

FILED
12-10-2019
Walworth County
Clerk of Circuit Court
2019CV000759
Honorable Daniel S.
Johnson

ORDINANCE OF THE COMMON COUNCIL			
An ordinance amending sub-sub-subsection 1a, Land Use Requirement of sub-subsection (Y), Tourist Rooming House, of subsection (8) accessory land uses, of section 98-206, detailed land use descriptions and regulations of Chapter 98: Zoning Ordinance, of the City of Lake Geneva Zoning Ordinance to clarify terminology for short term rentals			
Committee	N/A		
Fiscal Impact:	N/A		
File Number:	19-16	First Reading :	November 25, 2019
		Second Reading :	November 25, 2019

The City of Lake Geneva Common Council does ordain as follows:

1. Sub-subsection (y) Short-Term Rental, of Subsection (8) **Accessory Land Uses** of Section 98-206 Detailed Land Use Descriptions and Regulations of Chapter 98: Zoning Ordinance of the City of Lake Geneva Zoning Ordinance is amended to read as follows:

(y) Short-Term Rental

Description: Includes all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients for more than 6 but fewer than 29 consecutive days. It does not include private boarding houses or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under ACTP 73.

1. Permitted by Right: All zoning districts where “residential dwellings” are permitted as that term is defined in Section 66.1014, Wis. Stats.
 - a. Land Use Requirement:

A Short-Term Rental shall only be located as an Accessory Land Use zoning in districts that allow “residential dwellings” as that term is defined in Section 66.1014 Wis. Stats
 - b. Annual City License Required:

Short-Term Rental shall operate only during the valid period of an Annual City of Lake Geneva Short-Term Rental License (hereinafter “annual license”) for each consecutive 365-day period. If the Short-Term Rental is transferred or there is any change of ownership of the Short-Term Rental during the valid period of an annual license, the license may only be assumed by the Transferee for the remaining period of the license. Operating a Short-Term Rental without a current version of a valid annual license shall be considered a violation of this Zoning Ordinance, and subject to the penalties of Section 98-936. The following information shall be provided on an annual basis, prior to issuance of said annual license.

- i. Completed City of Lake Geneva Short-Term Rental Application, which includes the property owner name, address, and phone number; the designated operator's name, address, and phone number; the period of operation of up to 180 days in a 365-day period, which must be consecutive;
- ii. A current floor plan for the Short-Term Rental at a minimum scale of one-inch equals 4 feet, and Site Plan of the property at a minimum scale of one inch equals ten feet showing on-site parking spaces and trash storage areas;
- iii. General Building Code Inspection by City, and submittal of Official Building Code Inspection Report with no outstanding compliance orders remaining;
- iv. Fire Code Inspection by City, and submittal of Official Fire Code Inspection Report with no outstanding violations.
- v. Proof of valid property and liability insurance for the dwelling unit;
- vi. State of Wisconsin Tourist Rental House License;
- vii. Seller's Permit issued by the Wisconsin Department of Revenue;
- viii. City of Lake Geneva Room Tax Permit;
- ix. City of Lake Geneva General Business License;
- x. Payment of an Administrative Fee, set by City Council resolution, to cover the costs to the City of administering the above.

The City of Lake Geneva Short-Term Rental License shall be issued with the completion of the above requirements and compliance with the City's Room Tax Ordinance.

c. Property Management Requirements:

Each Short-Term Rental shall be managed consistent with the following requirements:

- i. The total number of days of operation within any 365-day period of an annual license shall not exceed 180 consecutive days. This period of Short-Term Rental Operation shall be specified by the property owner in the required Lake Geneva Short-Term Rental Application.
- ii. The Minimum Rental Period shall be a minimum of seven consecutive days by anyone party.
- iii. The Maximum Rental Period within a 365-day period of an annual license shall be no more than 180 consecutive days.
- iv. Similar facilities in which single-family detached homes are available for less than seven days, more than 180 days, or throughout the year, are a different land use that falls within the Indoor Commercial Lodging land use category.
- v. The Maximum Number of Occupants shall not exceed the total number licensed by the State of Wisconsin or two per bedroom plus two additional occupants, whichever is less.

- vi. The Short-Term Rental shall be operated by the property owner or by a property manager explicitly designated in the valid Lake Geneva Short-Term Rental Application as the "Designated Operator".
- vii. The property owner's and the Designated Operator's names, addresses, and 24-hour phone numbers shall be provided in the City of Lake Geneva Short-Term Rental Application and shall be updated within 24 hours upon any change in the property manager or the property manager contact information.
- viii. The Designated Operator must reside within, or have their business located within, 25 miles of the Short-Term Rental parcel.
- ix. The Designated Operator must be available by phone 24 hours, seven days a week, during the period of operation designated in the Lake Geneva Short-Term Rental Application.
- x. Each Short-Term Rental shall provide and maintain a Guest Register and shall require all guests to register their true names and addresses before allowing occupancy. The Guest Register shall be kept intact and available by the Designated Operator for inspection by representatives of the City for at least one year from the day of the conclusion of the period of operation.
- xi. Each Short-Term Rental shall maintain the following written Business Record for each rental of the Short-Term Rental: the true names and addresses of any person renting the property, the dates of the rental period (which must be a minimum of seven consecutive days), and the monetary amount or consideration paid for the rental. The Business Record shall be kept intact and available by the Designated Operator for inspection by representatives of the City for at least one year from the day of the conclusion of the period of operation.
- xii. Short-Term Rental License and emergency contact information must be posted in a conspicuous area within the property at all time.

d. Property Operational Requirements:

Each Short-Term Rental shall be operated per the following requirements:

- i. The "Requirements for Short-Term Rental " form provided by the City of Lake Geneva to summarize City requirements for Short-Term Rental, and the Site Plan for the subject property clearly depicting guest parking spaces and the rear yard, shall be posted on the inside of the front door of each Short-Term Rental throughout its period of operation.
- ii. Parking Requirements:
 - [a] A minimum of two off-street parking spaces shall be provided on the subject property for each Short-Term Rental. If the Short-Term Rental provides three or more bedrooms, an additional on-site parking space is required for each additional bedroom over two, plus one space for each employee on the largest shift if applicable.
 - [b] All guest parking for vehicles and trailers shall be within a parking space designated on the Site Plan, on an area paved with concrete or asphalt.
 - [c] All guest vehicles and trailers may only park on-site. Street parking for guests is not

permitted.

[d] No parking is permitted on gravel, lawn, or planter bed areas.

iii. Site Appearance Requirements:

[a] Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as a Short-Term Rental visible on the exterior of the subject property.

[b] No exterior sign age related to the Short-Term Rental is permitted, other than the property address.

[c] No outdoor storage related to the Short-Term Rental land use is permitted, except for typical residential recreational equipment, seating, and outdoor cooking facilities which are permitted only within the rear yard.

[d] No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted to accommodate guests.

iv. Neighborhood Impact Requirements:

[a] No outdoor activity shall occur between the hours of 10:00 p.m. and 7:00 a.m.

[b] At all times, no noise, lighting, odor or other impacts from the subject property shall be detectable at the property line at levels exceeding the requirements of Article VII of the Lake Geneva Zoning Ordinance.

[c] No vehicular traffic shall be generated by the Short-Term Rental at levels exceeding those typical for a detached single-family dwelling unit.

v. Short-Term Rental Advertising:

[a] No outdoor advertising is allowed on the subject property.

[b] The Short-Term Rental shall not be advertised for availability in any form of media unless the required City of Lake Geneva Short-Term Rental License has been issued.

e. Access and Inspections

i. The City shall be authorized at all reasonable times upon reasonable notice to the owner to enter and examine any building, structure, or premises, for the purpose of ensuring compliance with this ordinance. The owner, agent or occupant of any such premises who refuses to permit, or prevents or interferes with any entry into or upon the premises by any such inspector shall be in violation of this section.

ii. The City has adopted the Knox Box key box system requiring the installation of miniature vaults be placed upon the exterior buildings, gateposts or other applicable locations. Contained within the vault are the keys that will allow access to the Short-Term Rental in emergency situations.

iii. Knox boxes shall be placed on the building for emergency entry into the building. The City may require more boxes dependent on the size of the structure or facility.

f. Penalties and License Revocation

