

Ordinance No. 2-23-765
Monona Common Council

**AN ORDINANCE CREATING CHAPTER 367 OF THE CODE OF ORDINANCES
REGULATING SHORT TERM RENTAL PROPERTIES**

WHEREAS, section 66.1014 of the Wisconsin Statutes empowers the City to enact and enforce ordinances regulating short term rental properties within the City; and,

WHEREAS, the Common Council finds it is reasonable and necessary for the public health, safety and general welfare of the residents of Monona to regulate short term rental properties operating within the City; and,

WHEREAS, the intent of the Common Council is to permit short term rental properties throughout the City, consistent with all other provisions of the Monona Code of Ordinances, without regard to location, provided they are operated in a safe and responsible manner and compliant with the requirements of this ordinance.

NOW, THEREFORE, the Common Council of the City of Monona, Dane County, Wisconsin, do ordain as follows:

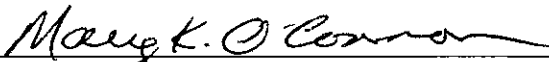
SECTION 1. Chapter 367 of the Monona Code of Ordinances is hereby created as set forth in Exhibit A attached hereto.

SECTION 2. All other provisions of the Monona Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

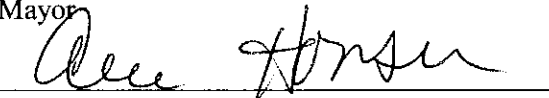
SECTION 3. This ordinance shall take effect upon passage and publication as provided by law.

Adopted this 20 day of February, 2023.

BY ORDER OF THE CITY COUNCIL
CITY OF MONONA, WISCONSIN


Mary K. O'Connor
Mayor

ATTEST:


Alene Houser
City Clerk

Requested By: Mary O'Connor, Mayor
Drafted By: William S. Cole, City Attorney – 8/5/22; Revised 2/2/23
Approved As To Form By: William S. Cole, City Attorney – 8/29/22; 2/2/23

Council Action:
Date Introduced: 2-6-23
Date Approved: 2/20/23
Date Disapproved: _____

EXHIBIT A

§ 367-1 REGULATION OF SHORT TERM RENTAL PROPERTIES. The purpose of this section is to ensure the quality of short-term rentals operating within the City is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners and lessees offering these properties for tourists or transient occupants; to protect the character and stability of all areas, especially residential areas, within the City; and to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises, and provisions for the administration and enforcement thereof.

- (1) It shall be unlawful for any person to operate a short term rental property (STR) in the City of Monona for fifteen (15) or more days in any calendar year without a permit issued by the City Administrator or designee.
- (2) Definitions. For the purposes of this chapter, the following terms shall have the meanings indicated:
 - (a) Multiple Unassociated Parties. Two (2) or more individuals who separately book accommodations at the same STR on any shared date.
 - (b) Operator. A person who is the owner or lessee of property being used as an STR and who is conducting the STR business by, among other things, interacting digitally and in person with guests and is identified in STR listings and advertisements as the STR "host."
 - (c) Primary Residence. A dwelling unit that serves as an individual's true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.
 - (d) Short Term Rental Property. A dwelling unit, other than a hotel, motel, bed and breakfast establishment or hostel, in which sleeping accommodations are offered for pay to tourists or transients for stays between one (1) and twenty-nine (29) days. The definition does not include private boarding, lodging or rooming houses not accommodating tourists or transients.
- (3) Application. Any person wishing to operate an STR for fifteen (15) or more days in any calendar year shall submit an application in writing to the City Administrator or designee along with a non-refundable application fee in the amount set forth in the then-current Monona Fee and Forfeiture Schedule. Any submitted application that is not completed and still pending within one (1) year of the date the application is filed and the application fee is paid shall be administratively closed and the applicant must begin the licensing process anew.
 - (a) All applications shall state each of the following:
 1. The name and address of the STR operator;
 2. The address of the proposed STR;
 3. Whether the STR operator is the owner or lessee of the property;
 4. Whether the proposed STR is the primary residence of the operator;
 5. Whether the STR operator proposes to use the STR solely for stays of more than six (6) but fewer than twenty-nine (29) consecutive days;
 6. Whether the proposed STR is contained in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association; and
 7. Any other information the City Administrator or designee may reasonably require.
 - (b) All applications shall be accompanied by documented proof that:
 1. The applicant has obtained a License from Public Health Madison and Dane County;
 2. The applicant has registered with the City of Monona Treasurer's office to pay room tax as required under Sec. 63-23, as may be amended;
 3. In the case of a renter/applicant, a signed lease explicitly allowing the renter to operate an STR at the property, a copy of the form used to notify the property owner of the STR operation, and acknowledgement from the property owner that they have been notified of the STR operation;
 4. In the case of an owner who proposes to operate an STR in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association, a letter of permission from the condominium association which states that the operation of an STR in the dwelling unit is allowed by the condominium association's rules, regulations, or bylaws; and
 5. Any other information the City Administrator or designee may reasonably require.

- (c) All applications shall be accompanied by the following documentation:
1. Floor plans of the dwelling unit intended for use as short term rental property;
 2. A guest registry which shall record the names of all guests renting the STR and the date(s);
 3. Contact phone numbers and email addresses of both the property owner and STR operator;
 4. A listing of all websites and places where the STR operator has advertised and intends to advertise the STR;
 5. A signed and notarized affidavit stipulating that the STR is the operator's primary residence or that the STR will be used solely for stays of more than six (6) but fewer than twenty-nine (29) days; and
 6. Any other information the City Administrator or designee may reasonably require.
- (4) Notice. Prior to receiving an STR permit, the operator shall provide notice to the property owner (unless the property owner is also the operator). The notice shall be on a form provided by the City Administrator and provide a brief description of the proposed STR, including the maximum number of occupants and how the operation will meet the regulations contained in this Section.
- (5) Inspection. Prior to issuing a permit to operate an STR or approving the renewal of an existing permit, the City Administrator or designee shall inspect the premises to ensure compliance with the Monona Code of Ordinances.
- (6) Permit Issuance. The City Administrator shall grant an STR permit upon verification of a complete STR application and compliance with the Monona Code of Ordinances, including specifically this Section.
- (7) Operational Requirements. The operator of an STR shall operate the STR in accordance with all of the following requirements at all times. Failure to comply with all such requirements at any time shall be grounds for suspension or revocation of the STR permit.
- (a) The operator shall notify the City Administrator of any changes in the phone numbers and/or email addresses of the property owner or STR operator within 10 days;
 - (b) The STR shall have a valid license from Public Health Madison and Dane County.
 - (c) The STR shall be registered with the City of Monona Treasurer's office;
 - (d) The operator shall be current on the payment of all room tax as required under Sec. 63-23, as may be amended.
 - (e) Only the owner of the property may operate an STR, except that a renter may operate an STR if explicitly allowed in the lease. A property owner proposing to operate an STR in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association may only operate the dwelling unit as an STR if explicitly allowed by the condominium association.
 - (f) If the STR is operated for stays of more than six (6) but fewer than twenty-nine (29) consecutive days, the short term rental property may be operated for no more than 180 days in any consecutive 365-day period as provided in Wis. Stat. § 66.1014(2)(d). The 180 allowable days in any 365-day period must run consecutively and the STR operator must give the City Administrator notice of the first rental of any 365-day period.
 - (g) If the short term rental property is operated for stays of one (1) to six (6) consecutive days, the short term rental property shall be the operator's primary residence.
 - (h) If an operator who is operating an STR pursuant to sub. (f) above occupies the residence at the time of rental, there is no limit to the number of days the STR may operate.
 - (i) If an operator who is operating an STR pursuant to sub. (f) above does not occupy the residence at the time of rental, the STR may operate no more than thirty (30) days per permitting year; July 1 to June 30.
 - (j) If an operator who is operating an STR pursuant to sub. (f) above does not occupy the residence at the time of the rental, the STR may not be rented to Multiple Unassociated Parties at the same time.
 - (k) The STR may not be rented to more than one person or group in any seven (7) consecutive day period.
 - (l) The maximum occupancy of the STR shall not exceed the lesser of two times the number of legal bedrooms in the dwelling unit or twelve (12). Children under the age of twelve (12) shall not count toward the maximum tourist occupancy.
 - (m) An STR shall be available for inspection by City staff with at least forty-eight (48) hours prior written notice. However, in the event the City has probable cause to believe that a violation of this ordinance has occurred or is occurring, an inspection may occur at other times.
 - (n) Each establishment shall have a registry available on-site for inspection, indicating the true name of the individual making the STR reservation; the telephone number, mailing address, or e-mail address for the individual making the STR reservation; dates of stay and whether the operator

was present or absent during the stay. The operator shall keep the guest registry current, retain a true and complete copy of it for at least two years, and provide it to any Monona city official for inspection and copying upon request.

- (o) In addition to the requirement in sub. (l) above, each establishment shall provide the City Administrator with an STR report by February 1, May 1, August 1, and November 1 of each year indicating for the previous quarter dates of stay and whether the operator was present or absent during each date of the stay, and a listing of all websites and places where the STR operator has advertised. Failure of the STR operator to submit two (2) such reports by required deadlines in any one-year period shall be grounds for automatic revocation of an STR permit issued.
 - (p) All advertisements of the short term rental property, including advertisements on all websites, shall contain a clearly displayed valid STR permit number issued pursuant to this Section.
- (8) Modification of Operational Requirements. The City Administrator or designee may modify one or more of the operational requirements set forth in subsection (7) above, on a case by case basis for an STR upon showing by the operator to the reasonable satisfaction of the City Administrator that; (1) due to articulable factors specific to the STR, strict compliance with the operational requirements would render the STR economically unfeasible, and (2) such modification(s) would further the purpose of this section and not impair the public health or safety, or the peace and tranquility of the area. All such modifications shall be specifically set forth in writing together with a description of the findings which support the granting of such modifications. The City Administrator shall promptly report all modifications to the mayor and Common Council.
- (9) Transferability. Permits issued under this Section shall not be transferrable.
- (10) Permit Fees. The fee for an STR operator permit shall be the amount set forth in the then-current Monona Fee and Forfeiture Schedule. Annual permits shall expire on the thirtieth (30) day of June after the granting thereof. Renewal permits shall be obtained on or before June 30 of each year as provided in sub. (10) below or be subject to a late filing fee of one hundred dollars (\$100.00) in addition to the permit renewal fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this Section for failure to possess or obtain a permit.
- (11) Renewal. STR operator permits shall be renewed by the thirtieth (30) day of June of each year. Prior to receiving a renewal permit, the STR operator shall provide the City Administrator with any updates or changes to any of the documentation required in sub. (3) above or submit a statement to the City Administrator stating there have been no changes to the information contained in the documentation. Prior to issuing a renewal permit, the City Administrator may conduct a reinspection as provided in sub. (5) above.
- (12) Enforcement and Violations. The City Administrator or designee shall enforce this ordinance. Any person who operates an STR without a permit or in violation of this ordinance, upon conviction thereof, shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00). Each day or portion thereof such violation continues shall be considered a separate offense. Any fine imposed under this subsection shall be doubled if the violator's permit has been revoked under Sub. (13) below. The penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs existing under law.
- (13) Revocation. The City Administrator or the Common Council may suspend, deny or revoke a permit issued hereunder for failure of a permittee to comply or maintain compliance with, and/or for violation of, any applicable provisions of this ordinance. Any such suspension or revocation is reviewable under Chapter 7. A revocation shall result in a 6-month prohibition on the issuance of a new permit at the property.
- (14) Initial Compliance Date. This ordinance shall take effect upon passage and publication as provided by law. All STR operators existing and operating in the City of Monona prior to the effective date shall obtain a permit as required by this section no later than six months after the effective date.