

Short-Term Rental Licensing Ordinance

Number: 2024-2

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 Franklin 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 Franklin has been authorized to exercise village powers pursuant to Wis. Stats. §§ 60.10(2)(c) and 60.22(3). The Town Board adopts this ordinance under its general village powers authority and Wis. Stat. § 66.1014.

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 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

- A) No person may maintain, manage, or operate a short-term rental more than 6 nights each year without a town short-term rental license issued pursuant to this ordinance.
- B) Licenses shall be issued using the following procedures:

1. All applications for a short-term rental license shall be filed with the town clerk on forms provided. 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.
 - a. Each application shall include, at a minimum, the following information and documentation for each short-term rental unit:
 - i. A copy of the State of Wisconsin License for a Tourist Rooming House License issued under Wis. Stat. Sec. 254.64;
 - ii. A copy of a completed State Lodging Establishment Inspection form dated within 1 year of the date of issuance or renewal.
 - iii. Designation of the Property Manager with complete 24 hour contact information.
 - b. The filing fee shall be paid upon filing of the applications. Any application which does not include all of the information and documentation and the filing fee shall not be considered as complete.
 - c. No license shall be issued or renewed if the applicant or property has any outstanding fees, taxes, or forfeitures owed to the Town of Franklin, unless arrangements for payment have been approved by the town board.
2. The town clerk shall issue a short-term rental license to all applicants following payment of the required fee, 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 calendar year and may be renewed for additional one-year periods. The annual licensing term begins January 1st and ends December 31st of the same year. A renewal application and renewal fee must be filed with the town clerk by November 1st 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.
4. Any changes in the ownership of the property require a new application per Wisconsin Administrative Code 72.04(b) prior to obtaining a license from the Town.
5. 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.

Section V: Operation of a Short-Term Rental

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

1. If a residential dwelling is rented for periods of more than 6 but fewer than 30 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days.
2. The Property Owner or Property Manager shall notify the town clerk in writing when the first rental within a 365-day period begins.
3. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for occupants beyond the number of overnight guests authorized pursuant to the Property Owner's Tourist Rooming House License.
4. A local Property Manager contact (either the Property Owner or an appointed Property Manager) must be on file with the town clerk at all times and must be located within **30** miles of the short-term rental. The Property Owner and / or Property Manager must provide the town with current contact information and must be available 24 hours a day, 7 days a week by telephone. The town must be notified within 24 hours of any change in contact information.
5. 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.
6. 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.
7. The number of occupants in any short term rental shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable county and state regulations based upon the number of bedrooms in the rental.
8. Maximum occupancy will align with the size with the septic system.
9. Compliance with all applicable state, county, and local codes and regulations is required.
10. Provide Proof of casualty and liability insurance issued by an insurance company authorized to do business in the state of Wisconsin, identifying the property as used for short-term rental, with liability limits of not less than \$300,000 per individual and \$1,000,000 aggregate.

Section VI: Appeal and License Revocation

- 1) The denial of any license application or renewal under this ordinance may be appealed by filing a written request with the Town Clerk within 10 days of the Town's notice of denial. The appeal shall be heard by the Town Board, and may approve or deny the application or renewal.

Section VII: Penalties

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 \$100 nor more than \$500, plus the applicable 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 VIII: Fees

The town board shall set the cost of the initial Short Term Rental Application Fee and Renewal Fee and update these costs as necessary.

Section IX: Severability

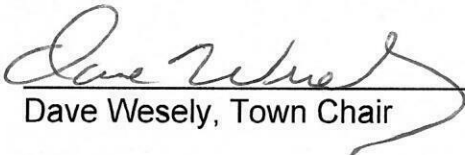
Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

Section X: Effective Date and Publication

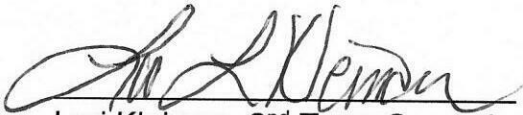
This ordinance shall become effective upon adoption and publication as required under Wis. Stat. § 60.80.

ADOPTED by a vote of 3 for and 0 against on this 12 day of February, 2024.


By the Town Board of Franklin


Dave Wesely, Town Chair


Katie Duckart, 1st Town Supervisor


Lori Kleiman, 2nd Town Supervisor

Attested to this 12 day of February, 2024.



Suzi Sevcik, Clerk