

# ORDINANCE TO REGULATE RENTAL PROPERTIES

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Town of La Pointe  
Madeline Island  
Ashland County, Wisconsin

Ordinance 2014-01 Effective: April 9, 2014

Amended: April 9, 2019, May 28, 2019

2<sup>nd</sup> Draft

Highlighted text: changes from existing rental ordinance

Highlighted text, boldface: changes from 3/2/23 draft

# A guide to proposed changes in the La Pointe Ordinance to Regulate Rental Properties (2<sup>nd</sup> draft)

## Tell us what you think

These proposed revisions to La Pointe’s rental ordinance are based on community feedback received when the Town Plan Commission released its first draft in March 2023. The TPC is publishing updated proposals in order to, once again, 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 five ways:

- Attend a Q&A session on Wednesday Aug. 16 at 5 p.m. at Town Hall.
- Attend the Public Hearing scheduled for Wednesday Aug. 30 at 5 p.m. at Town Hall.
- Submit a written comment in person at Town Hall, 240 Big Bay Road, before Aug. 30.
- Mail a written comment before Aug. 30 to: Town Plan Commission, PO Box 270, La Pointe, WI 54850.
- Email a written comment before Aug. 30 to: [zoning@townoflapointewi.gov](mailto:zoning@townoflapointewi.gov)

## What’s next

After the August public hearing, the Town Plan Commission may make further revisions before sending a final version of a new ordinance to the Town Board, which makes the final decision.

## About these proposals

The proposed revisions in Draft 2 incorporate key points raised by community members in March.

- These revisions, for the first time, make it possible for rental properties to hold events legally.
- They eliminate the idea that short-term rental applications for new and lapsed permits must go through the lengthy and costly process of getting a Conditional Use Permit.
- These revisions are designed to strike a balance on short-term rentals. They allow residents to continue the practice of renting their cabin or Island residence to overnight visitors. This recognizes what many Island residents said in the March public hearing process: They rely on the income from overnight rentals to pay for property taxes, for upkeep, or even to make it possible to keep the home in the family. This approach also recognizes the economic benefits that short-term rentals can have on the Island as a whole. At the same time, these revisions recognize the impact that other communities are experiencing when a rental market is dominated by “investors” – those who rent multiple properties that are not their homes. These revisions establish a separate set of conditions for properties that serve primarily as a revenue-producing business, not a home.

More details are below.

## Context

So far in 2023, La Pointe has issued 150 short-term rental permits. That means more than one-fifth of the island’s housing stock is being used for short-term rentals. In categorizing this year’s short-term rental permits, 14 are for “hotel rooms”; the remaining 136 are for single-household homes. In examining these 136 homes, 51 permits – 37.5% – are held by investors: property owners who rent

multiple properties that they use exclusively as rentals, not as homes. Of these 51 permits, 18 are in the commercial district; the other 33 are in residential districts.

### **Short-term rentals**

State law defines short-term rentals as less than 30 days. Under state law, the Town can ban all rentals of less than 7 days. This proposal does not do that. But it does recognize two things:

1. The clear distinction that residents made in March. On one hand are property owners who rent their family homes to pay expenses. On the other hand are property owners who rent multiple properties as a revenue-producing business – who use properties as hotels, not as homes.
2. Short-term rentals are, by their very nature, a business use of a residential property by the property owner. Short-term rentals already are defined as a business in Town ordinance (Section 40-12). In addition, property owners who operate short-term rentals:
  - Must obtain a Wisconsin “tourist rooming house” or “lodging” license.
  - Must pass an Ashland County health inspection.
  - Must obtain a Town rental permit.
  - Must collect and pay accommodation taxes.
  - Typically must pay state and county sales taxes.
  - Typically advertise the availability of their rental.
  - Typically are required to obtain commercial (not residential) insurance for their property.

All these practices reflect commercial – not residential – use of property in residentially zoned districts.

These revised proposals (see Section 3.3 of the draft ordinance) allow residents who rent their own home – or rent their “guest house” – to do so for as little as 1 night at a time or for as many as 29 nights (which is the limit under state law). Property owners must also abide by a number of conditions that promote public health, safety, and quiet enjoyment.

This same range of flexibility is not available to investors – property owners who rent multiple properties in residentially zoned districts. In practice, investors are renting residential properties primarily as a revenue-producing business, not as a home (see Section 3.3.2.C). These owners:

- Can designate 1 property (and only 1) that they intend to rent as often as they’d like – for as little as 1 night at a time or for up to 29 nights.
- Can rent all their other properties no more than once every 7 days, which is allowed under state law. Ideally, they will be able to rent the property for at least 7 days. But if they rent these properties to a guest for less than 7 days, the property must remain vacant until the next 7-day period begins. In addition, these investors will pay higher fees for their additional rental permits.

To make sure property owners don’t play games and try to get around this distinction, short-term rental owners must disclose (upon request) all the properties in which they have an “ownership interest.”

### **Events**

The Town’s current zoning and rental ordinances do not allow events at residential rental properties. But, in response to requests from Island entrepreneurs, the proposals in this draft create a two-year period in which events will be allowed in some circumstances. During this trial period, owners of short-

term rental properties in low-density residential districts can pay to obtain a permit to hold events; the permit fee is proposed as \$125 per event (which is the same fee the Town charges for park rentals).

These proposals have a simple-to-understand definition of events (attendance that is more than 3 times the sleeping capacity of the house). They have a simple-to-understand maximum on how many people can be at an event (no more than 100, regardless of the size of the property).

After two years, the Town Board will decide whether to keep or repeal this option (see Section 3.1.6). Note: The event language does not affect property owners holding family events in their own home; it affects only activities when a property is rented short-term outside the commercial district.

### **Long-term rentals**

These proposed ordinance revisions continue to prioritize long-term rentals, which state law defines as rentals of 30 days or more. The existing rental ordinance already requires permits for long-term rentals; however, that requirement has rarely been applied or enforced. This draft reinforces that requirement. Promoting long-term rentals is a way to promote the availability of decent, affordable housing on the Island. This draft also expands the availability of long-term rentals to Incidental Dwellings.

### **Understanding other parts of the draft**

Throughout the draft, **highlighted areas** indicate changes of substance from the Town's existing rental ordinance. Highlighted text that is in **bold face** indicates changes made since the first draft was released in March. (Text that is in red represents cross-references that will be verified once language is adopted.)

Highlights of other proposed changes in the ordinance:

- Sections 1.4, 1.5 and 2. Much of this is language imported directly from the existing Zoning Ordinance. Language and definitions are added here so that terms used in the rental ordinance are easy to find and understand, and are consistent with the Zoning Ordinance. There are new definitions for such things as Employee Housing, Events, Ownership Interest, Property Manager, and Tiny Houses.
- Dwelling, Multi-Household. This proposal 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, this rewrite distinguishes that the Town will allow B&Bs to have no more than 6 rooms and 16 guests; this is less than the maximum allowed in state law (see Definition 3).
- 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 5.5. 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.

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## **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) AGENT:**

**A person or entity who is not the property owner but is authorized to act on behalf of the owner on rental-related matters.**

**(2) APARTMENT:**

A. A building containing several individual dwelling units.

B. An individual dwelling unit within such a building.

**(3) 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.

**(4) 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.

**(5) 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. **Camping units in use for more than thirty (30) days in a calendar year are considered incidental dwellings that shall require a Town Land Use Permit, an Ashland County Building Permit (where applicable), and an Ashland County Sanitary Permit. Wheels and tires shall remain in the in-transit position.**

**(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 Section 3 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.

**(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., **camping unit**, 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 five hundred (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, PRINCIPAL**

**The largest structure on a parcel that is used for habitation. Requires a Town Land Use Permit and an Ashland County Sanitary Permit (plus an Ashland County Building Permit where applicable).**

**(14) DWELLING, SINGLE-HOUSEHOLD:**

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

**(15) 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.**

**(16) 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.

**(17) EVENT:**

**A permitted function at a residence being used for short-term rentals in designated zoning districts: a gathering in which the number of people present at one time exceeds three (3) times the permitted sleeping capacity of the residence.**

**(18) HOTEL/MOTEL:**

**A building in which lodging, with or without meals, is offered to transient guests for compensation, in which there are five (5) or more transient occupancy units, each not exceeding four hundred (400) square feet in floor area.**

**(19) HOUSEHOLD:**

A person living alone or two (2) or more people living together as a single housekeeping unit, as distinguished from a group occupying a boarding house or rooming house.

**(20) 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.

**(20) OWNERSHIP INTEREST:**

**Individuals, families, LLCs, partnerships, trusts, corporate entities, or other ownership**

**structures who have a financial interest in a parcel or dwelling.**

**(21) 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.

**(22) PROPERTY MANAGER:**

**A person or entity who is not the property owner but provides property management services on behalf of the owner.**

**(24) RENTAL, LONG-TERM:**

**Rental of a dwelling for a fee for thirty (30) consecutive days or more.** The day of move-in counts as a day; the day of move-out does not count as a day.

**(25) RENTAL, SHORT-TERM:**

**Rental of a dwelling for a fee for fewer than thirty (30) consecutive days.** The day of check-in counts as a day; the day of check-out does not count as a day.

**(26) RESORT:**

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

**(27) 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.

**(28) SINGLE-HOUSEHOLD:**

Single-Household shall mean and refer to one (1) household, as opposed to more than one (1) household.

**(29) STRUCTURE, ACCESSORY:**

**A detached, subordinate structure that is clearly incidental to and customarily found in connection with the principal structure or use to which it is related.**

**(29) 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.~~

**(30) TINY HOUSE:**

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

**(31) TOURIST/TRANSIENT:**

A person who travels to a location away from his or her permanent physical address for fewer than thirty (30) consecutive days for vacation, pleasure, recreation, culture, business, or employment. The day of check-in is counted as a day; however, the day of checkout is not counted as a day.

**(32) 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.

**(33) 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), hotel/motel, 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. Annual permit fees are established in the Town’s Schedule of Fees. A processing fee for a new or lapsed application for a short-term permit is twice the annual permit fee.
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.~~
3. All property owners/managers/agents 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.
4. Events at residential rental properties are a permitted use only in Zoning Districts C-

**1, R-1, S-1, W-1 and W-2.**

- A. **The property owner must obtain an Event Permit in advance for each event; the permit fee is established in the Town's Schedule of Fees. [Note: Initial rate is proposed at \$125, identical to the rental fee for park pavilions.]**
  - B. **Maximum attendance for a permitted event at a residential rental dwelling is one hundred (100) people at one time.**
  - C. **Any documented violation of permitted conditions, or of events that occur without a permit, will result in fines, citations and prosecution in accord with Town ordinances, including Section 5.5. A second documented violation will result in immediate revocation of the rental permit and automatic denial of a permit for that property in the following permitting year.**
  - D. **This section of the Ordinance (Section 3.1.4) will sunset two (2) years after the adoption of the Ordinance, unless modified or renewed by the Town Board following a properly executed recommendation from the Town Plan Commission.**
5. 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.
6. Where a written complaint regarding a rental property is received by a designated Town agent, the procedure set forth in **Section 5.4** of this Ordinance shall apply.
7. 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 (24)** of this Ordinance.
2. Long-term rentals must obtain an annual permit from the Town. **Long-term rentals are dwellings that are rented for a fee for thirty (30) consecutive days or more.**
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 and smoke alarms (and carbon monoxide detectors in dwellings with combustion sources of fuel) 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.**
  - E. **If on a private well, the well has been tested within the past year and 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~~ property manager, 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.**

6. Short-term rental permits include authorization to rent long-term at any time without an additional permit or fee.

### 3.3 SHORT-TERM RENTALS

1. Short-term rentals are listed as a Permitted Use in designated zoning districts. Reference **Section 2 (25)** of this ordinance.
2. Short-term rentals must obtain an annual permit from the Town. Short-term rentals are principal or accessory dwellings that are offered for rent for a fee for fewer than thirty (30) consecutive days. As such, they are considered a commercial inn-keeping activity and a business use of a residential property by the property owner. In accordance with state statute, La Pointe will issue qualifying properties short-term rental permits for nightly rentals of fewer than thirty (30) consecutive days. To obtain or retain a short-term rental permit, property owners must comply with relevant municipal and state laws.
  - A. Short-term rentals are not allowed in incidental dwellings.
  - B. Property owners of multi-household dwellings may be granted a short-term rental permit for fewer than thirty (30) consecutive days for each unit within the multi-household dwelling.
  - C. Property owners of a single-household dwelling may receive a short-term rental permit that allows rentals of fewer than seven (7) consecutive days for only one (1) principal or accessory dwelling in which they have an ownership interest.
  - D. In residentially zoned districts, property owners seeking a short-term rental permit for an additional single-household dwelling on the same parcel, and/or seeking short-term rental permits for additional single-household dwellings on other parcels, must meet these additional requirements:
    - Rentals in additional dwellings must be for 7 days or longer. If the length of the rental is for fewer than seven (7) days, no other rental can occur in the additional dwelling(s) for the remainder of that seven (7)-day period.
    - Permit fees for these additional dwellings will be triple the regular annual short-term permit fee.
3. Upon request of the Town, permit applicants must produce a list of all persons who hold an ownership interest in the property or properties for which a rental permit is being sought.
4. Short-term rental property owners must:
  - A. possess a valid State of Wisconsin tourist rooming house or lodging license
  - B. obtain a yearly permit and inspection through the Ashland County Health Department

and, if on a private well, a water analysis.

- C. **obtain a short-term rental permit from the Town of La Pointe**
  - D. **obtain a seller's permit issued by the Wisconsin Department of Revenue**
  - E. **file for and obtain an accommodations tax permit from the La Pointe Treasurer, and file quarterly payments as required by Town of La Pointe Ordinance Chapter 40**
  - F. 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.
  - G. for public safety purposes:
    - **notify renters that cellular service might not be reliable, and post such information in a prominent location inside the rental dwelling**
    - display the fire number of the **rental dwelling** in a prominent location inside the rental dwelling, comply with the requirements of the Town's Private Driveway Private Roadway Ordinance
    - **have an agent or property manager available on the Island to respond within twenty (20) minutes to an issue on the rental property, and post the agent's or property manager's contact information in a prominent location inside the rental dwelling**
5. 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.
  6. **Short-term rental permits include authorization to rent long-term at any time without an additional permit or fee.**

### 3.4 BED AND BREAKFASTS

1. Bed and Breakfasts may be permitted in accordance with the following provisions:
  - A. Reference **Sections 2 (3), 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 houses may be permitted in accordance with the following provisions:

A. Reference **Sections 2 (4), 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, 3.2 and 3.3** 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 (14), 3.1, 3.2 and 3.3** of this Ordinance.

**B. A principal single-household dwelling may be rented long term or short term. An accessory dwelling on the same parcel may be rented concurrently long term, or rented concurrently short term for 7 days or longer. An incidental dwelling on the same parcel may be rented concurrently long term only.**

### 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. An accessory dwelling may be rented long term or short term. If the principal dwelling on the parcel is rented, the accessory dwelling may be rented concurrently long term, or rented concurrently short term for 7 days or longer. An incidental dwelling on the same parcel may be rented concurrently long term only.**

### 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. An incidental dwelling may be rented long-term.**

**C. An incidental dwelling **shall** not be rented short-term.**

**\* 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 (27), 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 (32), 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:

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<b>USE</b>	<b>MINIMUM PARKING REQUIRED</b>
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 designated agent. The permit will be issued within ten (10) days after approval, where applicable.

[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 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 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 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).
5. 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).
6. 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.

### **5.7 EFFECTIVE DATE**

This ordinance is effective on publication or posting.

The Town Clerk shall properly post or publish this ordinance, as required under § 60.80, Wis. Stats.



**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-12	LI-12	P-G-IR	C-V	T-P	M-1
Apartment		C	C		P	P	C		P						
Bed & Breakfast			C	C		C			C						
Boarding House			C	C		C			C						
Condominium		C	C		P	P	C		P						
Dormitory/Student Housing			C	C					C						
Dwelling, Accessory		P	P	P	P	P	P	P	P						
Dwelling, Accessory, Rental of Short-Term		P	P	P	P	P	P	P	P						
Dwelling, Accessory, Rental of Long-Term		P	P	P	P	P	P	P	P						
Dwelling, Incidental		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						
Dwelling, Multiple Household					P	P			P						
Dwelling, Multiple-Household, Rental of Short-Term					P	P			P						
Dwelling, Multiple Household, Rental of Long-Term				P	P	P			P						
Dwelling, Single Household		P	P	P	P	P	P	P	P						
Dwelling, Single Household, Rental of Short-Term		P	P	P	P	P	P	P	P						
Dwelling, Single Household, Rental of Long-Term		P	P	P	P	P	P	P	P						
Event		P	P	P				P	P						
Hotel/Motel									C						
Rooming House			C	C		C			C						
Tourist Rooms		P	P	P		P			P						
*Reference Section 3.10															