

**ORDINANCE NO. 2024-01**

**AN ORDINANCE TO REGULATE THE SHORT-TERM RENTAL  
IN THE TOWN OF LODI, COLUMBIA COUNTY, WISCONSIN**

The Town Board of the Town of Lodi, Columbia County, Wisconsin do hereby ordain as follows:

**WHEREAS**, the Town of Lodi recognizes that there is significant interest in developing short-term rentals of tourist rooming houses; and

**WHEREAS**, the Town of Lodi recognizes that such short-term rentals can have valuable impacts on the tourist economy within the Town; and

**WHEREAS**, the Town of Lodi also recognizes that such short-term rentals if left unregulated can have negative impacts which endanger the character of the area and the public health, safety, and general welfare of the residents of surrounding lands, or which could impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area; and

**WHEREAS**, the Town of Lodi also recognizes that Columbia County presently regulates such rentals but believes that further local control is necessary to fully protect the Town's interest.

**NOW, THEREFORE, BE IT RESOLVED**, that Section 2.71, Fees, be amended with the insertion of the following:

6.61(h)	Short-Term Rental Initial Application	\$250.00
	Short-Term Rental Renewal Application	\$50.00

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, 6.61 be hereby created to read as follows:

**SECTION 6.61 Short-Term Rental Licensing**

The purpose of this ordinance is to ensure that the quality and nature of the short-term rentals operating within the Town of Lodi are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the town.

(a) Authority

The Town Board of the Town of Lodi has been authorized to exercise village powers pursuant to ss. 60.10(2)(c) and s. 60.22(3), Wis. Stats. The Town Board adopts this ordinance under its general village powers authority and s. 66.1014 of the Wisconsin Statutes.

(b) Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) Board: The Town Board of the Town of Lodi.
- (2) Property Manager: A person who is not the property owner and who provides property management services for one or more Short-Term Rentals and who is authorized to act as the agent of the property owner for the receipt of service of notice of municipal ordinance violations and for service of process pursuant to this ordinance.
- (3) Property Owner: The person who owns the residential dwelling that is being rented. Property owned by a limited liability company shall be considered to be in the same ownership as ownership by the individual members of the LLC if such ownership and membership are identical. Property in the ownership of a trust shall be considered to be in the same ownership as ownership by the trustee or beneficiary of the trust if identical.
- (4) Residential Dwelling: Any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
- (5) Service Check List: A list of emergency and non-emergency numbers.
- (6) Short-term Rental: A Residential Dwelling that is offered for rent for a fee and for fewer than 29 consecutive days as defined in Wis. Stat. Section 66.0615(1)(dk). For the purposes of this ordinance, Short-Term Rental shall include a 'tourist rooming house' as that term is used by the Columbia County Code of Ordinances.
- (7) Town Clerk: For the purpose of this section, Town Clerk shall mean the Town of Lodi clerk, or their designee.

(c) Severability

This ordinance and its individual provisions are declared to be severable. If any section, clause, provision, or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the ordinance as a whole. All parts of the ordinance not declared invalid or unconstitutional shall remain in full force and effect.

(d) Conflict

If any part of this ordinance is found to be in conflict with any other ordinance, including that of Columbia County, or with any other part of the Town of Lodi's ordinances, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state statute that part shall not be enforced.

(e) Short-Term Rental License

1. License required

- (A) No person may maintain, manage, or operate a Short-Term Rental more than 10 nights each year without a State issued license from the Department of Agriculture, Trade and Consumer Protection and a Columbia County issued Tourist Rooming House license. Copies of licenses must be provided with the Town license application and must be kept current at all times.
- (B) No person may maintain, manage, or operate a Short-Term Rental more than 10 nights each year without a Town Short-Term Rental License issued pursuant to this ordinance.
- (C) The property must be owned by the Property Owner for at least one year prior to application for a license, or the application must be accompanied by a signed and notarized affidavit stipulating that the property is the Property Owner's primary residence.

No person shall be permitted to own or operate more than one tourist rooming house in the Town nor shall multiple persons residing in the same household be permitted to operate multiple tourist rooming houses. A tourist rooming house owned in the name of a corporation, limited liability company, partnership or similar entity shall be considered owned by the same person as another tourist rooming house for purposes of this subsection if any individual natural person derives any income from the operation of both tourist rooming house.

- (D) Properties which have been approved prior to the effective date of this ordinance shall submit an application for approval by not later than April 16, 2025. Properties which fail to do so shall be deemed to be in violation of this ordinance and shall be subject to the penalties contained herein.
- (E) No Short-Term Rental shall be permitted closer than 1000 feet from another Short-Term Rental or Tourist Rooming House, except where

otherwise approved by the Town Board upon consideration of the following factors:

- i. Whether the existing Short-Term Rental or Tourist Rooming House was legally established and licensed by the State and has received each a Town Short-Term Rental license and a County Conditional Use Permit and operated according to that license and permit prior to the effective date of this ordinance;
- ii. Whether the surrounding area is largely occupied by tourist-and/or recreation-oriented uses as opposed to single-family, owner occupied residences;
- iii. Whether factors such as topography, dense vegetation, or other features effectively mitigate the impact of a lesser distance; and
- iv. Other factors which, in the Town's determination, are unique to the circumstances of the new Short-Term Rental or the existing Short-Term Rental or Tourist Rooming House.

2. License Application procedures:

- (A) Applications for a Short-Term Rental license shall be filed with the Town Clerk on the forms provided. Applications must be filed and signed by the Property Owner. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.
- (B) The Town Clerk shall issue a Short-Term Rental license to applicants following payment of the required fee, receipt of all information and documentation requested by the application, and Town Board approval of the application.
- (C) A renewal application and renewal fee must be filed with the Town Clerk at least 45 days prior to license expiration so that the Town Board has adequate time to consider the application. All Short-Term Rental licenses shall be in effect June 1<sup>st</sup> to May 31<sup>st</sup>, with the application approval process beginning at the April Town Board meeting.
- (D) A Short-Term Rental license shall be effective for one year and may be renewed for additional one-year periods. The renewal application shall include any updated information from the filing of the original application. An existing license becomes void, and a new application is required any time the ownership of a residential dwelling licensed for Short-Term Rentals changes. An existing license will become void for

non-use if no rentals occur within any consecutive six (6) month period, including during the term of any prior license period.

- (E) The Town Board may suspend, revoke, or non-renew a Short-Term Rental license following a due process hearing if the Board determines that the licensee: a) failed to comply with any of the requirements of this ordinance; b) has been convicted or whose Property Manager or renters have been convicted of engaging in illegal activity while on the Short-Term Rental premises within the past 12 months; or c) has outstanding fees, taxes, or forfeitures owed to the Town in violation of Town Ordinance Section 6.51 entitled, "Payment of Taxes As Condition for Licenses".

3. Application Requirements:

- (A) Property Owner contact information, including the following: Property Owner's name(s), physical address, mailing address (if different), phone number, and email address.
- (B) Information regarding the designated property manager if different from Property Owner. The following information shall be provided: designated property manager's name, physical address, mailing address (if different), phone number, cell phone (if different), and email address. The Property Owner shall notify the Town of any change to the designated property manager within 48 hours of such occurrence.
- (C) Times of rental, including a general description of time when the property will be rented, days of the week in which the property is intended to be rented and/or advertised for, and minimum number of days stayed.
- (D) Information regarding the property, which includes the number of bedrooms as determined by Wisconsin Administrative Code, Department of Safety and Professional Services Chapters 320-325 Uniform Dwelling Code, number of off-street parking stalls, and a description of any outdoor amenities.
- (E) Listing of the URL of each website on which the property will be booked through and the contact information for that site(s) (direct contact name, number, email address and mailing address).
- (F) Proof of valid property and liability insurance.
- (G) State of Wisconsin and Columbia County Tourist Rooming House License (or application for same).

(H) Identification of any other known Short-Term Rentals presently located within 1000' of the proposed licensed premises.

(f) Operation of Short-Term Rentals

Each Short-Term Rental shall comply with all of the following requirements:

1. No residential dwelling may be rented for a period of less than 2 days.
2. If a residential dwelling is rented for periods of more than 2 but fewer than 29 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days.
3. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodation for paying guests or other invitees.
4. Any outdoor event held at the Short-Term Rental shall have prior approval of the Town and shall last no longer than one day and shall only be held between the hours of 8:00 am and 9:00 pm. Any activities occurring at the Short-Term Rental shall comply with other applicable noise regulations (Town Ordinance Section 8.12, Excessive and Unreasonable Noise).
5. A local property management contact (either the Property Owner or an appointed Property Manager) must be on file with the town at all times and must be able to respond to the property within one (1) hour if necessary. The Property Owner and/or Property Manager must provide the Town Clerk with current contact information and must be available 24 hours a day, 7 days a week by telephone. The Town Clerk must be notified within 24 hours of any change in contact information.
6. Each Short-Term Rental shall maintain a register and require all guests to register with their actual names and addresses. The register shall be kept on file for at least one year. The register shall also include the time period for the rental and the monetary amount or consideration paid for the rental.
7. The establishment, maintenance, or operation of the proposed Short-Term Rental shall not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
8. Property must remain free from citation and charges for nuisance, disorderly conduct, or other illegal activity.

9. Garbage and recycled materials shall be properly stored and regularly removed from the property.
10. The Short-Term Rental shall have adequate utilities, including adequate water capacity and an acceptable waste treatment and disposal system.
11. The Short-Term Rental shall have safe and adequate access to streets and highways and suitable ingress and egress, shall be situated or designed to minimize traffic congestion and to have minimal negative effect on traffic flow. On-street parking is prohibited.
12. The availability of Short-Term Rental to the public and Tourists/Transients shall not be advertised on site.
13. If pets are allowed, property lines must be physically delineated by a fence, although the fence does not have to be designed to contain the pets on the subject property. Pet behavior must meet applicable Town ordinances.
14. All fires are to be in proper fire pit structures and must be extinguished during established quiet hours. If there is an announced County or WDNR burn ban, fires of all kinds are prohibited, and the Property Owner shall promptly communicate that to any renters.
15. Fireworks of any kind are prohibited at all times.
16. Quiet hours are to be observed. On weekdays they are between 10:00 p.m. and 8:00 a.m. and on weekends and holidays they are between 11:00 p.m. and 8:00 a.m. Quiet means that noise levels at the property line shall not exceed 55 dBA.
17. A sign no larger than 12” by 18” shall be placed near the primary entrance door with a 24-hour contact number in case of a complaint or emergency.
18. The number of vehicles allowed on site is limited to the number of bedrooms in the Short-Term Rental. For purposes of this ordinance, trailers of any kind shall be considered a separate vehicle whether or not they are attached to a motor vehicle. All off-street parking shall be on a paved or gravel surface and shall be arranged to facilitate easy ingress/egress of all vehicles.
19. Each Short-Term Rental shall hold a valid State of Wisconsin Tourist Rooming House License and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications. A copy of the State of Wisconsin Tourist Rooming House License and the Town Short-Term Rental License shall be posted inside the main entrance to the rental.
20. Each Short-Term Rental property shall provide a “Service Check List”.

(g) Enforcement.

1. Inspection, Enforcement and Possible Revocation. The Town Chair, Town Building Inspector, Town Administrator/Clerk/Treasurer and/or County Sheriff, with reasonable cause, shall have the right of inspection for the purpose of determining compliance with this license during normal working hours or upon reasonable notice outside of normal hours. Any license granted under this Ordinance shall be subject to revocation or suspension by the Town Board for violations of this section.
2. Notice of Complaint. Upon receipt of a written complaint, explicitly documenting the specific violation of license provisions, filed with the Town Clerk, or signed by any law enforcement officer, health officer, fire commission or Town Chair, the matter shall be placed on the agenda of the next regular meeting of the Town Board. The Town Board shall review the complaint and may order a hearing on such complaint or may determine an alternative remedy is appropriate.
3. Hearing. The holder of the license shall be given 30 days' notice in writing of any hearing and shall be entitled to appear and be heard why such license should not be suspended or revoked. A license may not be revoked without a public hearing. Columbia County Planning and Zoning will be notified upon any revocation or suspension of license by the Town.
4. Denial or Revocation of License. A license may be denied, non-renewed, or revoked by the Town Board for one or more of the following reasons:
  - i. Failure to make payment on taxes or debt owed to the Town;
  - ii. Failure to make payment on room tax;
  - iii. Three (3) or more legitimate calls for police service, building inspection or the health department for nuisance activities or other law violations in a twelve (12) month period;
  - iv. Failure to comply with annual Town building inspection requirements;
  - v. Failure to maintain all required local, county, and state licensing requirements;
  - vi. Failure to use the property as a short-term rental within twelve (12) months of obtaining the Town license;
  - vii. Failure to comply with any requirements cited within this Section;
  - viii. Any violation of an applicable zoning regulation or other state or local land use or property maintenance regulation; or
  - ix. Any violation of local, county, or state laws that substantially harms or adversely impacts the predominantly residential uses and nature of the surrounding neighborhood.

5. Appeal. The denial of any license or permit application or renewal under this Chapter may be appealed by filing a written appeal request with the Clerk within ten (10) days of the Town’s notice of denial. The appeal shall be heard by the Town Plan Commission, which shall make a recommendation to the Town Board. The Town Board shall then reconsider the application or renewal and recommendations and may approve or deny the application or renewal.

(h) Penalties

1. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$250 (Two Hundred Fifty Dollars) for a first violation, not less than \$500 (Five Hundred Dollars) for a second violation within 12 (twelve) months and not less than \$1,000 (One Thousand Dollars) for a third violation at any time. Each forfeiture shall be subject to all applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.
2. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement, or costs whether existing under this ordinance or otherwise, including revocation or non-renewal of the short-term rental license.

(j) Application Fees

Fees are established annually by the Town Board and are made a part of the Town of Lodi Fee Schedule.

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Lodi held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**TOWN OF LODI**

\_\_\_\_\_  
Steve Neander, Town Chairperson

\_\_\_\_\_  
Buck Kurt, Supervisor 1

\_\_\_\_\_  
Michael Keller, Supervisor 2

\_\_\_\_\_  
Nicholas Eberle, Supervisor 3

\_\_\_\_\_  
Bill Pfeil, Supervisor 4

ATTEST:

\_\_\_\_\_  
Shellie Benish, Town Administrator/Clerk/Treasurer

VOTE:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_