

2 AN ORDINANCE CREATING § 335-86(l) OF THE
3 VILLAGE OF ELM GROVE CODE OF ORDINANCES
4 REGULATING SHORT-TERM RENTALS
5

6 THE BOARD OF TRUSTEES OF THE VILLAGE OF ELM GROVE DO ORDAIN AS FOLLOWS:

7 **SECTION 1:** § 335-86(l) of the Village of ELM GROVE Ordinances is hereby created to read as follows:
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9 Section 335-86(l) – Short-Term Rentals
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11 (1) The purpose of this subsection is to ensure that the quality of short-term rentals operating
12 within the Village is adequate for protecting public health, safety and general welfare, to protect
13 the residential character, and stability of all areas within the Village of Elm Grove; to provide
14 minimum standards necessary for the health and safety of persons occupying or using buildings,
15 structures or premises; and provisions for the administration and enforcement thereof.
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17 (2) Definitions.
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19 For the purpose of this subsection, the following words and phrases shall have the following
20 definitions:
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22 Clerk. The Village Clerk of the Village of Elm Grove or designee.
23

24 Dwelling Unit/Area: A space within a Structure which a natural person can use as a sleeping
25 place. Dwelling Unit as used in this ordinance shall be as defined in Village of Elm Grove Ord.
26 sec. 335-94
27

28 Property Owner: The owner of a Short-Term Rental Unit/Area.
29

30 Residential Property: Any property having a Dwelling Unit/Area located within a zoning
31 district, consisting of the following zoning districts: RS-I, RS-2, R-II, RS-3, RS-4, RM-1, ~~but~~
32 ~~excluding and~~ RM-2 district.
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34 Short-Term Rental Unit/Area: A Dwelling Unit/Area on a Residential Property that is offered
35 for rent for consideration and for fewer than 29 consecutive days, as defined in Wis. Stat.
36 Sec. 66.0615 (1)(d k).
37

38 Village: The Village of Elm Grove, Wisconsin.
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40 (3) Operation of Short Term Rental Unit/Area
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42 (a) Any person maintaining, managing, offering, or providing a Short-Term Rental Unit/Area for
43 more than six (6) consecutive days within each 365-day year commencing on the first day of
44 rental of a Dwelling Unit/Area, shall obtain for such Short-Term Rental Unit/Area a
45 conditional use permit issued pursuant to the provisions of Village of Elm Grove Ordinance §
46 335-86.

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- (b) Each Short-Term Rental Area requires a valid:
 - (i) State of Wisconsin Tourist Rooming House License where operation of the Short-Term Rental Unit/Area exceed ten (10) nights within a consecutive 365 day period;
 - (ii) Seller's permit issued by the Wisconsin Department of Revenue;
 - (iii) A conditional use permit issued pursuant to the provisions of Village of Elm Grove Ordinance § 335-86 per (3)(a) above,
- (c) Operation of a Short-Term Rental Unit/Area shall comply with all of the following:
 - (i) The total number of days that all Dwelling Unit/Areas within a Residential Property may be collectively rented shall not exceed one hundred and eighty (180) days during any consecutive 365-day period.
 - (ii) The Residential Property Owner shall notify the Clerk in writing not less than twenty-four (24) hours before the first rental within a 365-day period begins.
 - (iii) Vehicular traffic shall not be generated that is greater than normally expected in the residential neighborhood, and provision shall be made for all vehicles associated with any person remaining overnight at a Short-Term Rental Unit/Area to be parked within the Residential Property where the Short-Term Rental Unit/Area is located.
 - (iv) There shall not be excessive noise, fumes, glare, or vibrations generated during the period of Dwelling Unit/Area use, including any activity, event or social function held outside the interior of the Dwelling Unit/Area as described and restricted in §(3)(c)(vi) hereafter.
 - (v) No recreational vehicles (RVs), camper, tent, or other temporary lodging arrangement shall be permitted in any zoning district as a means of providing additional accommodations for persons using the Residential Property where the Short-Term Rental Unit/Area is located.
 - (vi) Any activity, event or social function held outside the interior of a Residential Property where the Short-Term Rental Unit/Area is located or opened to the outside by the use of a patio, balcony, back or side yard, veranda or deck shall last no longer than one day occurring between the hours of 9:00 a.m. and 10:00 p.m. No outdoor music shall be allowed between 10:00 p.m. and 9:00 a.m. All activities shall be in compliance with other noise regulations of the Village. All Property Owners of a Residential Property where the Short-Term Rental Unit/Area is located are responsible for complying with all regulations of any applicable room tax.
 - (vii) There shall be compliance with all applicable state, county, and Village codes and ordinances.

94 (viii) The Property Owners of a Residential Property where the Short-Term Rental Short-
95 Term Rental Unit/Area is located shall maintain for two past years the following
96 written records for each rental of the Dwelling Unit/Area: the full name and current
97 address of any person(s) renting the Residential Property, the time period for that
98 rental, cell phone number and e-mail address and the monetary amount or
99 consideration paid for that rental and a description of value.

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101 (4) Granting of Short-Term Rental Conditional Use Permit

102 For a short-term rental the application shall also contain the following information:
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104 (a) Identify all the Residential Property Owners' contact information including mailing
105 address, e-mail address, physical address, cell phone number of property owner, and
106 24-hour phone number available seven (7) days a week;

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108 (b) Specify the maximum number of Dwelling Unit/Areas within a Residential Property
109 available for individual rentals.

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111 (c) A copy of State of the Wisconsin License for a Tourist Rooming House License issued
112 under Wis. Admin Code. Sec. ATCP 72.04 for each Short-Term Rental Unit/Area;

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114 (d) A copy of a completed State Lodging Establishment Inspection form for the entire
115 Residential Property issued not more than six (6) months before the date of the
116 conditional use permit application.

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118 (e) Short term rental conditional use permits shall be issued for a one year period and must
119 be renewed annually subject to Village approval or denial
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121 (5) Issuance of a Conditional Use Permit

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123 (a) A conditional use permit may be issued to the Residential Property Owner(s) after review
124 and a public hearing by the Village Plan Commission and upon approval by the Village
125 Board. Transfer of a conditional use permit because of transfer or sale of a Residential
126 Property is not permissible. Should such Residential Property be sold, then the conditional
127 use permit shall automatically become void.

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129 (b) The conditional use permit shall be reviewed on an annual basis by the Village Plan
130 Commission to ensure compliance with all conditional use requirements.

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132 (i) Such Residential Property may be inspected by the police department, fire
133 department, building inspector or other authorized personnel of the Village to
134 investigate and determine if any violations exist.
135

- 136 (ii) A holder of a conditional use permit, in addition to being subject to a forfeiture
137 prosecution for an ordinance violation arising, may have such permit revoked by the
138 Village Board upon the holding of a hearing and finding of a repeated or substantial
139 violation of any applicable provision of law.
- 140
- 141 (c). No conditional use permit shall be issued or renewed if the owner of, or the Residential
142 Property which is the subject of an application, has any unpaid fees, taxes or forfeitures of
143 any kind owed to any governmental unit.
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- 145 (d). A conditional use permit for a Short-Term Rental Unit/Area may be revoked by the Village
146 Board for any of the following reasons:
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- 148 (i) Failure to make payment for any unpaid fees, taxes or forfeitures of any kind owed to
149 any governmental unit;
- 150
- 151 (ii) Three (3) or more calls for police service, building inspection or the health department
152 for nuisance activities or other law violations in a consecutive twelve (12) month
153 period;
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- 155 (iii) Failure to satisfy any required Village, county, and state licensing requirements;
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- 157 (iv) Any violation of local, county, or state laws that substantially harm or adversely
158 impact the predominantly residential uses and nature of the Village.
- 159
- 160 (v) Failure by a Residential Property owner to properly dispose of trash upon the
161 departure of a short term renter, and in all cases to arrange for trash removal not less
162 than once a week in addition to collecting on a daily basis all trash on outside of the
163 Residential Property not in trash containers.

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165 (6) Room Tax

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- 167 (a) Pursuant to Wis. Stats. § 66.0615(1m)(a), a tax is imposed on the privilege of furnishing at
168 retail, rooms or lodging to customers by persons furnishing accommodations that are
169 available to the public, irrespective of whether membership is required for the use of the
170 accommodation.
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- 172 (b) Such tax shall be at the rate of seven percent (7%) of the gross receipts from such retail
173 furnishing of rooms or lodging.
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- 175 (c) Such tax shall be collected from the customer when the customer's bill is paid, and shall be
176 paid by the Residential Property Owner to the Village Clerk on a quarterly basis: each
177 March, June, September, and December.
- 178
- 179 (d) Such tax shall not be subject to the selective sales tax imposed by Wis. Stats. § 77.52(2).
180 The proceeds of such tax shall be remitted to and received by the village treasurer on or
181 before the 20th day of the month when due.
- 182

183 (e) Records Retention. Every person liable for the tax imposed by this subsection shall keep or
184 cause to be kept such records, receipts, invoices and other pertinent papers in such form as
185 required by the Village Clerk.
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187 **SECTION 2:** If any section, sentence, clause, phrase or portion of this ordinance is for any reason held
188 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
189 separate, distinct and independent provision, and such holding shall not affect the validity of the
190 remainder of such ordinance.

191 **SECTION 3:** This ordinance shall take effect and be in full force from and after its passage and
192 publication by posting commencing on _____, 2019.

193 Passed and approved this ____ day of _____, 2019.

194 VILLAGE OF ELM GROVE

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197 _____
198 Neil H. Palmer, Village President

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200
201 _____
202 Mary S. Stredni, Village Clerk
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