

Town of Sumner

Jefferson County, Wisconsin

Short-Term Rental Licensing

Ordinance No. 2021-0609

Section I: Purpose

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

Section II: Authority

The Town Board of the Town of Sumner, Jefferson County, Wisconsin has the specific authority under s. 60.22 Wis. Stats. to enact this ordinance and to provide for penalties and forfeitures for its breach.

Section III: Definitions

“Property Manager” means 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.

“Property Owner” means the person who owns the residential dwelling that is being rented.

“Residential dwelling” means 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 person or by two or more persons maintaining a common household, to the exclusion of all others.

“Short-term rental” means a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days.

Section IV: Short-Term Rental License

No person may maintain, manage, or operate a short-term rental for more than 10 nights each year in the Town of Sumner without a town short-term rental license issued pursuant to this ordinance.

Licenses shall be issued using the following procedures:

1. All applications for a short-term rental license shall be filed with the Town Clerk using the Town’s application for Short Term Rental Licensing form. Applications must be filed by the Property Owner. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.
2. The Town Clerk shall issue a short-term rental license to all applicants following payment of the required fees, receipt of all information and documentation requested by the application, and Town Board approval of the application.
3. A short-term rental license shall be effective for one year and may be renewed for additional one-year periods. 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. The renewal application shall include any updated information since 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.
4. 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 on 2 or more separate occasions within the past 12 months; or
 - c) has outstanding fees, taxes, or forfeitures owed to the Town

Section V: Operation of a Short-Term Rental

Each short-term rental shall comply with all the following requirements:

1. No residential dwelling may be rented for a period of 6 or fewer days.
2. If a residential dwelling is rented for periods of more than 6 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. The Property Owner or Property Manager shall notify the town clerk in writing when the first rental within a 365-day period begins.
4. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
5. Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 8:00 am and 11:00 pm. At minimum, a seven consecutive day interval must occur between outdoor events held at the short-term rental. Any activities occurring at the short-term rental shall comply with other applicable noise regulations.
6. A local Property Manager must be designated for contact purposes and his or her name must be included in the application filed with the Town Clerk. The local Property Manager must reside within thirty (30) miles of the short-term rental property and must be available at all times the property is rented. The Property Owner must notify the Town Clerk within 48 hours of any change in the Property Manager's contact information for the short-term rental and submit the revised contact information to the Town Clerk within the same time period.
7. The Property Owner or Property Manager must enforce the clean-up of pet waste from pets of property renters that may be left on the town right-of-way, town roads, or outside the rented property boundaries.
8. The Property Owner or Property Manager must enforce parking limits to the driveway and property boundaries of the property rental. No overflow parking can block town roads or prevent the flow of traffic or emergency vehicle access.
9. The Property Owner or Property Manager must enforce maintenance of solid waste clean-up and containment to a waste management company solid waste container. No overflow waste may be left at the end of driveways, on the town rights-of-way, or town roads. If overflow waste left outside a proper container becomes an issue, the Property Owner may be required by the town to purchase a larger or additional waste management company container to hold the extra waste.
10. The Property Owner or Property Manager must administer thorough cleaning and sanitization of the property after checkout of each property renter and take measures where appropriate to safeguard against the spread of COVID and other viral disease.
11. 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 a period of 10 years. The register shall also include the time-period for the rental and the monetary amount or consideration paid for the rental.
12. 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.
13. All rentals shall be subject to the Town of Sumner Room Tax Ordinance [if applicable].
14. The Property Owner shall have and maintain homeowner's liability or business liability insurance with a coverage limit no less than \$500,000 for the premises that are used for short-term rental and shall provide written evidence of such insurance to the Town Clerk.

Section VII: Fees

Short-term Rental License and Application Fee: \$500 (five hundred) dollars to be paid annually

Section VI: Penalties

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a graduated forfeiture according to the following schedule:

- 1) First Offense = \$250
- 2) Second Offense = \$500
- 3) Third Offense = \$750
- 4) Fourth and Subsequent Offenses = \$1000

plus interest of 1% per day and any other surcharges, assessments, and costs for each violation. Each day a violation exists or continues, constitutes a separate offense under this ordinance.

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.

Section VII: Enforcement

This ordinance gives authority to the Jefferson County Sheriff’s Department, any Town of Sumner Board Member, or if applicable, the Town constable to enforce the provisions of this Ordinance. The Jefferson County Sheriff’s Department, Town of Sumner Board Members, or the Town Constable is authorized to institute whatever legal proceedings or issue whatever citation they may deem necessary to effect compliance with or penalize persons for violating the provisions of this Ordinance.

Section VIII: Severability

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

Section IX: Effective Date and Publication

This ordinance shall become effective upon adoption and publication as required under s. 60.80, Wis. Stat.

Section II. This Ordinance shall become effective following its adoption, upon publication and/or posting in the manner provided for by law.

Effective Date: This Ordinance shall take effect after passage and adoption by the Town Board and publication and posting as required under s. 60.80, Wis. Stats.

Adopted this 10th day of January 2022

_____ John Dohner, Jr., Chairman

_____ Sam Meyers, Supervisor I

_____ Lindsay Weigand-Jilek, Supervisor II

Attest: _____ Patricia Achilli, Clerk

Roll Call Vote: _____ Supervisor I, _____ Supervisor II, _____ Chairman

Published: _____

Posted: _____