

AN ORDINANCE RELATING TO THE SHORT-TERM RETAL OF DWELLING UNITS

Introduced by _____.

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 of the city's neighborhoods by limiting and regulating the transient rental occupancy of dwelling units. In the adoption of these regulations, the city finds that the rental of dwelling unit(s) for periods of thirty days or less has the potential to be incompatible with surrounding uses. Therefore, special regulation of dwellings used for transient rental occupancy is necessary to ensure that these uses will be compatible with surrounding uses and will not materially alter the neighborhoods in which they are located.

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 in the R-3, R-4, C-1, C-2, C-3, C-4 or PUD zones for transient rental occupancy except:

1. A dwelling for which a transient rental permit has been issued to the owner of that dwelling;
or

2. A dwelling which has been approved for use as a bed and breakfast establishment.

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

C. A transient 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 transient rental dwelling unit(s).

E. The use of a dwelling for transient occupancy shall not exceed one individual tenancy within fourteen consecutive calendar days.

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

G. The transient rental occupancy of a dwelling unit, as permitted by subsection A of this section shall comply with the standards of Section 3.

H. A transient rental permit is issued to a specific owner of a dwelling unit(s). When the permit holder sells or transfers the real property, the new owner shall apply for and receive a transient rental permit before using the dwelling unit(s) for transient occupancy.

SECTION 3: Standards.

A. The transient 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 transient 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 transient 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 transient rental permit shall be subject to the following:

a. Inspection.

i. At the time of application for a new transient 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 transient 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.

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 transient 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. Transient 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 who permanently resides on the premises of the transient rental.

ii. The property owner or the designated local representative shall maintain a guest and vehicle register for each tenancy of the transient 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 date 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 transient 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 transient 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 5 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 transient 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) 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.) 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 transient 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. The following conduct shall constitute a violation for which the penalties and sanctions specified in Section 5 may be imposed. For purposes of this section, violation shall mean a violation which has been finally adjudicated in a court of competent jurisdiction.

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 transient occupancy of a dwelling, 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 transient 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. Penalties for violations described in subsections (A)(1) through (A)(3) of this section shall be assessed in conformance with Section 1-2 of the Menasha Code of Ordinances.

2. Each day in which a dwelling is used in violation of subsections (A)(1) and (A)(2) of this section shall be considered a separate violation of this chapter.

3. Penalties for violations described in subsection (A)(4) of this section shall be assessed in conformance with the city municipal code or applicable state statute.

4. In addition to the penalties described in subsections (B)(1) and (B)(3) of this section, the following sanctions will be imposed:

a. For the first two violations within a twenty-four-month period, the sanction shall be a warning notice.

b. For the third violation within a twenty-four-month period, the sanction shall be a suspension of the permit for thirty days.

c. For the fourth violation within a twenty-four-month period, the sanction shall be a suspension of the permit for ninety days.

d. For the fifth violation within a twenty-four-month period, the sanction shall be a suspension of the permit for one hundred eighty days.

e. For the sixth violation within a twenty-four-month period, the penalty shall be a revocation of the permit.

5. The city shall provide the permit holder with a written notice of any violation of subsection (A)(4) of this section that has occurred. If applicable, a copy of the warning notice shall be sent to the local representative.

6. Pursuant to subsections (B)(4)(b) through (d) of this section, the city shall provide the permit holder with a written notice of the permit suspension and the reason for that suspension. The permit holder may appeal the suspension to the city council by filing a letter of appeal with the city manager within twenty days after the date of the mailing of the city manager's order to suspend the permit. The city manager's suspension shall be stayed until the appeal has been determined by the city council. The city council shall conduct a hearing on the appeal within sixty days of the date of the filing of the letter of appeal. At the appeal, 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 council may uphold, modify, or overturn the decision of the city manager to suspend the permit based on the evidence it received.

7. Pursuant to subsections (B)(4)(e) of this section, the city shall provide the permit holder with a written notice that it intends to revoke the permit and the reasons for the revocation. The city council shall hold a hearing on the proposed revocation of the permit. At 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 council may determine not to revoke the permit, attach conditions to the permit, or revoke the permit.

8. A person who has had a transient rental occupancy permit revoked shall not be permitted to apply for transient 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