



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Plan Commission
Re: Creating Chapter 26, Article XV of the Code of Ordinances relating to creating a Tourist Housing Permit.

ORDINANCE NO. 2017-09
Introduced: June 7, 2017
Committee/Commission Action:
**Referred back to 6-13-17 Plan Comm.
& Subsequently Recommended for
Passage with Revisions.**

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Sec. 26-3 of the Code of Ordinances of the City of Neenah is amended to add the following definition:

Tourist Housing means any single-family or two-family dwelling unit which is rented partially (no more than 2 individual bedrooms rented to guests) or fully (the entire dwelling unit) to a guest(s) on a short-term basis (less than 30 consecutive days), excluding Boardinghouses and Bed and Breakfast Inns, more than once per calendar year.

Section 2. Chapter 26, Article 15 of the Code of Ordinances of the City of Neenah, consisting of Sections 26-660 to 26-674, relating to Tourist Housing is created to read as follows:

ARTICLE XV. TOURIST HOUSING

Sec. 26-660. Intent.

It is the intent of this chapter to protect the public health, safety and general welfare of individuals in the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by Tourist Housing dwelling units; and to implement rationally-based, reasonably tailored regulations to protect the integrity of the City's neighborhoods.

Sec. 26-661. Standards.

All tourist housing properties shall conform to the following standards:

- (1) No tourist housing property shall be located within a 500-foot radius of another tourist housing property.
- (2) There shall be at least two designated off-street parking spots on the tourist housing property for guests.
- (3) All tourist housing property owners or guests must abide by the noise regulations in Section 11-146 of the City's Code of Ordinances.
- (4) The owner(s) of the property is the only individual(s) allowed to rent out the tourist housing property. Third party property management companies are strictly forbidden.
- (5) There shall be a limit of two people per bedroom and two additional people. In no case shall a tourist housing dwelling unit exceed more than 4 unrelated adults or 10 individuals.
- (6) Tenants are not permitted to stay at a tourist housing property for more than thirty consecutive days.
- (7) No recreational vehicles (RVs), campers, tents, or other temporary lodging arrangements shall be permitted on-site as a means of providing additional accommodations for paying guests or other invitees.
- (8) The owner(s) of the property must obtain a tourist housing permit before any rentals are allowed.
- (9) The tourist housing property shall be the primary residence of the applicant.
- (10) The owner(s) of the tourist housing property is (are) responsible for all applicable lodging and room taxes.
- (11) A tourist housing property may be rented up to 120 days within a calendar year.

Sec. 26-662. Permit Procedure.

The procedure to obtain a tourist housing permit consist of:

- (1) Applicant shall apply for the permit through the Department of Community Development. The department shall review the proposed tourist housing application with the applicant to determine conformance to the required standards.
- (2) Applicant shall be given addresses of all residents (property owners and/or tenants) within 200 feet of the proposed tourist housing property. It is the applicant's responsibility to notify all residents listed and provide evidence to the Department of Community Development that they have been informed of the proposed tourist housing property.
- (3) Should the Department of Community Development determine that the proposed tourist housing property complies with the established standards, a tourist housing permit shall be issued upon payment of a permit fee established by the Council.

- (4) Should the Department of Community Development determine that the proposal does not conform to the established standards or the applicant has not made a good faith effort to contact and inform the neighboring residents, the proposed tourist housing permit may be denied. The applicant may appeal the decision to deny the permit to the Public Services & Safety Committee. The Committee may grant or reject the tourist housing request after hearing the appeal. A fee, as established by the Council, shall be charged to the applicant at the time the appeal is filed.
- (5) Tourist housing permits shall expire one year after issuance and once granted may be renewed subject to the provisions of this section, by completing a renewal form available from the Department of Community Development and by paying an annual permit fee established by the Council. Failure to apply in a timely manner for renewal, and/or failure to pay the annual permit fee, shall be grounds for revocation.

Sec. 26-663. Special provisions.

Special provisions for short-term rental properties are as follows:

- (1) Tourist housing permits, once granted, may be revoked by the Council for cause after a hearing. Complaints seeking the revocation of such permit shall be filed with the Department of Community Development. All such revocation hearings shall be conducted in accordance with the requirements for a tourist housing application hearing..
- (2) Should a tourist housing permit holder die or move to a new location, the existing permit shall automatically be terminated; except, that in the case of death, should a surviving spouse or child, residing at the same address, desire to continue the tourist housing, written notice to that effect shall be given to the Community Development Department for consideration to authorize continuation of that permit.

Sec. 26-664. Inspection.

There may be one annual inspection each year by the Department of Community Development. The Department of Community Development shall have the right at any time, upon reasonable request, to enter and inspect the premises for safety and compliance purposes.

Secs. 26-665 – 26-674. Reserved.

Section 3. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 4. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Dean R. Kaufert, Mayor

Attest:

Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
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Neenah, WI 54956
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