

# ORDINANCE TO REGULATE RENTAL PROPERTIES

Town of La Pointe

Madeline Island

Ashland County, Wisconsin

**TABLE OF CONTENTS**

**Page Number**

SECTION 1.	TITLE, PURPOSE, AUTHORITY	3
SECTION 2.	DEFINITIONS	4-8
SECTION 3.	REGULATION OF RENTAL USES General Conditions, Long-Term Rental, Short-Term Rental, Daily Rental, High Occupancy, Dormitory, Bed and Breakfast, Boarding House/Rooming House, Tourist Room	9-16
SECTION 4.	ADDITIONAL PROVISIONS Events, Off-Street Parking, Signs	16-18
SECTION 5.	ADMINISTRATION Enforcement, Written Orders, Complaints, Violation, Nuisance, Effective Date, Severability	18-21
APPENDIX.	ZONING DISTRICT USE MATRIX: RENTALS	22

## **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 the Zoning Administrator or a Designated Town Agent who shall be employed or contracted by the Town of La Pointe, shall be designated by and report directly to the Town Board, and operate 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, or Clerical Assistant. This date is when time limits begin; this date is counted as day one. In counting a ten (10) day limit under this Ordinance, weekends and holidays are not included; in counting a thirty (30) day time limit, all days are counted.

## **SECTION 2: DEFINITIONS**

### **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.

### **ALLOWED USE:**

Lawful use of property and structures that conforms to the regulations of the Zoning District in which the property is situated. Allowed use does not require a permit.

### **APARTMENT:**

- A building containing three (3) or more individual Dwelling units.
- An individual Dwelling unit within such a building.

### **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.

### **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.

### **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.

### **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 (Reference Section 4.2.G of the La Pointe Zoning Ordinance). Wheels and tires shall remain in the in-transit position. 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.

### **CONDITIONAL USE:**

Lawful use of property and structures that conforms to the regulations of the Zoning District in which the property is situated. Conditional use requires a permit.

**CONDOMINIUM:**

- 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 or a condominium association established pursuant to Wis. Stats. §§ 703.15 or 703.155.
- A unit in such a structure or complex. (Reference Wisconsin State Statutes Chapter 703).

**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.

**DORMITORY:**

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

**DWELLING:**

A structure or part of a structure designed or used as a residence or sleeping place. A Dwelling may be used for transient occupancy only when the owner complies with Section 3 of this Ordinance.

**DWELLING, ACCESSORY:**

A structure or part of a structure with a permanent foundation (e.g., guest house) that is used for habitation other than the Principal Dwelling. 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. Requires a Land Use Permit, an Ashland County Sanitary Permit (plus an Ashland County Building Permit where applicable). Must conform to Wisconsin UDC (Building Codes). Only one (1) Accessory Dwelling or one (1) Incidental Dwelling is allowed on a parcel, not both.

**DWELLING, HIGH-OCCUPANCY:**

A Dwelling (or Dwellings) on a parcel permitted as having a sleeping capacity of fourteen (14) or more persons.

**DWELLING, INCIDENTAL:**

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 model, bus, motor home, and shipping container). Requires a Land Use Permit, an Ashland County Sanitary Permit (plus an Ashland County Building Permit where applicable). Only one (1) Incidental Dwelling or one (1) Accessory Dwelling is allowed on a parcel, not both.

**DWELLING, MULTI-HOUSEHOLD:**

A Dwelling on one lot containing separate living units for two (2) to four (4) households,

and which may have joint services or facilities or both. Multi-Household Dwellings are not considered Accessory Dwellings. 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 (e.g. townhome).
- 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.

Requires a Town Land Use Permit and an Ashland County Sanitary Permit (plus an Ashland County Building Permit where applicable). Must conform to Wisconsin UDC (Building Codes). Multi-Household Dwellings must meet the required lot area minimums of the underlying zoning district, unless modified by a conditional use permit or planned unit development. (Reference Technical Memorandum #3)

### **DWELLING, PRINCIPAL**

The largest structure on a parcel used for habitation (based on square footage). Requires a Town Land Use Permit and an Ashland County Sanitary Permit (plus an Ashland County Building Permit where applicable). Must conform to Wisconsin UDC (Building Codes).

### **DWELLING, SINGLE-HOUSEHOLD:**

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

### **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.

### **EVENT:**

An allowed function in the C-1 Commercial district and a permitted function at other rental Dwellings 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. This definition and any restrictions relating to Events or Gatherings in this Ordinance shall not apply to a non-rental property during which the property owner is present.

### **GATHERING:**

An allowed function at a rental Dwelling 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.

### **GRANDFATHERED USE:**

Continued lawful rental of Dwellings for at least two (2) consecutive days but fewer than thirty (30) consecutive days, which otherwise conformed to requirements of the Ordinance to Regulate Rental Properties before this Ordinance was amended in 2024. The Grandfathered Use expires when the property owner no longer complies with the

requirements of Section 3.4, or upon transfer of the property's ownership (unless exempted under Section 3.4.4.D).

**HOTEL/MOTEL:**

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

**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.

**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 habitation. This term does not include a recreational vehicle. These structures are considered a Principal or Accessory Dwelling.

**OWNERSHIP INTEREST:**

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

**PARKING SPACE, OFF-STREET:**

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.

**PERMITTED USE:**

Lawful use of property and structures that conform to the regulations of the Zoning District in which the property is situated. Permitted use requires a permit.

**PROPERTY MANAGER:**

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

**RENTAL, DAILY**

Rental of a Dwelling for a fee for at least two (2) consecutive days but fewer than thirty (30) consecutive days, available to property owners who qualify under Section 3.4. The day of check-in counts as a day; the day of check-out does not count as a day.

**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.

**RENTAL, SHORT-TERM:**

Rental of a Dwelling for a fee for seven (7) to twenty-nine (29) consecutive days. The day of check-in counts as a day; the day of check-out does not count as a day.

**RESORT:**

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

**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.

**SINGLE-HOUSEHOLD:**

Use in this Ordinance shall mean and refer to one (1) household as opposed to more than one (1) household.

**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 La Pointe Zoning Ordinance.)

**TINY HOUSE:**

A Single-Household, free-standing Dwelling on a permanent foundation that is five hundred (500) square feet or less.

**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, and/or employment. The day of check-in counts as a day; the day of check-out does not count as a day.

**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 allowed only in a Single-Household Principal Dwelling.

**UNIT:**

- A single residence (e.g., an apartment or tiny house) that is part of an apartment, condominium, or similar building complex.
  - A single Dwelling (e.g. an apartment) that is part of a larger structure.
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## **SECTION 3: REGULATION OF RENTAL USES**

### **3.1 GENERAL CONDITIONS**

1. All Daily, Short-Term and Long-Term rentals require a permit. These include rentals in Apartments, Bed and Breakfasts, Boarding Houses, Condominiums, Dwellings (Principal, Accessory, Incidental, Multi-Household, Single-Household), Hotel/Motels, Resorts, Rooming Houses, and Tourist Rooms.
2. There shall be no limits on the number of Long-Term permits.
3. There shall be no limits on the number of Short-Term permits.
4. The number of active Daily permits outside the C-1 Commercial zoning district shall be limited to a combined one-hundred-twenty-five (125) at the same time, unless the Dwelling qualifies under Section 3.4.10. If no permits are available, applicants shall be placed on a waiting list in the order their completed permit application is received; rental permits will be offered to applicants, in order, as they become available. The Town Board shall review the permit limit each November and may adjust the limit at that time at its discretion.
5. Rental permits expire June 14 each calendar year. Permits that are not renewed by July 15 are considered lapsed, and shall not be issued without a new application. Annual permit fees are established in the Town's Schedule of Fees.
6. All rentals shall adhere to these provisions:
  - A. File a complete and accurate rental application, along with applicable fees, to the Zoning Administrator or designated agent, and provide any required information or documentation as requested. The permit shall be issued within ten (10) days after approval. A permit must be issued before the Dwelling can be rented.
  - B. Keep occupancy at or below the maximum authorized on the rental permit.
  - C. Provide off-street parking in accordance with Section 4.2 of this Ordinance, comply with requirements of the Town's "Private Driveway Private Roadway Ordinance," and display a fire number sign at the beginning of the driveway(s) used to access the Dwelling.
  - D. Provide adequate sanitation to the building or buildings in accordance with applicable State, County and Town regulations. 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.
  - E. No rental shall result in excessive noise, traffic and/or parking congestion. Renters shall respect the privacy of surrounding properties (e.g., land, docks and beaches).
  - F. Provide fencing and/or vegetative screening, if required, to accomplish a visual and sound buffer with neighboring properties.

- G. No floodlights or spotlights shall be allowed. This does not include lighting for safety and security.
  - H. All windows and doors shall be closed and secured when the building is not occupied.
7. Where a designated Town agent reasonably believes a rental property does not continue in conformity with the requirements of this Ordinance, the Town agent shall notify the property owner and/or authorized agent of record. Upon receipt of such notification, the property owner shall abate such action or inaction within ten (10) days so as to comply with this Ordinance. If violations are not corrected in the ten (10) day period, the Town agent shall forward the matter to the Town Plan Commission for action thereon including, but not limited to, revocation of the rental permit.
  8. Where a written complaint regarding a rental property is received by a designated Town agent, the procedure set forth in Section 5.3 of this Ordinance shall apply.
  9. All property owners/managers/agents are responsible for familiarizing themselves with and are responsible for following all Town ordinances relating to rental properties, especially Zoning; Chapter 40: Finance and Taxation; Chapter 205: Buildings; and Chapter 350: Peace and Good Order.

### **3.2 LONG-TERM RENTAL**

1. Long-term rentals are qualifying Dwellings that are rented for a fee for thirty (30) consecutive days or more. Long-Term rentals are listed as a permitted use in designated Zoning Districts. Reference Section 2 and Appendix-Zoning District Use Matrix of this Ordinance.
2. Long-Term rentals must obtain a one-time permit from the Town. To obtain or retain a permit, property owners must comply with relevant municipal and state ordinances, regulations, and laws. A new permit must be obtained if ownership changes hands.  
Daily and 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 qualifying Dwellings that are offered for rent for a fee for seven (7) to twenty-nine (29) 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 shall issue Short-Term rental permits to qualifying Dwellings for rentals of seven (7) to twenty-nine (29) consecutive days.
2. Short-Term rentals are a permitted use in designated zoning districts in La Pointe. Reference Section 2 and Appendix-Zoning District Use Matrix of this Ordinance.
3. Short-Term rentals must obtain an annual permit from the Town of La Pointe. To

- obtain or retain a Short-Term rental permit, property owners must comply with relevant municipal and state ordinances, regulations, and laws.
4. The holder of a Short-Term rental permit shall not rent a Dwelling or Unit for fewer than seven (7) consecutive days, unless also holding a Daily rental permit.
  5. Property owners of Single-Household Dwellings require a Short-Term rental permit for each Principal, Accessory or Incidental Dwelling being rented on a parcel.
    - A. No more than two (2) Single-Household Dwellings are allowed to be permitted as short-term rentals on one (1) parcel.
    - B. No tent or other temporary lodging arrangement shall be permitted on a rental property as a means of providing additional accommodations for paying guests or other invitees.
  6. Property owners of Multi-Household Dwellings, Bed and Breakfasts, Boarding Houses, Hotel/Motels, Resorts, Rooming Houses, and Tourist Rooms require a Short-Term rental permit for each rental unit within a building or on a parcel if such unit is rented for seven (7) to twenty-nine (29) consecutive days.
  7. Property owners who wish to obtain or renew a Short-Term rental permit must:
    - A. Possess a valid State of Wisconsin tourist rooming house or lodging license as required by state statute.
    - B. Obtain a yearly permit and inspection through the Ashland County Health Department and, if on a private well, a Health Department water analysis.
    - C. Obtain a Short-Term rental permit from the Town of La Pointe, display the permit in a prominent location inside each rental unit, and display the permit number in all advertising and promotional materials, including listings utilizing online lodging marketplaces.
    - D. Obtain a seller's permit to collect sales tax, 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.
  8. For public safety purposes:
    - A. notify renters that cellular service might not be reliable, and post such information in a prominent location inside each rental unit.
    - B. display the fire number of the rental Dwelling in a prominent location inside each rental unit.
    - C. post information in a prominent location inside the rental Dwelling of whom renters should contact if the septic alarm is activated.
    - D. have an owner, agent or property manager available on the Island to respond within sixty (60) minutes to an issue on the rental property, and post the owner's, agent's or property manager's contact information in a prominent

location inside the rental Dwelling.

10. The owner of the Short-Term rental property shall have liability insurance for each Dwelling used for rental, and provide proof of that insurance with the rental permit application. As of Jan. 1, 2025, the certificate of insurance must list the Town of La Pointe as an additional insured.
11. Short-Term rental permits include authorization to rent Long-Term at any time without an additional permit or fee.

### **3.4 DAILY RENTAL**

1. Daily rentals are qualifying properties that are offered for rent for a fee for at least two (2) consecutive days but 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. To obtain or retain a Daily rental permit, property owners must comply with relevant municipal and state ordinances, regulations, and laws.
2. Daily rentals are a Conditional Use, Grandfathered Use or Permitted Use in designated zoning districts. Reference Section 2 and Appendix-Zoning District Use Matrix of this Ordinance.
3. Daily rentals must obtain an annual permit from the Town of La Pointe. A Daily rental permit in the C-1 Commercial zoning district shall be issued administratively once the Zoning Administrator verifies that the applicant has submitted a complete and accurate application, and meets other permit requirements.
4. Property owners outside the C-1 Commercial district who possess a valid Short-Term rental permit on the date of adoption of this ordinance shall be eligible to administratively exchange that permit for a Daily permit in 2024. These “grandfathered” properties shall be able to renew that Daily permit annually, without being subject to the permit limit described in Section 3.1.4, as long as they meet these additional conditions:
  - A. They continue to meet all other requirements of Section 3.1 and Section 3.4 of this Ordinance.
  - B. They do not expand the sleeping capacity of their rental Dwelling(s) beyond what existed on Dec. 31, 2023.
  - C. Their permit does not lapse or is not revoked.
  - D. The property does not change hands, except for a one-time transfer to a child (or children) or a transfer that is not subject to a transfer tax under Wis. Statute 77.25(8), 77.25(11), or 77.25(15).
5. Daily rental permits shall not be issued for Incidental Dwellings.
6. No more than one (1) Daily permit shall be issued for the same parcel.
  - A. No tent or other temporary lodging arrangement shall be permitted on a rental property as a means of providing additional accommodations for paying guests or other invitees.

7. Property owners of Multi-Household Dwellings, Bed and Breakfasts, Boarding Houses, Hotel/Motels, Resorts, Rooming Houses, and Tourist Rooms require a Daily rental permit for each rental unit within a building or on a parcel if such unit is rented for at least two (2) consecutive days but fewer than seven (7) consecutive days.
8. Property owners who wish to obtain a Daily rental permit shall also:
  - A. Possess a valid State of Wisconsin tourist rooming house or lodging license as required by state statute.
  - B. Obtain a yearly permit and inspection through the Ashland County Health Department and, if on a private well, a Health Department water analysis.
  - B. Obtain a Daily rental permit from the Town of La Pointe, display the permit in a prominent location inside each rental unit, and display the permit number in all advertising and promotional materials, including listings utilizing online lodging marketplaces.
  - C. Obtain a seller's permit to collect sales tax, issued by the Wisconsin Department of Revenue.
  - D. 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 40-10.
  - E. 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.
  - F. For public safety purposes:
    1. notify renters that cellular service might not be reliable, and post such information in a prominent location inside each rental unit.
    2. display the fire number of the rental dwelling in a prominent location inside each rental unit.
    3. post information in a prominent location inside the rental Dwelling of whom renters should contact if the septic alarm is activated.
    4. have an owner, agent or property manager available on the Island to respond within sixty (60) minutes to an issue on the rental property, and post the owner's, agent's or property manager's contact information in a prominent location inside the rental dwelling.
9. The owner of the Daily rental property shall have liability insurance for each Dwelling used for rental, and provide proof of that insurance with the rental permit application. As of Jan. 1, 2025, the certificate of insurance must list the Town of La Pointe as an additional insured.
10. Property owners of record in La Pointe on Dec. 31, 2023, may apply for a Daily rental permit at any time before Dec. 31, 2033, and not be subject to the permit limit described in Section 3.1.4, if they meet the following criteria:
  - A. They had a dwelling on their property on Dec. 31, 2023.
  - B. They do not expand the sleeping capacity of the intended rental Dwelling beyond what existed on Dec. 31, 2023.
  - C. The property does not change hands, except for a one-time transfer to a child

(or children) or a transfer that is not subject to a transfer tax under Wis. Statute 77.25(8), 77.25(11), or 77.25(15).

11. Daily rental permits include authorization to rent Long-Term or Short-Term at any time without an additional permit or fee.

### **3.5 HIGH OCCUPANCY**

1. High Occupancy Dwellings are eligible for Long-Term and Short-Term permits. These permits shall be issued administratively once the Zoning Administrator verifies that the applicant has submitted a complete and accurate application, and meets other permit requirements.
2. High Occupancy Dwellings in the C-1 Commercial zoning district are eligible for a Daily rental permit. These permits shall be issued administratively once the Zoning Administrator verifies that the applicant has submitted a complete and accurate application, and meets other permit requirements.
3. High Occupancy Dwellings outside the C-1 Commercial zoning district may be issued a Daily rental permit through the Conditional Use Permit process of the Town's Zoning Ordinance.
  - A. Applicants shall submit the standard rental permit application, paperwork, and initial application fee, plus an application for a Conditional Use Permit. Their rental application fee shall count toward the Conditional Use Permit fee.
  - B. In addition to notification requirements of the Zoning Ordinance, the Zoning Administrator shall also notify all owners of record who share access via a shared driveway or private road.
  - C. In applying the standards of approval identified in the Zoning Ordinance and in determining any conditions that may be placed upon the rental permit, the Town Plan Commission shall specifically consider the impact of the proposed Daily rentals on the shared driveway or private road, whether or not the applicant intends to allow Events, and the sleeping capacity of the Dwelling(s).

### **3.6 DORMITORY**

1. A Dormitory is a conditional use in designated zoning districts in accordance with the following additional provisions:
  - A. Dormitories are considered "rented" if the fee for such accommodations is paid either as a direct rental fee, or if the guest pays a separate tuition fee for the educational program and the dormitory use is included in such tuition fee.
  - B. The property owner shall pay room accommodations tax for rental by tourists/transients who obtain lodging for fewer than thirty (30) consecutive days.
  - C. The maximum number of occupants shall not exceed twenty-four (24) persons per parcel and there shall be no more than three (3) dormitory structures per parcel.

### **3.7 BED AND BREAKFAST**

1. Bed and Breakfasts may be permitted in accordance with the following provisions.  
The property owner shall:
  - A. Obtain an appropriate rental permit for each unit providing occupancy.
  - B. Provide up to eight (8) rooms for rent to no more than sixteen (16) guests.
  - C. Not alter the exterior appearance of the building from its Single-Household Dwelling appearance.
  - D. Not allow food preparation or cooking in guest rooms.
2. 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.

### **3.8 BOARDING HOUSE/ROOMING HOUSE**

1. Rental of a Boarding House or Rooming House may be permitted with the following provisions:
  - A. The property owner shall obtain an appropriate rental permit for each unit providing occupancy.
  - B. Minimum requirements for Boarding and 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 (1) occupant shall contain at least seventy (70) square feet of habitable floor area; every room occupied for sleeping purposes by more than one (1) 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 (1) 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 or Rooming House.

### **3.9 TOURIST ROOM**

1. Daily and Short-Term rental of a tourist room may be permitted with the following provisions:
  - A. The property owner shall obtain an appropriate rental permit for each building providing occupancy.
  - 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 EVENTS**

*(Note: New state statute language takes effect on Jan. 1, 2026, which may alter the definition of Events, types of activities allowed, and locations of activities.)*

1. Events are allowed, without an Event permit, at all permitted rental Dwellings in the C-1 Commercial zoning district.
2. Events are a permitted activity at all permitted rental Dwellings in Zoning Districts S-1, W-1 and W-2. Events in these districts require an Event Permit and must meet the following requirements:
  - A. The parcel consists of a minimum of five (5) acres.
  - B. The maximum number of Events is five (5) in a calendar year.
  - C. The maximum attendance at a permitted Event is six (6) times the sleeping capacity as listed on the rental permit.
  - D. The property owner must obtain an Event Permit in advance of each Event; the permit fee is established in the Town's Schedule of Fees.
3. Events are not allowed or permitted at rental Dwellings in zoning districts not specified in Section 4.1.1 or Section 4.1.2.
4. No Event at a rental Dwelling outside the C-1 Commercial zoning district may take place between the hours of 10 p.m. and 10 a.m.
5. Rental permit holders who allow an Event at their Dwelling 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:
  - A. 1st violation shall result in a fine of five hundred dollars (\$500.00). The Rental Permit shall be invalid until said fine is paid.



- B. 2nd violation shall result in a fine of one thousand dollars (\$1,000.00). The Rental Permit shall be invalid until said fine is paid.
- C. 3rd violation shall result in the immediate revocation of the Rental Permit; the Permit may not be renewed for a period of two (2) years from the date of said violation.

**4.2 OFF-STREET PARKING**

- 1. All Dwelling units holding a rental permit shall provide off-street parking either on-premises or on adjacent premises in the number and manner described below. The number of off-street parking spaces required for rental uses is shown in the following table:

<b>USE</b>	<b>MINIMUM PARKING</b>
Boarding House/Rooming House	One (1) space per bedroom or sleeping unit
Dormitory	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
<ul style="list-style-type: none"> <li>A. 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.</li> <li>B. 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.</li> </ul>	

- 2. 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.
- 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. 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.
- 5. 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.

6. 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.

#### **4.3 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 ENFORCEMENT**

1. 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.
2. 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.
3. 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.
4. Any person, firm or corporation who violates or refuses to comply with 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.

#### **5.2 WRITTEN ORDERS**

1. 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.
2. 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.
3. 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 U.S. Postal Service.

### 5.3 COMPLAINTS

1. 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 is presenting 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, dates and times of alleged incidents, and a detailed statement on the grounds and basis for such a complaint. Such complaint shall be signed by the complainant.
2. The Zoning Administrator shall evaluate all written complaints received, shall conduct a preliminary evaluation of complaints, and may do any of the following:
  - A. Close the matter if it does not present sufficient information of cause to proceed.
  - B. Attempt to reconcile the matter between the complainant and the property owner, user, or occupier.
  - C. Forward the matter to the Town Plan Commission or Town Board for Ordinance interpretation.
  - D. Forward the matter to another agency.
  - E. Further investigate any complaint that presents significant information to support an allegation of possible violation of this Ordinance and, upon completion of an investigation:
    - 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/manager/agent, seeking access for a voluntary inspection of the premises. If the owner/manager/agent 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 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 requesting 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 inspectors are brought into compliance.

- c. If 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 Order, Cease-and-Desist Order, or Order of Correction
  - b. Revoke the 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).
3. 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).
4. 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.

#### **5.4 VIOLATION**

1. Rental permits may be revoked for the following reasons:
  - A. Violation of this Ordinance or of terms of the rental permit and failure to abate the violation within the timetable established in this Ordinance, by the designated Town agent, or by the Town Plan Commission.
  - B. Three (3) or more legitimate calls initiated by non-renters for zoning, police, fire, or health department services for nuisance activities or other incidents within a twelve (12) month period.
  - C. Failure to make payment within 30 days of the due date on taxes or debt owed to the Town by the permit holder or by an individual holding an ownership interest in the rental property.
2. 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.

#### **5.5 NUISANCE**

1. 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.

2. Existing Boarding and Rooming houses operating at the time of amendment to this Ordinance may 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 permitted to continue:
  - A. 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.
  - B. The Boarding or Rooming House and its premises shall comply with any inspection and permitting requirements contained in this Ordinance.

#### **5.6 EFFECTIVE DATE**

1. This Ordinance is effective on publication or posting.
2. The Town Clerk shall properly post or publish this Ordinance, as required under § 60.80, Wis. Stats.

#### **5.7 SEVERABILITY**

1. If any provision of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this Ordinance. It is hereby declared to be the intention of the Town of La Pointe that all provisions of this Ordinance are separable.
  2. This Ordinance shall not invalidate or interfere with any lawful private or other lawful public covenant or restriction on property which prohibits or restricts to a greater extent the uses described and licensed herein.
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**APPENDIX: ZONING DISTRICT USE MATRIX: RENTALS**

USE	ZONING DISTRICT							
	W-1	W-2	R-1	R-2	R-3	S-1	S-2	C-1
Bed & Breakfast		C	C		C			C
Boarding House		C	C		C			C
Dormitory		C	C					C
Dwelling, Accessory, Rental	P	P	P	P	P	P	P	P
Dwelling, High Occupancy, Rental of, Short-Term/Long Term	P	P	P	P	P	P	P	P
Dwelling, High Occupancy, Rental of, Daily	G,C	G,C	G,C	G,C	G,C	G,C	G,C	P
Dwelling, Incidental, Rental of, Short-term/Long-term	P	P	P	P	P	P	P	P
Dwelling, Incidental, Rental of, Daily								
Dwelling, Multiple-Household, Rental			P	P	P			P
Dwelling, Single Household, Rental	P	P	P	P	P	P	P	P
Event at Rental Dwellings	P	P				P		A
Hotel/Motel/Resort								C
Rooming House		C	C		C			C
Tourist Rooms	P	P	P		P			P

**Index: A: Allowed Use P: Permitted Use C: Conditional Use  
G: Grandfathered Use**