny house) that is part of an apartment, condominium or similar building or complex.

SECTION 3: REGULATION OF RENTAL USES

3.1 GENERAL CONDITIONS

1. All short-term and long-term rentals require a permit. These include an apartment, bed and breakfast, boarding house, condominium, dormitory/student housing, dwelling (accessory, incidental, multi-household, single-household) mobile home, resort, rooming house and tourist room.
2. Rental Permits expire May 14 each calendar year. Permits that are not renewed by June 15 are considered lapsed.
3. If a rental permit lapses, the newly issued Permit must comply with the current Rental Ordinance.
4. When property ownership changes, the new property owner must comply with the current Rental Ordinance.
5. All property owners/managers are responsible for familiarizing themselves with and for following all Town Ordinances relating to rental properties, especially Chapter 40: Finance and Taxation; Chapter 205: Buildings; and Chapter 350: Peace and Good Order.
6. Events (e.g., weddings) on rental properties are a permitted use only in Zoning District C-1; properties in other Zoning Districts must obtain a Conditional Use Permit. The Conditional Use Permit would allow up to four (4) events in the Rental Permit year; other conditions may be placed upon use of the property. Advertising of events is allowed only after the Rental Property has obtained a permit to hold Events. Any documented violation of conditions will result in the revocation of the Rental Permit and the Conditional Use Permit. In the absence of documented violations, a Designated Town Agent may administratively renew the Conditional

Use and Rental permits each year.

7. Where a designated Town agent reasonably believes a rental does not continue in conformity with the requirements of this Ordinance, the Town agent will notify the property owner and/or authorized agent of record. Upon receipt of such notification, the property owner shall abate such action or inaction so as to comply with this Ordinance within ten (10) days. If said violation is not corrected in the ten (10)-day period, the Town agent shall forward the matter to the Town Board for action thereon including, but not limited to, revocation of the Rental Permit.
8. Where a written complaint regarding a rental property is received by a designated Town agent, the procedure set forth in **Section 5.5** of this Ordinance shall apply.
9. All short-term and long-term rentals shall adhere to these provisions:
 - A. Provide off-street parking in accordance with **Section 4.1** of this Ordinance.
 - B. Provide adequate sanitation to the building or buildings in accordance with applicable State, County and Town regulations.
 - C. There shall be no accumulation of garbage, refuse, junk, or waste (e.g., boxes, scrap lumber, scrap metal, appliances or motor vehicles in non-working condition). Garbage, refuse and waste shall be stored and disposed of in a clean and safe manner.
 - D. The rental shall not result in excessive noise, traffic and/or parking congestion. Renters shall respect the privacy of surrounding properties (e.g., land, docks and beaches).
 - 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. All 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.

3.2 LONG-TERM RENTALS

1. Long-term rentals are listed as a Permitted Use in designated Zoning Districts. Reference **Section 2 (20)** of this Ordinance.
2. Long-term rentals must obtain a yearly Permit from the Town.
3. To obtain a long-term rental Permit, the Owner must certify that the property complies with the following requirements:
 - A. The on-premises fire extinguisher, smoke alarms, and carbon monoxide detectors are functioning and located properly.
 - B. The unit provides proper egress.
 - C. Any driveway complies with the requirements of the Town's "Private Driveway Private Roadway Ordinance."
 - D. There are no known defects of the electrical, plumbing and heating systems, and, if on a private well, the owner has not received any notifications from the

Ashland County Health Department regarding potential contamination of said well-water.

4. Non-occupancy of any rental property for reasons of non-compliance with this Ordinance for a period of twelve (12) months or longer will render a previous permit lapsed.
5. 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.

3.3 SHORT-TERM RENTALS

1. Short-term rentals are considered commercial inn-keeping activities and, as such, are listed as a Conditional Use in designated Zoning Districts except C-1, where they are listed as a Permitted Use. Reference **Section 2 (21)** of this Ordinance.
2. Short-term rental permits issued before adoption of this revised ordinance, and renewals of record issued prior to June 15, 2023, remain eligible for annual renewal in future years without applying for a Conditional Use Permit, unless the yearly permit lapses or the property changes ownership. Reference **Sections 3.1.3 and 3.1.4**.
3. Short-term rentals must obtain a yearly Permit and inspection through the Ashland County Health Department and, if on a private well, a water analysis. Short-term rentals must display recycling and solid-waste disposal information provided by the Town's Materials Recovery Facility, and have adequate facilities for guests to separate solid waste from recyclable materials. For public safety purposes, short-term rentals must have a functional land-line or internet-based telephone service in the rental dwelling, display the fire number of the property in a prominent location inside the rental dwelling, and comply with the requirements of the Town's "Private Driveway Private Roadway Ordinance."
4. Short-term rentals must provide evidence of current liability insurance with limits of at least \$1,000,000.00 per occurrence; the certificate of insurance must list the Town of La Pointe as an additional insured.

3.4 BED AND BREAKFASTS

1. Bed and Breakfasts may be allowed in accordance with the following provisions:
 - A. Reference **Sections 2 (2), 3.1, 3.2, and 3.3** of this Ordinance.
 - B. Provides up to six (6) rooms for rent to no more than sixteen (16) guests
 - C. The exterior appearance of the building shall not be altered from its single-household dwelling appearance.
 - D. No food preparation or cooking shall be allowed in guest rooms.
 - E. 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.

3.5 BOARDING HOUSES

1. Boarding may be allowed in accordance with the following provisions:
 - A. Reference **Sections 2 (3), 3.1, 3.2, and 3.3** of this Ordinance.

B. Minimum Requirements for Boarding Houses:

- 1) Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional square feet of floor area for every additional occupant thereof. The floor area shall be calculated on the basis of total habitable room floor area. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of habitable floor area and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of habitable floor area for each occupant thereof.
- 2) No dwelling unit containing two (2) 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. No bathroom/water closet compartment shall serve more than three (3) occupants.
- 3) In all dwelling units the average ceiling height shall be not less than seven-feet-six inches (7'6") and the minimum ceiling height shall be not less than seven-feet-zero inches (7') in the entire first-floor area. The minimum ceiling height shall be seven-feet-six inches (7'6") for all floor areas above the first floor except under sloping roofs, where the minimum shall be seven-feet-six inches (7'6") for not less than fifty percent (50%) of the floor area, and that portion of the floor area under the sloping roof having a ceiling height of less than five (5) 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.

2. No camping unit may be converted or used as a boarding house.

3.6 DORMITORIES AND STUDENT HOUSING

1. Dormitories/student housing may be permitted in accordance with the following provisions:
 - A. Reference **Sections 2 (8), 3.1, 3.2, and 3.3** of this Ordinance.
 - B. The maximum number of occupants shall not exceed twenty-four (24) persons per parcel and there shall be no more than three (3) dormitory/student housing structures per parcel.

3.7 MULTI-HOUSEHOLD DWELLINGS

1. Rental of a multi-household dwelling may be permitted in accordance with the following provisions:
 - A. Reference **Sections 2 (12), 3.1 and 3.2.** of this Ordinance.
 - B. Only long-term rentals are allowed. Short-term rentals are not allowed.

3.8 SINGLE-HOUSEHOLD DWELLINGS

1. Rental of a principal single-household dwelling may be permitted in accordance with the following provisions:
 - A. Reference **Sections 2 (13), 3.1, 3.2 and 3.3** of this Ordinance.

3.9 ACCESSORY DWELLINGS

1. Rental of an accessory dwelling may be permitted in accordance with the following provisions:
 - A. Reference **Sections 2 (10), 3.1, 3.2 and 3.3** of this Ordinance.
 - B. The principal Single-Household Dwelling shall not be rented long-term or short-term and shall not possess a permit to rent rooms.
 - C. Long-term rental may be permitted as employee housing.

3.10 INCIDENTAL DWELLINGS

1. Rental of an incidental dwelling may be permitted in accordance with the following provisions:
 - A. Reference **Sections 2 (11), 3.1 and 3.2** of this Ordinance.
 - B. The principal Single-Household Dwelling shall not be rented long-term or short-term and shall not possess a permit to rent rooms.
 - C. Long-term rental may be permitted as employee housing.

* Rental permits for any grandfathered Incidental Structure (now Incidental Dwelling) will remain valid until the property on which the structure (dwelling) sits changes ownership or the Incidental Structure (Dwelling) is removed from the property on which it is permitted.

3.11 ROOMING HOUSE

1. Rental of a rooming house may be permitted with the following provisions:
 - A. Reference **Sections 2 (23), 3.1, 3.2 and 3.3** of this Ordinance.
 - B. Minimum Requirements for Rooming Houses:
 - 1) Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional square feet of floor area for every additional occupant thereof. The floor area shall be calculated on the basis of total habitable room floor area. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of habitable floor area and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of habitable floor area for each occupant thereof.
 - 2) No dwelling unit containing two (2) 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. No bathroom/water closet compartment shall serve more than three (3) occupants.
 - 3) In all dwelling units the average ceiling height shall be not less than seven-feet-six inches (7'6") and the minimum ceiling height shall be not less than seven-feet-zero inches (7') in the entire first-floor area. The minimum ceiling height shall be seven-feet-six inches (7'6") for all floor areas above the first floor except under sloping roofs, where the minimum shall be seven-feet-six inches (7'6") for not less than fifty percent (50%) of the floor area, and that portion of the floor area under the sloping roof having a ceiling height of less than five (5) 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.

2. No camping unit may be converted or used as a rooming house.

3.12 TOURIST ROOMS

1. Rental of a tourist room may be permitted with the following provisions:
 - A. Reference **Sections 2 (27), 3.1, 3.2, and 3.3** of this Ordinance.
 - B. The exterior appearance of the building shall not be altered from its Single-Household Dwelling appearance.
 - C. The building is the owner's personal residence and is occupied by the owner at the time of rental.

SECTION 4: ADDITIONAL PROVISIONS

4.1 OFF-STREET PARKING

- A. Any structure or 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-household dwelling, condominium, multi-household 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-household dwellings shall each provide two (2) off-street parking spaces.
 2. Each rental unit and each unit in a multi-household dwelling, motel, hotel, condominium, bed and breakfast, or similar use shall provide at least two (2) 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 non-residential uses is shown in the following table:

USE	MINIMUM PARKING REQUIRED
Boarding House	One (1) space per bedroom or sleeping unit
Dormitory/Student Housing	One (1) space per bedroom or sleeping unit
Rooming House	One (1) space per bedroom or sleeping unit
Tourist Rooms	One (1) space per rental unit
Any Other Rented Structure	One (1) 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 Ordinance, the provisions contained in State Statute Section 101.13, 346.503, and 346.56 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 (4) vehicles or more, are located within fifteen (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 ten percent (10%) of the parking area.
The minimum size for each landscaped area shall not be less than one hundred (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 Ordinance.

4.2 SIGNS

Signs identifying or advertising the property must meet the requirements of Section 5 of the La Pointe Zoning Ordinance.

SECTION 5 ADMINISTRATION

5.1 PERMIT PROCESS

- A. Reference **Sections 3.1, 3.2 and 3.3** of this Ordinance.
- B. All property owner(s) must complete the Town's annual rental permit application and submit it along with applicable fees to the Zoning Administrator or designated agent.
- C. Applicants for a short-term rental permit will also have to comply with the requirements of Ashland County and with Article IV of the Town's Finance and Taxation Ordinance (Chapter 40).
- D. The decision to approve or deny an application for renewal of a permit will be

made by the Zoning Administrator or designee. The permit will be issued within ten (10) days after approval, where applicable.

- E. Approval or denial of new application or application to restore a lapsed permit will be made by the Town Board, following the process for a Conditional Use Permit in Section 7 of the Town's Zoning Ordinance.

[NOTE: EXISTING INSPECTION SECTION REMOVED UPON ADVICE OF TOWN ATTORNEY, AS NOT BEING IN COMPLIANCE IN STATE STATUTE. SOME PROVISIONS WERE DELETED, SOME MOVED TO SECTION 3.2, SOME TO THE CURRENT SECTION 5.2, AND SOME TO CURRENT SECTION 5.6]

5.2 ENFORCEMENT

- A. The Zoning Administrator or a designated town agent shall have the power and authority to enforce all provisions of this Ordinance on behalf of the Town.
- B. The Zoning Administrator or a designated town agent shall have the power and authority on behalf of the Town to issue Orders charging any person with violating any provision of this Ordinance which he or she reasonably believes such person to have violated.
- C. 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.
- D. 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 ordinance. 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.

5.3 WRITTEN ORDERS

- A. The Zoning Administrator or a designated town agent 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 Ordinance.
- 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 Ordinance. The violation of such a lawful

Written Order in and of itself shall constitute a separate violation of this Ordinance and the violation is subject to the penalty set out in this Ordinance in Section 5(6), whether or not such person is convicted of any other violation of this Ordinance. 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.

5.4 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 Zoning Administrator. 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.

The Zoning Administrator shall receive and evaluate all written complaints received. The Zoning Administrator 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 ordinance interpretation.
- C. Attempt to reconcile the matter between the complainant and the property owner, user, or occupier.
- 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 Ordinance and upon completion of an investigation, 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. Require an inspection of the rental property, subject to the following conditions:
 - a. Prior to any inspection under the Section, the Zoning Administrator must provide reasonable notice under the circumstances to the Property owner to permit a voluntary inspection of the premises. If the Owner is not reachable or does not consent to a voluntary inspection, the Zoning Administrator may proceed with the inspection only after obtaining a special inspection warrant pursuant to Wis. Stats. § 66.0119. By obtaining a long-term rental permit from the Town, property owners agree that the Town's receipt of a verified complaint under this Section shall be sufficient grounds for the application for a special inspection warrant.
 - b. Upon receiving the results of the inspection, the Zoning Administrator or designated town agent may suspend a rental permit for properties until the conditions cited by the County or Town inspectors are brought into compliance.
 - c. If the County or Town inspectors recommend denial/revocation, the Zoning Administrator shall notify the owner of the rental property by certified mail within five (5) days of receipt of the recommendation, including the basis for such decision.
 4. With the approval of the Town Plan Commission:
 - a. Issue a Stop-Work, Cease-and-Desist Order, or Order of Correction
 - b. Revoke Rental Permit.
 - 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 (e.g., seeking injunction, restraining order or restitution).
- F. Any person aggrieved by a decision of the Zoning Administrator or the Town Plan Commission regarding this ordinance 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 Zoning Administrator from pursuing enforcement of this ordinance regardless of the manner in which the Town learned of an alleged violation of this ordinance.

5.5 VIOLATION

Any person found to have violated any provision of this Ordinance shall, upon conviction, be subject to a forfeiture of up to five hundred dollars (\$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 thirty (30) days.~~

5.6 NUISANCE

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

B. Existing Boarding and Rooming houses operating at the time of amendment to this Ordinance 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 (6) months of amendment to this Ordinance, 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 twelve (12) months.
2. The Boarding or Rooming House and its premises shall comply with any inspection and permitting requirements contained in this Ordinance.

APPENDIX- ZONING DISTRICT USE MATRIX

USE	ZONING DISTRICT															
	W-P	W-1	W-2	R-1	R-2	R-3	S-1	S-2	C-1	LI-1	LI-2	G-IR	P-IR	C-V	T-P	M-1
Apartment																
Bed & Breakfast			C	C		C			C							
Boarding House			C	C		C			C							
Condominium																
Dormitory/Student Housing			C	C					C							
Dwelling, Accessory		P	P	P	P	P	P	P	P							
Dwelling, Accessory, Rental of Short-Term		C	C	C	C	C	C	C	P							
Dwelling, Accessory, Rental of Long-Term		P	P	P	P	P	P	P	P							
Dwelling, Incidental, Rental of Short-term									*							
Dwelling, Incidental, Rental of Long-term		P	P	P	P	P	P		P	C		C				
Dwelling, Multiple Household			C	C	C	P			P							
Dwelling, Multiple-Household, Rental of Short-Term																
Dwelling, Multiple Household, Rental of Long-Term			P	P	P	P			P							
Dwelling, Single Household		P	P	P	P	P	P	P	P							
Dwelling, Single Household, Rental of Short-Term		C	C	C	C	C	C	C	P							
Dwelling, Single Household, Rental of Long-Term		P	P	P	P	P	P	P	P							
Rooming House			C	C		C			C							
Tourist Rooms		P	P	P		P			P							

5.7 EFFECTIVE DATE

This ordinance is effective on publication or posting.

The Office of the Town Clerk shall properly post or publish this ordinance, as required under s. 60.80, Wis. Stats.

Adopted this _____ day of _____, 20_.

Glenn Carlson, Chair

Attest, Micaela Montagne, Town Clerk

Mike Anderson, Supervisor

Aimee Baxter, Supervisor

Susan Brenna, Supervisor

John Carlson, Supervisor

Posted on _____