

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

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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 three (3) or more individual dwelling units.
- B. An individual dwelling unit within such a building.

(3) BED AND BREAKFAST:

A place of lodging that: a) provides eight (8) or fewer 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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, 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.

(12) 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, 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.

(13) 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 four (4) 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.

Reference Technical Memorandum #3. Multi-household dwellings are not considered accessory dwellings.

(14) DWELLING, PRINCIPAL

The largest structure (based on square footage) 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).

(15) DWELLING, SINGLE-HOUSEHOLD:

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

(16) 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.

(17) 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.

(18) EVENT:

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

(19) GATHERING:

An allowed function at a residence being used as a short-term rental in designated zoning districts in which the number of people present at one time shall not exceed three (3) times the sleeping capacity as listed on the Rental Permit.

(20) 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.

(21) 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.

(22) MANUFACTURED/MOBILE/MODULAR HOME:

A prefabricated structure, transportable in one (1) or more sections, that is designed for

use with or without a permanent foundation and is intended for occupancy. This term does not include a recreational vehicle.

(23) OWNERSHIP INTEREST:

Individuals, families, LLCs, partnerships, trusts, corporate entities or other ownership structures who have a financial interest in a parcel or dwelling.

(24) 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.

(25) PROPERTY MANAGER:

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

(26) 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.

(27) 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.

(28) RESORT:

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

(29) 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.

(30) SINGLE-HOUSEHOLD:

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

(31) 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. Reference Section 4.2 G of the Zoning Ordinance.

(32) TINY HOUSE:

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

(33) 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.

(34) TOURIST ROOM:

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.

(35) UNIT:

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

B. A single dwelling (e.g. an apartment) that is part of a larger structure.

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.
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 an allowed use in Zoning District C-1. Events at residential rental properties are a permitted use only in Zoning Districts S-1, W-1 and W-2 with the following requirements:
 - 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.

- B. The property consists of a minimum of five (5) acres.
 - C. The maximum number of events is five (5) in a calendar year.
 - D. The maximum attendance for a Permitted Event is six (6) times the sleeping capacity as listed on the Rental Permit.
5. Where a designated Town agent reasonably believes a rental property owner 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 Planning Commission 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 RENTAL

1. Long-term rentals are listed as a Permitted Use in designated Zoning Districts. Reference [Section 2 \(26\)](#) and Appendix-Zoning District Use Matrix 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. Short-term rental permits include authorization to rent long-term at any time without an additional permit or fee.

3.3 SHORT-TERM RENTAL

1. Short-term rentals are listed as a Permitted Use in designated zoning districts. Reference [Section 2 \(27\)](#) and Appendix-Zoning District Use Matrix of this ordinance.
2. Short-term rentals must obtain an annual permit from the Town of La Pointe. Short-term rentals are accessory, incidental, multi-household or single household 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, the Town of 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. 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.
3. 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 sixty (60) 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.
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.
5. Short-term rental permits include authorization to rent long-term at any time without an additional permit or fee.

3.4 BED AND BREAKFAST

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 eight (8) 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 HOUSE

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'-0") 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 DORMITORY AND STUDENT HOUSING

1. Dormitory/student housing may be permitted in accordance with the following provisions:

- A. Reference **Sections 2 (9), 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 DWELLING

1. Rental of a multi-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.

3.8 SINGLE-HOUSEHOLD DWELLING

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

- A. Reference **Sections 2 (15), 3.1, 3.2 and 3.3** of this Ordinance.

3.9 ACCESSORY DWELLING

1. Rental of an accessory dwelling may be permitted in accordance with the following provisions:

- A. Reference **Sections 2 (11), 3.1, 3.2 and 3.3** of this Ordinance.

3.10 INCIDENTAL DWELLING

1. Rental of an incidental 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.

3.11 ROOMING HOUSE

1. Rental of a rooming house may be permitted with the following provisions:

- A. Reference **Sections 2 (29), 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'-0") 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 ROOM

1. Rental of a tourist room may be permitted with the following provisions:

- A. Reference [Sections 2 \(34\), 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 5.0 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.

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 Section 5.5 of this Ordinance, 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 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 this 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 said 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 of the rental permit, 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

- A. 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.
- B. Any short-term Rental Permit holder who allows an Event to be held on their property without first obtaining an Event Permit issued by the Town of La Pointe shall be in violation of this Ordinance and be subject to the following:
 - 1st violation shall result in a five hundred dollar (\$500.00) fine. The Rental Permit will remain invalid until said fine is paid.
 - 2nd violation shall result in a one thousand dollar (\$1000.00) fine. The Rental Permit will remain invalid until said fine is paid.
 - 3rd violation shall result in the immediate revocation of the Rental Permit and the Permit may not be renewed for a period of two (2) years from the date of said violation.

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.

5.8 APPENDIX- ZONING DISTRICT USE MATRIX: RENTALS

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	P-G-IR	C-V	T-P	M-1
Apartment					P	P			P						
Bed & Breakfast			C	C		C			C						
Boarding House			C	C		C			C						
Condominium					P	P			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		P	P	P	P	P	P	P	P						
Dwelling, Incidental, Rental of Long-term		P	P	P	P	P	P	P	P						
Dwelling, Multiple Household				P	P	P			P						
Dwelling, Multiple-Household, Rental of Short-Term				P	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		A						
Hotel/Motel									C						
Rooming House			C	C		C			C						
Tourist Rooms		P	P	P		P			P						

Index: A: Allowed Use P: Permitted Use C: Conditional Use

