

ORDINANCE O - 16 - 14  
SUBSTITUTE AMENDMENT #1

AN ORDINANCE CREATING TITLE 7, CHAPTER 14 OF THE CODE OF ORDINANCE  
(Relating to the Short-Term Rental of Dwelling Units)

Introduced by Alderman Zelinski.

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Purpose. The purpose of this chapter is to protect the character and stability of the city's neighborhoods by limiting and regulating short-term rental of dwelling units and to ensure that accommodations adequately provide for the health, safety and welfare of their occupants.

SECTION 2: Transient Rental Occupancy Requirements.

A. No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease, or rent a dwelling unit for short-term rental occupancy unless a short-term rental permit has been issued to the owner of that dwelling.

B. The rental of a dwelling, or portion thereof for short-term occupancy shall be considered a motel and be subject to compliance with the requirements of Municipal Code, Chapter 10, Hotel and Motel Room Tax.

C. A short-term rental permit is issued to a specific owner of a dwelling unit(s) and is not transferable.

D. For the purposes of this subsection, an individual tenancy means a specific person or group of persons who together occupy or are entitled to occupy a short-term rental dwelling unit(s).

E. The minimum duration of tenancy for an individual occupant shall be one day ~~two consecutive days~~.

F. The use of a dwelling for short-term occupancy shall not exceed one individual tenancy within fourteen consecutive calendar days.

G. An individual tenancy described in Section 2 (F) shall commence on the first day that the person(s) that constitute the individual tenancy occupy or are entitled to occupy the dwelling unit.

H. The short-term rental occupancy of a dwelling unit, as permitted by subsection A of this section shall comply with the standards of Section 3.

SECTION 3: Standards.

A. The short-term rental occupancy of a dwelling unit, as permitted by Section 2, shall comply with the following standards:

1. Permit.

a. Any person who is permitted to engage in the rental of a dwelling for short-term occupancy, pursuant to Section 2(A)(1), shall make application to the city, upon suitable forms furnished by the city, for a revocable transient rental permit accompanied by a fee as may be established by the Common Council. The term of the permit shall be one (1) year commencing from the date of permit issuance and must be renewed annually. If complete application and applicable fee has not been received by the city within 10 days of the termination date, the short-term rental occupancy of the dwelling unit(s) shall be conclusively presumed to be discontinued and the city shall commence the revocation of the permit pursuant to the procedure described in Section 4(B).

b. The city shall issue the permit where it finds the standards of subsection (A)(2) of this section are met.

2. The issuance of a short-term rental permit shall be subject to the following:

a. Inspection.

i. At the time of application for a new short-term rental permit pursuant to Section 3(A)(1) the dwelling unit(s) shall be subject to inspection by the building official or his designee. The purpose of the inspection is to determine the conformance of the dwelling with the requirements of Section 15-5 of the Housing Code of the City of Menasha. Prior to the issuance of the short-term rental permit, the owner of the dwelling unit(s) shall make all necessary alterations to the dwelling required by the building official pursuant to the Housing Code of the City of Menasha and the Health Department official pursuant to Department of Health Services 195 of the Wisconsin Administrative Code.

b. Occupancy.

i. The maximum occupancy for the dwelling shall be two persons per bedroom and two additional persons (e.g., a two-bedroom dwelling is permitted a maximum occupancy of six persons). The maximum occupancy may be further limited by the requirements of subsection (A)(2)(e) of this section. For the purpose of establishing occupancy, a person is defined as an individual at least two years of age.

ii. The maximum occupancy on the property shall be that determined by the occupancy of the dwelling unit(s), per subsection (4)(2)(b)(i) of this section. No recreational vehicle, travel trailer, tent or other temporary shelter shall be used by any tenant on the premises for living or sleeping purposes.

iii. When an owner applies for a building permit for a dwelling that has a short-term rental occupancy permit that will increase the occupancy of that dwelling unit(s), the owner will provide the city documentation that additional off-street parking as required by subsection (A)(2)(e) of this section will be provided.

c. Short-term Rental Room Tax. Compliance with the requirements for the Municipal Code, Chapter 10, Hotel and Motel Room Tax is required.

d. Local Representative.

i. The property owner shall designate a local representative for the short-term rental. For short-term rentals with three or more rental units, there shall be a local representative who permanently resides on the premises.

ii. The property owner or the designated local representative shall maintain a guest and vehicle registry for each tenancy of the short-term rental. The register shall include the names, home addresses and phone numbers of the tenants; the vehicle license plate numbers of all vehicles used by the tenants, and the dates of the rental period. The above information must be available for city inspection upon request; failure to maintain or provide the required information constitutes a violation and is grounds for a penalty pursuant to Section 4.

iii. The local representative must be authorized by the owner of the dwelling to respond to tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the dwelling for short-term rental purposes. The local representative must respond to those complaints in a timely manner to ensure that the use of the dwelling complies with the standards for short-term rental occupancy, as well as other pertinent city ordinance requirements pertaining to noise, disturbances, or nuisances, as well as state law pertaining to the consumption of alcohol, or the use of illegal drugs.

iv. If the police department is not able to contact the local representative in a timely manner more than twice during the term of the annual permit, this shall be considered a violation pursuant to Section 5 and that violation shall be counted in the number of violations assessed against the permit pursuant to Section 4.

v. The designated local representative may be changed by the permit holder from time to time throughout the term of the permit. However, to change the local representative, the permit holder must file a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the city of a change in the local representative constitutes a violation pursuant to Section 4B and that violation shall be counted in the number of violations assessed against the permit pursuant to Section 4.

vi. The city will notify property owners and or residents within two hundred feet of the dwelling of the name, address and telephone number of the owner or the local representative. The purpose of this notification is so that adjacent property owners and residents can contact the responsible person to report and request the resolution of problems associated with the operation of the short-term rental.

e. Parking. One off-street parking space shall be provided for each three persons of dwelling occupancy, as determined by subsection (A)(2)(b)(i) of this section; fractions shall be rounded to the next highest whole number (e.g., a dwelling with a permitted occupancy of eight persons shall provide three off-street parking spaces.) Each parking space shall be not less than 9 feet in width and not less than 171 square feet in area. Where the number of parking spaces required by this section cannot be provided on-site, the permitted occupancy of the dwelling shall be reduced to conform to the available amount of off-street parking (e.g., a dwelling with a potential occupancy, pursuant to subsection (A)(2)(b) of this section, of eight persons, which provides only two off-street parking spaces shall have its occupancy limited to six persons.) No more vehicles shall be parked on the property than there are designated off-street parking spaces.

f. Permit Posting. The short-term rental permit shall be posted within the dwelling adjacent to the front door. At a minimum, the permit will contain the following information:

i. The name of the local representative and a telephone number where the representative may be reached;

ii. The name and a telephone number where the property owner can be reached;

iii. The telephone number of the Menasha Police Department;

iv. The maximum number of occupants permitted to stay in the dwelling;

v. The maximum number of vehicles allowed to be parked on the property; and

vi. The number and location of on-site parking spaces.

#### SECTION 4: Violations and Penalties.

A. Violations. The following conduct shall constitute a violation for which the penalties and sanctions specified in Section 4B may be imposed.

1. Any property owner, or person acting as an agent for the property owner, such as a motel, real estate broker or property manager, who arranges or otherwise provides for short-term rental occupancy of a dwelling unit in violation of the provisions of this section; or

2. The owner has failed to comply with the standards of Section 3; or

3. The owner has failed to pay the room tax as required by Municipal Code, Chapter 10, Hotel and Motel Room Tax; or

4. The tenants of the dwelling have created noise, disturbances, or nuisances, in violation of the city municipal code, or violations of state law pertaining to the consumption of alcohol, or the use of illegal drugs.

B. Penalties.

1. The permit holder is subject to the following penalties: written notice of violation, suspension, or revocation of the license.

a. *Written Notice of Violation.* The city shall provide the permit holder with a written notice of any violation of this section that has occurred. If applicable, a copy of the warning notice shall be sent to the local representative.

b. *Suspension or Revocation of License.* The city shall provide the permit holder with a written notice of the permit suspension or revocation and the reason for that suspension or revocation. The Administration Committee shall conduct a due process hearing. During the hearing the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the Administration Committee may uphold, modify, or overturn the decision to suspend or revoke the permit based on the evidence it received.

2. A person who has had a short term rental occupancy permit revoked shall not be permitted to apply for a short term rental occupancy permit until at least one year has lapsed since the date of revocation.

SECTION 5: This Ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Donald Merkes, Mayor

ATTEST:

\_\_\_\_\_  
Deborah A. Galeazzi, City Clerk