

**TOWN OF WESTPORT**  
**REGULAR BOARD MEETING**  
*Schumacher Farm County Park*  
*Center for Rural History*  
*5682 STH 19*  
Town of Westport, Wisconsin

**AGENDA** - Monday, August 19, 2019 7:00 p.m.

1. Call to Order
2. Public Comment On Matters Not On the Agenda
3. Approve Minutes
4. Review/Approve Operator Licenses
5. Driveway/Access/Utility/Road Opening Permits
6. Water Utility/Fire Protection Utility  
Miscellaneous
7. Sewer Utility  
Miscellaneous
8. Engineer Report  
Miscellaneous Ongoing Projects
9. Short Term Rental Regulation/Room Tax, Discussion/Action
10. Board of Review Appointment Discussion/Action
11. Committee Reports/Items for Action
  - Personnel Committee                      Public Works Committee                      Westport/Middleton JZC
  - Audit Committee                      Town Plan Commission                      Westport/Waunakee JPC
12. Administrative Matters
13. Miscellaneous Business/Forthcoming Events
14. Pay Current Bills
15. Adjourn

If you need reasonable accommodations to access this meeting, please contact the clerk's office at 849-4372 at least three business days in advance so arrangements can be made to accommodate the request.

**TOWN OF WESTPORT**  
**AUDIT COMMITTEE MEETING**  
*Schumacher Farm County Park*  
*Center for Rural History*  
*5682 STH 19*  
Town of Westport, Wisconsin

**AGENDA** - Monday, August 19, 2019 6:30 p.m.

This meeting is being noticed as a possible gathering of a quorum of the Westport Town Board due to the possible attendance of Supervisors not appointed to the Committee. Supervisors may discuss items on this agenda, or gather information on these items, but no action will be taken on these items as the Town Board.

1. Call to order
2. Approve minutes
3. Review/approve bills for payment
4. Adjourn

If you need reasonable accommodations to access this meeting, please contact the clerk's office at 849-4372 at least three business days in advance so arrangements can be made to accommodate the request.

## TOWN OF WESTPORT

TOWN BOARD - Monday, August 5, 2019

The regular semi-monthly meeting of the Town Board was called to order in the Community Meeting Room of the Bernard J. Kennedy Administration Building at 7:05 p.m. by Chair Grosskopf. Members present: Enge, Grosskopf, Sipsma, and Trotter. Members absent: Cuccia. Also Present: Dane County Board Supervisor Tim Kiefer, Tim Wohlers, and Tom Wilson.

No one was present for Public Comment On Matters Not On the Agenda. The minutes of the July 15, 2019 regular meeting were approved as presented on a motion by Sipsma, second Trotter.

A Regular Operator License for John Peterson as on file with the Clerk and presented was granted subject all state and local requirements on a motion by Trotter, second Enge.

For the Engineer Report, Wilson advised the Board members on the Reynolds Avenue improvement project.

Dane County Board Supervisor Tim Kiefer was present to report on County items and answer questions. He reported and answered questions on the upcoming budget, improvements at Schumacher Farm Park, the new County jail construction, the Alliant Energy Center upgrade, CTH M improvements, the potential for the North Mendota Parkway, lake levels and flood prevention, and concerns over the gravel entrance to the Yahara Heights County Park.

Grosskopf reported on items before the plan commission/committees. The Audit Committee recommended payment of bills as presented by the Administrator after questions were answered.

For Administrative Matters raised, Wilson advised that he has been working on short term rental regulations and will likely have something for the next regular meeting, and that the Waunakee Village Board is also looking at the concern and will provide instructions to the plan commissions on potential regulation, to which Grosskopf, Sipsma, and Trotter advised that the regulations presented should be as strict as possibly allowed under State law.

For Miscellaneous Business or Forthcoming Events raised, Wilson discussed having an alternative Board of Review member appointment on next the next meeting agenda which was acknowledged as acceptable by consensus; Wilson reminded the Board that the Labor Day meeting as usual will be cancelled but a special meeting may be scheduled if needed; and, Wilson advised that the next meeting will be at the Schumacher Farm Park new barn (Center for Rural History).

Current bills were paid as presented by the Administrator and recommended by the Audit Committee after questions were answered on a motion by Sipsma, second Enge.

Motion to adjourn by Sipsma, second Enge. The meeting adjourned at 7:55 p.m.

Thomas G. Wilson  
Town Attorney/Administrator/Clerk-Treasurer

AGENDA ITEM #9:

Short-Term Rental Regulations/Room Tax,  
Discussion/Action

# TOWN OF WESTPORT

ORDINANCE NO. 19 - \_\_\_\_\_

## AN ORDINANCE TO ADD SECTION 7-11 AND CHAPTER 7-12, TOWN OF WESTPORT CODE OF ORDINANCES, RELATE TO REGULATIONS AND LICENSING OF SHORT-TERM RENTALS, AND COLLECTION OF TAX ON OVERNIGHT LODGING IN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

**WHEREAS**, to insure the quality of short-term rentals operating within the Town of Westport 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, operators, property managers offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially residential areas within the Town of Westport; 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; and,

**WHEREAS**, pursuant to Section 66.0615, Wis. Stats., the Town Board of the Town of Westport has the authority to enact an ordinance that imposes a tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients by hotel keepers, motel operators, short-term rentals, and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations; and,

**WHEREAS**, The Town Board has determined that it is in the public interest to create Chapters 7-11 and 7-12, Town Code, in light of the recent events in Westport and due to amendments to Section 66.0615, Wis. Stats.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Board of Supervisors of the Town of Westport, Dane County, Wisconsin, that Chapters 7-11 and 7-12, Westport Town Code of Ordinances, are hereby created to provide as found at Exhibits A and B attached hereto.

The above and foregoing Ordinance was duly adopted by the Town Board of Supervisors of the Town of Westport, Dane County, Wisconsin at a regular meeting held on \_\_\_\_ day of \_\_\_\_\_, 2019, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays, \_\_\_\_ abstaining, and \_\_\_\_ not voting, and shall take effect the day after proper publication.

TOWN OF WESTPORT

By: \_\_\_\_\_  
Dean A. Grosskopf, Town Board Chair

Attest: \_\_\_\_\_  
Thomas G. Wilson,  
Town Attorney/Administrator/Clerk-Treasurer

Approved: \_\_\_\_\_  
Published: \_\_\_\_\_

# Chapter 11

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## Regulation and Licensing of Short-Term Rentals

7-11-1	Purpose
7-11-2	Definitions
7-11-3	Operations of Short-Term Rentals
7-11-4	Short-Term Rental License
7-11-5	Short-Term Rental License Procedure
7-11-6	Renewal
7-11-7	Property Manager
7-11-8	Standards for Short-Term Rentals
7-11-9	Room Tax
7-11-10	Display of Permit
7-11-11	Appeal and License Revocation
7-11-12	Penalties
7-11-13	Fees
7-11-14	Severability

### Sec. 7-11-1 Purpose

The Purpose of this Chapter is to ensure that the quality of short-term rentals operating within the Town of Westport 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, operators and property managers offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially residential areas, within the Town of Westport; 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.

### Sec. 7-11-2 Definitions

- (a) For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows:
- (1) Words in the present tense include the future.
  - (2) Words in the singular number include the plural number
  - (3) Words in the plural number include the singular number
- (b) The following definitions and conditions apply unless specifically modified:

*Clerk.* The Town Clerk of the Town of Westport or designee.

*Corporate entity.* A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.

*Dwelling Unit.* One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family. Dwelling Units include residential, tourist rooming house, seasonal employee housing and dormitory units.

*Owner.* The owner of a short-term rental.

*Person.* Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any section of this Chapter prescribing a penalty of fine, as to partnerships or association, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

*Property Manager.* Any person that is not the property owner and is appointed to act as agent and/or provides property management services to one or more short-term rental.

*Short Term Rental.* A residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days, as defined in Sec. 66.0615(1)(dk), Wis. Stats.

*State.* The State of Wisconsin Department of Health, or its designee.

### **Sec. 7-11-3      Operations of Short Term Rentals**

- (a) No person may maintain, manage, or operate a short-term rental more than 10 nights each year without a short-term rental license. Every short-term rental shall be operated by a Property Owner or Property Manager.
- (b) Every short-term rental must be the primary residence of the Owner or the principals of any corporate entity owner or trust.
- (c) The short-term rental must be rented for a minimum of 6 consecutive days by each guest.
- (d) Each short-term rental is required to have the following licenses and permits:
  - (1) A State of Wisconsin Tourist Rooming House License;
  - (2) A Seller's permit issued by the Wisconsin Department of Revenue;
  - (3) A room tax permit; and
  - (4) A permit or license issued pursuant to the provisions of this Chapter.



- (e) Each short-term rental shall comply with all of the following:
- (1) The total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days. If the Owner does not occupy the short-term rental at the time of rental, the short-term rental may be rented no more than 30 days per licensing year.
  - (2) The Property Owner or Property Manager shall notify the Clerk in writing when the first rental within a 365-day period begins.
  - (3) No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.
  - (4) There shall not be excessive noise, fumes, glare, vibrations generated during the use.
  - (5) Name plates or other signage shall not exceed one square foot. No other signage advertizing the short-term rental is permitted on site. Off-site advertising in media channels relating to the availability of the rental may take place only after all Town, County and State permits and licenses have been obtained.
  - (6) The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable county and town housing regulations based upon the number of bedrooms in each unit. In no case shall the short-term rental have more than two occupants per bedroom.
  - (7) No recreational vehicle (RV), camper, tent, or other temporary lodging arrangement shall be permitted on site as means of providing additional accommodations for paying guests or other invitees.
  - (8) 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 9:00 pm. Any activities shall be in compliance with other applicable noise regulations, except that quiet hours shall be kept from 9:00 pm to 8:00 am.
  - (9) All rentals of the short-term rental shall be subject to payment of the Town room tax at the currant applicable rate. Permit holders are responsible for complying with all regulations of the room tax.
  - (10) Compliance with all applicable state, county, and local codes and regulations is required.
  - (11) Annual general building inspection is required prior to issuance or renewal of the license.
  - (12) A local property management contact must be on file with the Town at the time of application. The local Property Manager must be within twenty-five (25) miles of the short-term rental property and must be available 24 hours a day. The Property Owner must notify the Town within twenty-four (24) hours of a change in management contact information for the short-term rental.
  - (13) A short-term rental license will not be issued until the following contingencies have been met:
    - (a) License from the County received;
    - (b) General Building and fire code inspections completed by the Town and no outstanding orders remain.



- (14) Short-term rental licenses are issued for one year period and must be renewed annually subject to Town approval or denial.
- (15) The Property Owner of the short-term rental shall have appropriate insurance for the home that is used for short-term rental and provide proof of insurance with the license application and renewal.
- (16) Each short-term rental shall provide a register and require all guests to register their true names and addresses before being occupancy of the short-term rental. The register shall be kept intact and available for inspection by representatives of the Town for at least one year.
- (17) Each short-term rental shall maintain the following written records for each rental of the dwelling unit: the full name and current address of any person renting the property, the time period for that rental, and the monetary amount or consideration paid for that rental.

#### **Sec. 7-11-4      Short Term Rental License**

- (a) The Clerk shall issue a short-term rental license to all applicants following the approval of an application and the filing of all documents and records required under this Chapter. The application shall also contain the following information:
  - (1) Identify the Property Owner with contact information including mailing address, physical address, and 24 hour phone number;
  - (2) Identify the Property Manager with contact information including mailing address, physical address, and 24 hour phone number;
  - (3) The maximum days of occupancy for the premises for individual rentals;
  - (4) The license term; and
  - (5) State lodging license number, if any.

#### **Sec. 7-11-5      Short Term Rental License Procedure**

- (a) All applications for short-term rental license shall be filed with the Clerk on forms provided. Applications must be filed by the Property Owner. No permit shall be issued unless the completed application for is accompanied by payment of the required fee.
- (b) Each application shall include the following information and documentation for each short-term rental unit:
  - (1) A copy of State of Wisconsin license for a Tourist Rooming House License issued under Wis. Stat. Sec. 254.64;
  - (2) A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal;
  - (3) Proof of Insurance;
  - (4) A copy of the Seller's Permit form the Department, if any;
  - (5) Floor plan and requested maximum occupancy;

- (6) Site plan including available onsite parking;
  - (7) Property Management Agreement (if applicable);
  - (8) Designation of the Property Manager;
  - (9) Certification from the property owner that the property meets the requirements of this Chapter;
  - (10) A room Tax Permit issued by the Town of Westport; and
  - (11) An employer identification number issued by the Internal Revenue Service.
- (c) Terms and Filing date. Each permit and license shall run during a calendar year expiring June 30 (license year July 1 to June 30). The filing fee shall be paid upon filing of the application. The Clerk may conditionally accept late applications, subject to payment of the late filing fee. Any application which does not include all of the information and documentation shall not be considered as complete.
- (d) Application Review Procedure. When satisfied that the application is complete, the Clerk shall forward initial applications for permits and licenses to the appropriate Town Departments for review. If the Clerk in consultation with the Town staff determines that the application meets the requirements of this Chapter, they may submit the application for the public hearing process provided below and review by the Town Board. If the Clerk in consultation with the Town staff determines that the application does not meet the requirements of this Chapter, they may deny the application.
- (e) Town Board Approval; Public Hearing Requirement. The Town Board shall review the application and clerk/staff determinations, and either approve or deny the license based on that information and testimony provided at a public hearing held prior to that determination. The public hearing shall take place and be noticed as required for preliminary plats at section 10-3-32(b), Town Code, with the applicant responsible for the notice requirement.
- (f) No permit or license shall be issued or renewed unless there is filed with the Clerk a completed Fire Inspection Report dated not more than one (1) year before the date of the issuance or renewal.
- (g) No permit or license shall be issued or renewed, if the applicant or property has outstanding fees, taxes or forfeitures owed to the Town, unless arrangements for payment have been approved by the Clerk.

## **Sec. 7-11-6        Renewal**

- (a) Each application for a renewal of a permit or license shall include updated information for the documentation on file with the Clerk and payment of the applicable fee. The Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Chapter. The Clerk shall request reports from the Public Safety Department and the Zoning Administrator regarding any complaints received, calls for service or actions taken regarding the short-term rental properties. The Clerk shall issue renewal licenses within thirty (30) days of the filing of the application unless the information provided is incomplete or otherwise not in compliance with the requirements of

- the Chapter and/or the reports from the policing authorities or the Zoning Administrator indicate that there are complaints or actions involving the property.
- (b) If the Clerk finds that the license or permit should not be renewed, the Clerk shall deny the renewal.
  - (c) No permit or license shall be issued or renewed unless there is filed with the Clerk a completed Fire Inspection Report by the Town fire inspector dated within one (1) year of the issue date.
  - (d) No permit or license shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the Town, or is under an order issued by the Building Inspector, or his designee, to bring the premises into compliance with Town ordinances, unless arrangements for payment have been approved by the Clerk.

### **Sec. 7-11-7      Property Manager**

- (a) **Property Manager Permit.** No person may act as a Property Manager for a short-term rental without a Property Manager Permit issued in accordance with the provisions of this Chapter. The Property Manager Permit shall apply to all short-term rentals for which the Property Manager has exclusive rights for the rental of the property. The Property Manager must certify to the Town that each short-term rental operating under the short-term rental license complies with the standards of this Chapter.
- (b) **Property Manager Qualifications.** To qualify as a Property Manager the applicant must meet the following requirements:
  - (1) Be a natural person residing in or within twenty-five (25) miles of the Town of Westport or a corporate entity with offices located within twenty-five (25) miles of the Town of Westport.
  - (2) The applicant does not have pending any criminal charge and has not been convicted of a felony or misdemeanor of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another.
- (c) Each Property Manager shall be authorized by the Property Owner to act as the agent for the owner for the receipt of service of notice of violation of this Chapter's provisions and for service of process pursuant to this Chapter and shall be authorized by the owner to allow Town employees, officers and their designees, to enter the owner's property for purposes of inspection and enforcement of this Chapter and/or the Town Code.

### **Sec. 7-11-8      Standards for Short-term Rentals**

- (a) Each short-term rental shall comply with this Chapter's requirements or any other applicable Town ordinance. Each short-term rental shall comply with the following minimum requirements:
  - (1) One (1) internal bathroom for every (4) occupants;

- (2) Not less one hundred fifty (150) square feet of floor space for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room area. Floor space is determined using interior measurements of each room. Floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people;
- (3) Not less than one (1) onsite off-street parking space for every four (4) occupants based upon maximum capacity;
- (4) A safe, unobstructed means of egress from the short-term rental leading to safe, open space at ground level;
- (5) Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 321 of the Wisconsin Administrative Code;
- (6) Shall not have an accessible wood burning fireplace unless the property owner provides a certification from a properly licensed inspector, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fore Code Chapter 211 Standard for Chimneys. Fireplaces, Vents, and Solid Fuel-Burning Appliances;
- (7) Shall not have hibachi, gas-fired grill, charcoal grill. Or other similar devices used for cooking or any other purpose on any balcony, deck, or under any overhanging structure or within ten (10) feet of any structure;
- (8) Shall not have a fire pit or other similar device used for heating or any other purpose on any balcony, deck or under any overhanging structure or within twenty-five (25) feet of any structure;
- (9) There shall be no outdoor storage by the tourist or transient;
- (10) Pets must be restricted to the property;
- (11) Use of any pool, hot-tub, sauna or similar device shall not be allowed unless built to commercial standards, and meets all standard testing as required for use in a commercial hotel;
- (12) All Property Managers shall carry casualty and liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than \$300,000 per individual and \$1,000,000 aggregate; and
- (13) Certification of compliance. As a condition of issuance of a license under this Chapter, the Property Manager shall certify that each managed property is in compliance with the terms and conditions of the license and this Chapter.

**Sec. 7-11-9          Room Tax**

- (a) Each short-term rental shall comply with the room tax reporting requirements of the Town Code Chapter 7-12.
- (b) Each Property Manager Licensee shall file room tax returns for the managed short-term rentals.
- (c) All tax returns and supporting documentation filed with the Clerk are confidential and subject to the protections provided under Town Code 7-12, and Sections 66.0615(3) and 77.61, Wis. Stats.

**Sec. 7-11-10        Display of Permit**

Each License or permit shall be displayed on the inside of the main entrance door of each short-term rental.

**Sec. 7-11-11        Appeal and License Revocation**

- (a) The denial of any license or permit application or renewal under this Chapter may be appealed by filing a written appeal request with the Clerk within ten (10) days of the Town's notice of denial. The appeal shall be heard by the Town Plan Commission, which shall make a recommendation to the Town Board. The Town Board shall then reconsider the application or renewal and recommendations and may approve or deny the application or renewal.
- (b) A license may be revoked by the Town Board for one or more of the following reasons:
  - (1) Failure to make payment on taxes or debt owed to the Town;
  - (2) Failure to make payment on room tax;
  - (3) Three (3) or more legitimate calls for police service, building inspection or the health department for nuisance activities or other law violations in a twelve (12) month period;
  - (4) Failure to comply with annual Town building inspection requirements;
  - (5) Failure to maintain all required local, county, and state licensing requirements;
  - (6) Failure to use the property as a short-term rental within twelve (12) months of obtaining the Town license;
  - (7) Failure to comply with any requirements cited within this Chapter; and
  - (8) Any violation of local, county, or state laws that substantially harm or adversely impact the predominately residential uses and nature of the surrounding neighborhood.

**Sec. 7-11-12 Penalties**

- (a) Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in the General Penalty provisions of the Town Code and in the forfeiture amounts as provided for in the bond schedule for the Town Municipal Court.
- (b) Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Chapter or otherwise.

**Sec. 7-11-13 Fees**

Initial and Renewal Short Term Rental application fees - \$1,000  
Each additional units added under a Short-Term Rental License - \$500  
Renewals - \$500  
Re-Inspections - \$100  
Property Manager Permit - \$100

**Sec. 7-11-14 Severability**

If any provision of this Chapter and its ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this Chapter or its ordinances. It is hereby declared to be the intention of the Town of Westport that all provisions of this Chapter and its ordinances therein are separable. This Chapter shall not invalidate or interfere with any lawful private or other lawful public covenant or restriction on property which prohibits or restricts to a greater extent the uses described and licensed herein.



## Chapter 12

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### Collection of Tax on Overnight Lodging

7-12-1	Definitions
7-12-2	Imposition of Room Tax
7-12-3	Distribution of Room Tax Collected
7-12-4	Creation and Duties of Tourism Commission
7-12-5	Tracking and Reporting Room Tax Revenue Expenditures
7-12-6	Collection of Tax
7-12-7	Sale or Conveyance of Business
7-12-8	Determination of Tax by Audit
7-12-9	Failure to File Room Tax Return
7-12-10	Forfeiture Relating to Failing to Comply with a Request to Inspect and Audit the Person's Financial Records and Failing to File Returns Timely
7-12-11	Record Keeping Requirements
7-12-12	Confidentiality of Tax Returns
7-12-13	Exemptions

#### **Sec. 7-12-1      Definitions**

In this chapter the following shall apply:

*Gross Receipts* means the total amount of the sale, lease, or rental price, as the case may be, from sales at retail of tangible personal property, or taxable services, valued in money, whether received in money or otherwise.

*Hotel and Motel* have the meaning as defined in Sec. 77.52(2)(a)1., Wis. Stats.

*Lodging Marketplace* means an entity that provides a platform through which an unaffiliated third party offers to rent a short-term rental to an occupant and collects consideration for the rental from the occupant.

*Municipality* means the Town of Westport.

*Occupant* means a person who rents a short-term rental through a lodging marketplace.

*Owner* means the person who owns the residential dwelling that has been rented.

*Payor* means the person or entity who owes that tax imposed by this ordinance.



*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 2 or more persons maintaining common household, to the exclusion of others.

*Room Tax* means the tax imposed by this ordinance.

*Short-term Rental* means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

*Tourism* has the meaning as defined in Sec. 77.52(2)(e), Wis. Stats.

*Transient* has the meaning as defined in Sec. 77.52(2)(a)1, Wis. Stats.

*Tourism Entity* means a nonprofit organization that spends at least 51 percent of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality.

*Tourism Promotion and Development* has the meaning defined in Sec. 66.0615(1)(fm), Wis. Stats.

## **Sec. 7-12-2      Imposition of Room Tax**

Pursuant to Sec. 66.0615, Wis. Stats., a tax is hereby imposed on the privilege and services of furnishings, at retail, except sales for resale, rooms or lodging to transients by hotel keepers, motel operators, lodging marketplaces, owners of short-term rentals, and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. The tax shall be at the rate of 5 percent of the gross receipts from such retail furnishings of rooms or lodgings. The tax shall not be subject to the selective sales tax imposed by Sec. 77.55(2)(a)1, Wis. Stat. The tax may not be imposed upon sales to the federal government and persons listed under Sec. 77.54(9a), Wis. Stats.

## **Sec. 7-12-3      Distribution of Room Taxes Collected**

Upon receipt of the room taxes that are collected, the municipality shall distribute 88 percent of the room taxes to the Tourism Commission.

## **Sec. 7-12-4      Creation and Duties of Tourism Commission**

- (a) The Tourism Commission shall consist of 5 members, one of which shall be a Town Board member, who shall be appointed by the Town Board Chair with approval of the Town Board.

The Tourism Commission shall have at least one owner and/or operator representative of the local lodging industry. Each member's term shall be for a one year period and each member may serve multiple terms. The Tourism Entity shall appoint a representative to serve as an ex-officio member. This ex-officio member will not be counted towards purposes of determining a quorum.

- (b) Annually the Tourism Commission shall elect a chairperson from its members to serve a one-year term. The Tourism Commission shall meet as needed as determined by the Commission Chair and should meet no less than 4 times a year.
- (c) The Tourism Commission shall report annually to the municipality providing the room tax revenue and the purposes for which the revenues were spent.
- (d) The Tourism Commission shall contract with a Tourism Entity which develops the marketing plan including budgets for room tax revenues for promotion and development.
- (e) The Tourism Commission shall give broad direction to the Tourism Entity on the development of the marketing budget.
- (f) The Tourism Entity shall submit meeting minutes after each meeting and a room tax marketing plan to the Tourism Commission for review and approval annually.
- (g) The Tourism Commission and Entity with whom it contracts shall not use any of the room tax revenue to construct or develop a lodging facility.

### **Sec. 7-12-5 Tracking and Reporting Room Tax Revenue Expenditures**

- (a) The Tourism Entity shall track the use of room tax revenue expenditures and state its impact on generating paid overnight stays in the community.
- (b) The Tourism Entity shall permit and shall allow inspections of its records pertaining to the use of the room tax funds upon request of the Tourism Commission at reasonable times.
- (c) The Tourism Entity shall provide a written report as determined by the Tourist Commission, no less than annually, and such report shall be available to the municipality and general public upon request.

### **Sec. 7-12-6 Collection of Tax**

- (a) The Collection of tax imposed by this Chapter shall be administered by the Town Treasurer. The tax imposed is due and payable on the last day of the month next succeeding the calendar quarters for which imposed. A return shall be filed with the Town Treasurer, by those furnishing at retail such rooms and lodging, on or before the same date on which the tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarters from such retail furnishings of rooms or lodging, the amount of taxes imposed for such period, and such other non-confidential information the Town Treasurer deems reasonably necessary. Annual returns shall be filed on a calendar year basis. Such annual return shall be filed within 90 days of the close of each calendar year. The annual return

shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall be made on forms as prescribed by the Town Treasurer. All such returns shall be signed by the person required to file a return or his/her duly authorized agent, but need not be verified by oath. The Town Treasurer may, for good cause, extend the time for any return, but in no event longer than one month from the filing date.

- (b) The correct amount of tax shall accompany each quarterly tax return and be made payable to the municipality.

### **Sec. 7-12-7      Sale or Conveyance of Business**

If any person liable for any amount of tax under this section sells out their business or stock of goods or quits the business, their successors or assigns shall withhold sufficient funds from the purchase price to cover such amount until the former owner produces a receipt from the Town Treasurer that it has been paid or a certificate stating that no amount is due. If any person subject to the tax imposed by this section fails to withhold such amount of tax from the purchase price as required, they shall become personally liable for payment of the amount required to be withheld by them to the extent the price of the accommodations valued in money.

### **Sec. 7-12-8      Determination of Tax by Audit**

- (a) The Town Treasurer may, by office audit, determine the tax required to be paid to the municipality or the refund due to any person under this Chapter. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the Town Treasurer's possession. One or more such office audit determinations may be made out of the amount due for anyone or for more than on period.
- (b) The Town Treasurer may, by field audit, determine the tax required to be paid to the municipality or the refund due to any person under this Chapter. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the Town Treasurer's possession. Whenever the Town Treasurer has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, the Town Treasurer is authorized to examine and inspect the financial records pertaining to the furnishing of accommodations at the establishment in question in order to verify the tax liability of that person or of another person.

### **Sec. 7-12-9      Failure to File Room Tax Return**

If any person fails to file a return by this chapter, the Town Treasurer shall make an estimate to the amount of the gross receipts under section 7-12-6. Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the Town Treasurer's possession or may come into his/her possession. On the basis of this estimate, the



Town Treasurer shall compute and determine the amount required to be paid to the municipality. One or more such determinations may be made for one or more than one period of time.

**Sec. 7-12-10      Forfeiture Relating to Failing to Comply with a Request to Inspect and Audit the Person's Financial Records and Failing to File Returns Timely**

- (a) A forfeiture, not to exceed 5 percent of the room tax, may be imposed on a person who fails to comply with a request to inspect and audit the person's financial records.
- (b) Require the person who is subject to pay an amount that is due to pay said tax plus interest at the rate of one percent per month on the unpaid balance. No refund or modification of the payment determined may be granted until the person files a correct room tax return, and permits the municipality to inspect and audit his or her financial records.
- (c) A forfeiture, not to exceed 25 percent of the room tax due for previous year or \$3,000 whichever is less, of the tax, may be imposed in the event that the room tax is not paid.

**Sec. 7-12-11      Record Keeping Requirements**

Every person liable for the tax imposed by this ordinance shall keep or cause to be kept such records, receipts, invoices and other pertinent papers to the payment of room taxes in such form as the Town Treasurer requires.

**Sec. 7-12-12      Confidentiality**

- (a) All tax returns, schedules, exhibits, writings, or audit reports relating to such returns, on file with the Town Treasurer are deemed to be confidential, except the Town Treasurer may divulge their contents to the following and no others:
  - (1) The person who filed the return.
  - (2) The Town Treasurer or other persons for use in the discharge of the duties of their office (unless otherwise prohibited by law), or by order of a court.
- (b) No persons having an administrative duty under this section shall make known in any manner the business affairs, operations, or information obtained by an investigation of records or any person on whom a tax is imposed by this chapter, or the amount of source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as otherwise provided in this chapter.

**Sec. 7-12-13      Exemptions**

For the tax year (current year), any person or business otherwise required to file a return and make payment to the municipality under this chapter will be allowed an exemption from the requirement to collect and pay room tax for any signed contract dated prior to the adoption of this chapter in which the contract guarantees the lodging rates. This exemption shall expire on August 31, 2019.