Short Term Rental **Renewal** Application Process "TO-DO" List

1. Property taxes must be paid up to date (1st Half due 1/31/22)
2. Obtain a Wisconsin Tourist Rooming House License and provide.
3. Read the Town of Minong's Ordinances 2018-1 and 2018-2 to understand the Town's expectations.
4. Must have a property manager within 25 miles of rental property.
5. Fill out a Short Term Rental Property Renewal Application Form.
6. Provide adequate proof of homeowners insurance to all renters.
7. Turn in the following to the Town of Minong by **May 15th, 2022**
    a. WI Tourist Rooming House License & Proof of Insurance
    b. Completed Renewal Application Form
    c. Application Fee(See Ordinance 2018-2 for fee schedule)

All forms and information are posted on our website. If you need blank forms, please notify us.

TOWN OF MINONG
W7095 NANCY LAKE RD
MINONG, WI 54859
EMAIL: townofminong@centurytel.net
PH: (715) 466-5916
FAX: (715) 466-5917
WEBSITE: www.townofminong.us

TOWN OF MINONG
SHORT-TERM RENTAL PROPERTY
APPLICATION RENEWAL FORM

PROPERTY OWNER: _____

PROPERTY ADDRESS: _____

PROPERTY OWNER PHONE #: _____

PROPERTY OWNER MAILING ADDRESS: _____

CITY: _____STATE:_____ZIP:_____

EMAIL: _____

AREAS OF PROPERTY TO BE RENTED: _____

_____

PROPERTY MANAGER: _____

PROPERTY MANAGER PHONE #: _____

PROPERTY MANAGER PHYSICAL ADDRESS: _____

CITY: _____, WI

PROPERTY OWNER WILL PROVIDE PROPERTY MANAGERS CONTACT INFORMATION TO TENANTS: YES or NO

IS THE PROPERTY INSURED? YES or NO

- Please provide proof of insurance for current year.

CURRENT WISCONSIN TOURIST ROOMING HOUSE LICENSE? YES or NO

- Please provide copy of current license

SIGNATURE OF OWNER: _____ DATE: _____

**********TO BE FILLED OUT BY OFFICE**********

TAXES ARE CURRENT (as of January 1st installment): YES or NO

OWNER PROVIDED WISCONSIN TOURIST ROOMING HOUSE LICENSE: YES or NO

COPY OF ADEQUATE RENTAL INSURANCE PROVIDED: YES or NO

OWNER RECEIVED THE FOLLOWING DOCUMENTS FROM TOWN OFFICE:

- SHORT-TERM LICENSING ORDINANCE: YES or NO
- ORDINANCE REQUIRING PAYMENT: YES or NO
- RENTING OUT PROPERTY INFORMATION FROM STATE OF WI ORGANIZATIONS: YES or NO

TOWN BOARD APPROVED APPLICATION: YES or NO DATE: _____

ORDINANCE REQUIRING PAYMENT OF LOCAL CLAIMS AS CONDITION OF OBTAINING OR RENEWING TOWN ISSUED LICENSES
(2-09)

Ordinance No. **2018-1**
Town of Minong, Washburn County, ordains as follows:

1. DELINQUENCY: As a condition of obtaining or renewing a license, all local taxes, assessments, special charges, or other fees, including but not limited to municipal forfeitures from a violation of any town ordinance, shall be paid on a current basis. Any such local claims that remain unpaid within a time limit set by the town, or a court, as the case may be, place the licensee in a state of delinquency.

2. NEW APPLICANTS: New applicants for municipal licenses who are in a current state of delinquency on any local claim will be denied a license.

3. NOTICE REQUIREMENTS FOR RENEWAL APPLICATIONS: Prior to any denial of an application for renewal of a license, the applicant shall be given notice and opportunity for a hearing as hereafter provided: Upon complaint by any person, or at board discretion, and following board review and approval, written notice shall be given to the licensee of the complaint basis, and the date and time the board will hear the matter. For non-alcohol licenses where no statutory procedure is set, service may be by first class mail to the licensee's last known address, or personal service, at the chairperson's option. For alcohol licenses, present Wisconsin Statute 125.12, or its successor will be followed for the provision of notice and the hearing. At present, the statute requires personal service of the hearing notice (summons) and complaint, and a hearing within 3-10 days thereafter. The clerk will keep a record of service. The town clerk shall also see that the hearing notice is properly posted or published, in compliance with the state open meetings law.

4. HEARING PROCEDURE: If the renewal applicant shall fail to appear before the board on the date indicated in the notice, the board shall deny the application for renewal. If the applicant appears before the board on the date indicated in the notice and denies the reasons for non-renewal exist, the board shall conduct a hearing with respect to the matter. At the hearing, both the town and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. If the town board determines the applicant shall not be entitled to renewal, the application shall be denied. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense.

5. SEVERABILITY: In the event any portion of this ordinance is or becomes invalid or illegal, the remaining portions shall remain in full force and effect.

6. EFFECT: This ordinance shall take effect following passage and posting in 3 public places within the town.

This ordinance shall be in full force and effective on the 1st day of July 2019, after proper notice and publication of said ordinance as required under *s 60.80 WI stats*.

Filed this 11th day of June 2018

APPROVED BY:

TOWN BOARD TOWN OF MINONG

_____
CHAIRMAN

_____
SUPERVISOR #1

_____
SUPERVISOR #2

_____
SUPERVISOR #3

_____
SUPERVISOR # 4

_____
ATTESTED BY: TOWN CLERK
TOWN OF MINONG

Dated this 11th day of June 2018

Town of Minong, Washburn County, Wisconsin

Short-Term Rental Licensing Ordinance

Number: 2018-2

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 Minong are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the town. This ordinance excludes Kimball Lake Resort, Becherer Resort and Rest EZ Campground.

Section II: Authority

The Town Board of the Town of Minong 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.

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, part of the building or structure, camper or campsite 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 29 consecutive days.

Section IV: Short-Term Rental License

A) No person may maintain, manage, or operate a short-term rental more than 14 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 per rental address. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.
    2. The town clerk or deputy 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 year (July 1-June30) 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 in violation of Town Ordinance No. 2018-1 entitled, "Ordinance Requiring Payment of Local Claims As Condition of Obtaining or Renewing Town Issued Licenses".

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 14 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.
2. 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, unless application is specifically for camper, tent or recreational vehicle.
3. Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 8am and 10pm. 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.
4. 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 located within 25 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 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.

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 forfeiture as follows if not received by below dates:

July 1st = $100

After August 1st = additional $500 ($600 total)

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: Fees

Initial Short-term Rental License Application fee: $50

Renewal Short-term Rental License Application fee: $50

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 be in full force and effective on the 1st day of July 2019, after proper notice and publication of said ordinance as required under *s 60.80 WI stats*.

Filed this 20th day of May 2019

APPROVED BY:

TOWN BOARD TOWN OF MINONG

_____
CHAIRMAN

_____
SUPERVISOR #1

_____
SUPERVISOR #2

_____
SUPERVISOR #3

_____
SUPERVISOR # 4

_____
ATTESTED BY: TOWN CLERK
TOWN OF MINONG

Amended this 20th day of May 2019

State of Wisconsin

Department of Agriculture, Trade and Consumer Protection

Tourist Rooming Houses

A tourist rooming house is defined as all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments.

In general, tourist rooming house establishments are vacation homes, cabins, and cottages that are rented out to tourists and transients for a short period of time.

Under a tourist rooming house license, an operator may rent as many as four units (examples: rooms, cottages, or cabins). You will need a hotel license if you rent five or more units.

Duration

- Each license issued by the Wisconsin Department of Agriculture, Trade and Consumer Protection
- (DATCP) expires June 30 of each year.
- License dates extend from July 1 of one year through June 30 of the following year.
- If a license is granted after April 1 of a license year, that license will extend to June 30 of the following year.

Example: If a business is licensed by DATCP on April 1, 2019, then its license will expire June 30, 2 020.

Renewal fees for existing establishments shall be submitted to DATCP before June 30 each year.

Fees

Type of Facility	Annual License Fee	One Time Pre-Inspection Fee
Tourist Rooming House (1-4 Rooms)	$110	$300

Instructions

1. To obtain a license through DATCP, call (608) 224-4923 or email our licensing specialists.
2. The licensing specialist will get you the information you need and will explain the process steps.

THINKING OF
RENTING OUT YOUR PROPERTY
FOR OVERNIGHT STAYS?

Protect yourself by knowing Wisconsin's laws for short term rentals.

a collaboration of:
League of Wisconsin Municipalities
Wisconsin Counties Association
Wisconsin Department of Agriculture, Trade and Consumer Protection
Wisconsin Hotel & Lodging Association
Wisconsin Insurance Alliance

KNOWLEDGE IS THE KEY

Owners thinking of renting out a room, home, second home, investment property, cabin or basically any structure for overnight stays to the general public for a fee may not be aware of what they must do, by law, or what they may want to do to protect themselves, their property, and the guests paying to stay there. Each state is different in how such rentals are regulated, which makes it confusing for owners just wanting to start selling overnight stays at their property.

This guide offers the basics of what an owner needs to know before starting to rent out their property to the public, and the summaries are provided by a collaboration of experts in each facet of the rental operation, to ensure you know and can comply with various laws, and that you can take appropriate steps to avoid surprises for you or your guests that can have measurable safety or financial consequences. Each component provides references to further, more in depth information for you to explore. It is not intended as a comprehensive guide listing every consideration that may arise, but provides the highlights and entry level basics.

Every owner should review this guide when considering renting out their property for overnight stays, as knowledge is the key to protecting your investments.

TABLE OF CONTENTS

Complying with Municipal Laws | 2
by: League of Wisconsin Municipalities

Licensing for Public Lodging | 3
by: Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP)

Collecting & Remitting State, County and Local Taxes | 4

Property Risks, Liability & Obtaining Insurance Coverage | 4
by: Wisconsin Insurance Alliance

COMPLYING WITH MUNICIPAL LAWS

So, you have decided to become a short term rental landlord. All you need to do now is clean up the place, advertise and wait for the rental requests to roll in right?

Wrong.

Before you start to do any of those things, you must first make sure your short-term rental idea is legal in your community and what you need to do to keep it legal. This requires getting some answers to some critical questions:

- Do you have the right zoning for short-term rental?
- Does your community have a room tax ordinance?
- Are there different building code requirements for a property engaged in commercial activity in your community?

These are just a few questions that must be asked and answered before you start renting. In some smaller communities, one person at the village or city hall, might be able answer all of the relevant questions. In others, you may have to talk to several different officials. However, in most communities whether large or small, the best place to start is with your city or village clerk. If you live in an unincorporated area, you should check with your county land use department.

LICENSING FOR PUBLIC LODGING

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) requires all lodging facilities in Wisconsin to hold a current license.

What counts as a lodging facility?

DATCP has several definitions for types of lodging facilities. They include:

- Hotel - A hotel is defined as "a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas."
- Motel - Means the same as a Hotel except that guest parking is provided on premise as part of the room charge.
- Tourist Rooming House (TRH) - A TRH is defined as "all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients."
- Bed and Breakfast (B&B) – A B&B is defined as "any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12 month period, is the owner's personal residence, is occupied by the owner at time of rental, and in which the only meal served to guests is breakfast."

These definitions mention tourists or transients. DATCP has defined a tourist or transient as "a person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment." Notice that in the definition for tourists or transients a person has to be away from his or her permanent address in order to meet the definition. It does not matter if the tourist or transient is there for the season, the month, a week, a day or less. If it is rented to a tourist or transient, it will require a license.

Lodging facilities come in many forms. Common examples of lodging facilities requiring a DATCP license include: hotels, motels, B&B's, row houses, cabins, cottages, lodges, homes, condos or rental rooms located above a business.

Where do I begin?

Begin the process by contacting a DATCP licensing specialist. They will walk you through the process and help you determine the best license for your lodging operation. They can provide you with an information packet that will guide you through the licensing process. You can contact them by sending an e-mail to datcpdfslicensing@wisconsin.gov or by calling 608/224-4923. After you submit a license application, a Sanitarian will be assigned to your business. The Sanitarian is the inspector responsible for approving your lodging license. They assure that the lodging operation meets health and safety requirements.

Once you know who your Sanitarian is, arrange a time to meet with the Sanitarian at your facility. This arranged meeting is called a Pre-Licensing Inspection. During this inspection your Sanitarian will share with you the applicable code requirements that your structure must meet.

Depending on the type of structure, some of the common items of public health concern may include:

Proper building exits/escapes	Directions of escape	Facility cleanliness
Door locks	Proper linen and towel handling	Size of sleeping rooms
Proper disposal of garbage/solid waste	Proper wastewater disposal (black and gray water)	A recent water test report for private wells (bacteriologically safe)
Fire extinguisher number and placement, fire alarm systems	Smoke/carbon monoxide detector number and placement	Ventilation and combustion air for fuel fired appliances like furnaces, boilers, fireplaces, water heaters & dryers

COLLECTING & REMITTING STATE, COUNTY AND LOCAL TAXES

The Wisconsin Department of Revenue has issued public guidance on its website clarifying that the imposition of state sales tax and local room tax on the rental of overnight lodging applies, with the exception of annual sales of less than $1,000: https://www.revenue.wi.gov/taxpro/news/2016/160125.html

It specifically states "Homeowners or other individuals who make rooms or lodging available to the public for periods less than one month, must report and pay Wisconsin sales tax on such rentals. This includes the short-term rental of a home, room, apartment, cabin, inn, motel, or any other building in which accommodations are made available to the public."

Wisconsin Statute 66.0615 provides the authority and requirements for a ***municipal room tax***. If a Wisconsin municipality has imposed a local room tax, it is imposed "on the privilege of **furnishing, at retail**, except sales for resale, **rooms or lodging to transients** by hotelkeepers, motel operators **and other persons furnishing accommodations that are available to the public.**" View the complete statute here: https://docs.legis.wisconsin.gov/statutes/statutes/66/VI/0615

Federal Income Tax from Renting Residential & Vacation Property

The Internal Revenue Service (IRS) has issued a summary page relating to Renting Residential and Vacation Property where they address the treatment of Rental Income. For their complete statement and their links to further, more extensive guides, such as IRS Publication 527 Residential Rental Property (Including Rental of Vacation Homes), go to https://www.irs.gov/taxtopics/tc415.html.

PROPERTY RISKS, LIABILITY & OBTAINING INSURANCE COVERAGE

If you are considering renting out your home, your guest room or even your couch your first step should be to **contact your insurance professional**. Online platforms for renting your property to the public for overnight stays, such as Airbnb, can be a great way to bring in extra money and are increasingly popular; however, they can also leave you financially vulnerable. If your renter starts a fire and damages your property or is hurt while renting your home, will you be protected?
Before embarking on a home or property rental financial arrangement, call your insurance professional and get their advice. In general, if you are only planning to rent your home out for a single occasion, many insurance companies will extend your coverage to the renter. **The one caveat is that the insurer must be notified ahead of time.**

It is not unusual for someone to rent out their home or part of it for a major event when there may not be enough hotel space available in the area. Many insurance companies take this situation into account when creating a homeowners or renters policy; other insurance companies may require the purchase of an endorsement to the policy to provide broader coverage for the renters in your home.

If you plan to rent out all or part of your home on a regular basis, many companies will consider this a business use. Standard homeowners and renters insurance policies are designed for personal risks, not commercial risks. In this case you will need to purchase a business policy—specifically either a hotel or a bed & breakfast policy. Some companies offer a home-sharing liability insurance policy that can be purchased on a month-to-month basis, but there may be exclusions and limitations, so read the policy carefully.

This compilation was possible thanks to submissions by experts at the state DATCP agency, the Wisconsin Hotel & Lodging Association, the League of Wisconsin Municipalities, the Wisconsin Insurance Alliance, and the Wisconsin Counties Association. Additional components may be added as more information is contributed.

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December 2016