

City of Rhinelander Common Council
Oneida County, Wisconsin

ORDINANCE NO. 2025-14

An Ordinance Creating Sections 4.05.16—4.05.22 of the City of Rhinelander Code of Ordinances

"Sections 4.05.16-4.05.22 of the City of Rhinelander Code of Ordinances are hereby created to read as follows:"

Article I - Short-Term Rentals

4.05.16 - General

1. *Purpose.* The purpose of this article is to ensure that the quality of short-term rentals operating within the City of Rhinelander is adequate for protecting public health, safety and general welfare.
2. *Applicability.* The provisions of this article apply to all City of Rhinelander zoning districts except the CR Conservation-Recreation district; B-3 General Business district; I- 1 Light Industrial District; I-2 General Industrial district; and INT Institutional district.
3. *Definitions and word usage.* For the purpose of administering and enforcing this article, the following definitions apply unless specifically modified:

a. *Bed and Breakfast*

Any place of lodging as defined under ACTP73.03 (3) and existing City Ordinance (5.07.3.05(13))

b. *City Clerk*

The Clerk of the City of Rhinelander or the Clerk's designee.

c. *Corporate Entity*

A corporation, partnership, or limited-liability company; licensed to conduct business in this state.

d. *Guest Register*

The official record provided and kept by a property owner or property manager in which short- term rental guests are required to list their true names and addresses before being assigned sleeping quarters, pursuant to Wis. Adm. Code§ ATCP 72.16.

e. *License*

The short-term rental license issued under this chapter.

f. *Lodging Marketplace*

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

g. *Owner*

The owner of a real estate parcel upon which is located a residential facility offered for short-term rental.

h. *Person*

Includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as individuals, including a personal representative, receiver, trustee or other representative appointed according to law. Whenever the word "person" is used in any section of this ordinance prescribing a penalty or fine, as to partnerships or associations, 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.

i. *Property Manager*

Any person who is not the property owner and is authorized by the property owner, expressly or impliedly, to act as agent and as the local contact person on behalf of the property owner for one or more short-term rentals, and to take remedial action and promptly respond to any violation of this article or the City Code relating to the licensed premises.

j. *Residential Dwelling*

Any building, structure, or part of ~~the~~ a building or structure that is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others, as defined in Wis. Stats. § 66.1014(1)(b).

k. *Short-Term Rental*

A residential dwelling that is offered for rent for a fee and for fewer than thirty (30) consecutive days, as defined in Wis. Stats. § 66.0615(1)(dk).

l. *Tourist House*

Tourist house" or "Tourist Rooming House" means 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 includes "Short-Term Rental", as defined above. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Ch. ATP 73.

m. *Tourist or Transient*

"Tourist" or "transient" means 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.

4. *Operation of short-term rentals.*

- a. Short-term rentals shall be limited to one (1) period of six (6) or fewer consecutive days within any six (6) consecutive day period, commencing with the first day, or any part of the first day, of such rental period.
- b. No person may maintain, manage, or operate a short-term rental without a short-term rental license. Every short-term rental shall be operated by an owner or property manager whose license may not be transferred to another owner or agent.
- c. The license shall be displayed on the inside of the main entrance door of each short-term rental.
- d. Each short-term rental is required to have obtained the following licenses and permits:
 - i. A City license issued pursuant to the provisions of this article.
 - ii. A seller's permit issued by the Wisconsin Department of Revenue pursuant to Wis. Stat. §§ 77.52(3m) and 77.523(1), unless the short-term rental is being offered for rent through a lodging marketplace that is registered with the State of Wisconsin and registered for a seller's permit with the Wisconsin Department of Revenue;
 - iii. A completed and submitted City of Rhinelander Room Tax application, as filed with the City Clerk

5. *Each short-term rental shall comply with all of the following:*

- a. No vehicular traffic shall be generated that is greater than normally expected in a typical residential neighborhood.
- b. Nameplates or other signage shall not exceed one square foot. No other signage or advertising the short-term rental is permitted on-site. Off-site advertising on a lodging marketplace and/or in media channels relating to the availability of the rental may take place only after all necessary licenses and permits have been obtained.
- c. Owners or property managers holding the short-term rental license for a residential dwelling unit are responsible for complying with all room tax requirements as set forth in City Ordinance 2.05.15.
- d. Compliance with all applicable state, county, and local codes and regulations is required.
- e. A general building and fire inspection by the City of Rhinelander is required prior to the initial issuance of a license. An annual fire inspection must be completed on the property.
- f. The owner's or property manager's contact information must be on file with the City Clerk, and provided to each renter. The owner or property manager must be within thirty (30) miles of the short-term rental property and must be available at all times while property is rented to promptly rectify any issues concerning the rental. The owner or property manager must notify the City within three (3) business days of a change in management contact information for the short-term rental.
- g. Short-term rental licenses are issued for a one-year period and must be renewed annually, on July 1, subject to City Clerk approval or denial.

- h. The owner or property manager of the short-term rental shall have liability insurance covering the residential dwelling and associated parcel that is used for short-term rental and provide proof of that insurance with the license application and renewal. The required Liability insurance must be issued by a Wisconsin-authorized insurance company with liability limits not less than \$300,000.00 per individual and \$1,000,000.00 aggregate. The City reserves the right to review and change these amounts on an annual basis as the City deemed necessary.
- i. The owner or property manager of each short-term rental shall provide a guest register and require all guests to register their true names and addresses and rental time period(s) before being assigned sleeping quarters. The guest register shall be kept by the owner or property manager and available for inspection for at least one (1) year, as required by the Wisconsin Administrative Code.
- j. Upon probable cause to believe that a violation of this section, or of a law, code, rule or regulation relating to buildings, housing, electrical, plumbing, heating, gas, fire, health, safety, environmental pollution, water quality, food or zoning has occurred or is occurring, the City's Commercial Building Inspector, Fire Inspector, or a health officer may request that the owner or property manager allow him or her, upon presenting proper identification, access to the short-term rental premises at any reasonable time for any of the following purposes: to determine if there has been a violation of this section, or of a law, code, rule or regulation related to the short-term rental or its operation; to determine compliance with previously written violation orders; to examine and copy relevant documents and records related to the operation of the short-term rental; or to obtain photographic or other evidence needed to enforce this section. As used in this subsection, "probable cause" means facts and circumstances within an officer's knowledge and of which he or she has reasonably trustworthy information that is sufficient to warrant a reasonable officer in believing that a violation has been or is being committed. If consent is refused, the Building Inspector, Fire Inspector, or health officer may apply for a special inspection warrant issued under Wis. Stat. § 66.0119, or other warrant, subpoena or order as may be necessary or appropriate.

4.05.17 Short-term-rental license procedure.

1. All applications for a short-term rental license shall be filed with the City Clerk on forms provided. Applications must be filed by the owner or duly authorized property manager. No license application shall be reviewed, nor shall one be issued, unless the completed application is accompanied by full payment of the required fee. This fee shall be non-refundable.
2. Each application shall include the following information and documentation for each short-term rental:
 - a. Designation of the owner as the manager of the property or the designated property manager who must be local as a resident of Rhinelander or the immediate surrounding area. Each must be identified with mailing address, physical address, email address, and phone number.

- b. Documentation that a Conditional Use Permit (CUP) has been granted for the property, per City Ordinance(s) 5.07.12.07; 5.07.3.04; and 5.07.3.05.
 - c. For the initial issuance of a City license or upon change of ownership, a satisfactory property inspection report completed by the City Inspection Department dated within one year of the date of filing the application with the City Clerk.
 - d. Proof of liability insurance for the short-term rental as outlined above.
 - e. A copy of a seller's permit issued by the Wisconsin Department of Revenue pursuant to Wis. Stat. §§ 77.52(3m) and 77.523(1), or proof that the short-term rental is being offered for rent through a lodging marketplace that is registered with the State of Wisconsin and registered for a seller's permit with the Wisconsin Department of Revenue.
 - f. A detailed floor plan and requested maximum occupancy.
 - g. Site plan, including available on-site parking.
 - h. Certification from the owner or property manager that the property meets the requirements of this article and that all property owners located within 300 feet of the short-term rental have been provided with the current name and contact information for the owner or property manager.
 - i. A copy of "house rules", if any, applicable to the short-term rental.
3. License terms and filing date. Each license shall run for a term of one year commencing on July 1. The filing fee shall be paid in full upon filing of the application. Any application which does not include all information, documentation, and payment shall be considered incomplete and will not be accepted. Application fees shall not be prorated.
4. Application review procedure. When satisfied that the application is complete, the City Clerk shall forward initial applications for licenses to the Zoning Administrator for review. If the City Clerk, in consultation with the Zoning Administrator, determines that the application meets the requirements of this article, the City Clerk may approve the application. If the City Clerk, in consultation with the Zoning Administrator, determines that the application does not meet the requirements of this article, the City Clerk shall deny the application.
5. No license shall be issued if the applicant, the property manager or the property has outstanding fees, fines, taxes, or forfeitures owed to the City of Rhinelander.

4.05.18 License renewal.

1. Each application for a renewal of a license shall include updated information for the documentation on file with the City Clerk and payment of the applicable fee. For a renewal to be effective July 1, the renewal application must be filed by June 1. The City Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this article. The City Clerk shall request reports from any relevant City department for any judgments or convictions for ordinance violations occurred regarding the short-term rentals. The City 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 this article.

2. If the City Clerk finds that the license does not meet the standards for renewal, the City Clerk shall deny the renewal in writing and provide the applicant with notice thereof. The application fee shall be non-refundable.
3. No license shall be renewed if the applicant, property manager or property has outstanding fees, taxes, fines, or forfeitures owed to the City, or is under an order issued by the Building Inspector, or their designee, to bring the premises into compliance with City ordinances.

4.05.19 Standards for short-term rentals.

1. Each short-term rental shall comply with the following minimum requirements:
 - a. Shall comply with the relevant portions of the State Commercial Building Code, Wis. Adm. Code Chs. SPS 361 to SPS 365.
 - b. The number of occupants in any residential dwelling shall not exceed the limits set forth in Wis. Adm. Code § ATCP 72.14 for hotels, motels, and tourist rooming houses. Every sleeping room shall be of sufficient size to afford at least 400 cubic feet (12 cubic meters) of air space for each occupant over twelve (12) years of age and 200 cubic feet (six cubic meters) for each occupant twelve (12) years and under. Every sleeping room shall have a minimum ceiling height of seven (7) feet (2.13 meters). No greater number of sleeping occupants than the number established by Chapter 5.04 of the City's Housing Code shall be allowed in any sleeping room.
 - c. Shall have sufficient off-street parking to accommodate all guest vehicles. The owner or property manager shall prohibit overnight on-street parking by guests pursuant to 4.02.06 of this Code.
 - d. Shall have a safe, unobstructed means of ingress and egress from the short-term rental leading to a safe, open space at ground level. A physical map of all ingress, egress, and emergency exit routes out of the rental shall be made available to each renter for the duration of each stay.
 - e. Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 321 of the Wisconsin Administrative Code. All rentals must have operable fire extinguishers, in compliance with NFPA 1.
 - f. Shall not have an accessible wood-burning fireplace unless the owner provides a certificate from a properly licensed inspector, dated not more than thirty (30) days prior to submission of the short-term rental application or renewal, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Protection Association (NFPA) Fire Code 1 standard for chimneys, fireplaces, vents, and solid-fuel-burning appliances.
 - g. Shall not utilize a 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.
 - h. 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. Permits for outdoor burning

outside of the aforementioned areas must first be obtained by the property owner or property manager through the City of Rhinelander Fire Department.

4.05.20 Room tax.

1. Each owner or property manager shall file room tax returns for the short-term rentals and shall comply with all room tax requirements of 2.05.15, of the City Code of Ordinance. The property owner is ultimately responsible for all complete and sufficient payment of required room taxes.
2. All room tax returns and supporting documentation filed pursuant to Section 2.05.15(14)(a) of the City's Code of Ordinance are confidential and subject to the protections provided under Wis. Stat. §§ 66.0615(3) and 77.61.
3. If the City has probable cause to believe that the correct amount of room tax has not been calculated, assessed, or paid, it reserves the right to enforce collection pursuant to Wis Stat. 66.0615(2)

4.05.21 Appeal of license decisions; complaints.

1. The denial of any license application or renewal under this article may be appealed by filing a written appeal request with the City Clerk within ten (10) calendar days of the City's notice of denial. The appeal shall be heard by the Board of Appeals. The Board of Appeals shall consider the application or renewal and recommendations and may approve or deny the application or renewal. Final appeal, after appeal to Board of Appeals, shall be made to the Rhinelander Common Council, following the same process as outlined above.
2. Revocation. Any resident of or owner of property within the City may file with the City Clerk a-sworn written complaint for revocation of a short-term rental license alleging violations of the terms of this article. Upon the filing of the complaint, the City Clerk shall notify the licensee of the complaint by certified mail, return receipt requested, and provide the licensee with a copy of the complaint. The notice shall direct the licensee to appear before the Common Council on a day, time, and place included in the notice, not less than ten (10) days and not more than forty-five (45) days from the date of the notice and show cause why his or her license should not be revoked. The Common Council shall conduct a due process hearing and may revoke, suspend, or approve the continuation of the license. If a license is revoked, the City Clerk shall give notice of revocation to the licensee by certified mail, return receipt requested. No part of the fee paid for any license so revoked may be refunded.
3. Judicial review. The action of the Common Council in granting or renewing, refusing to grant or renew, or revoking a license under this article may be appealed to Oneida County Circuit Court.

4.05.22 Violations and penalties.

1. Any person who shall violate any provision of this article shall be subject to a penalty as provided

in 1.01.07 of this Municipal Code

- a. For the first non-compliance violation of a specific requirement, the operator shall receive a written warning addressing the following:
 - i. Items of non-compliance
 - ii. Steps for rectifying corrections with the city.
 - b. For a second non-compliance violation of the same requirement, operator shall have committed a Class A offense in according with 1.01.07 of Municipal Code (a forfeiture not to exceed \$50.00)
 - c. For a third non-compliance violation of the same requirement, the operator shall have committed a Class B offense (a forfeiture not to exceed \$100.00)
 - d. For a fourth or more non-compliance violation of the same requirement, the operator shall have their short-term rental license revoked until further approval by the Common Council.
2. Penalties set forth in the section shall be in addition to all other remedies, including injunction, abatement, or assessment of costs or as otherwise provided by law.
 3. None of the aforementioned shall preclude revocation in accordance with 4.05.21(2) of this article by the Common Council.

CERTIFICATE

STATE OF WISCONSIN)

) ss.

COUNTY OF ONEIDA)

I, Austyn Zarda, City Clerk of the City of Rhinelander, do hereby certify that the foregoing ordinance was duly adopted at a regular meeting of the Common Council of the City of Rhinelander, held at City Hall on the 20 day of July 2025 at 6:00 P.M. by a vote of 8 Ayes and 0 Nays.



Austyn Zarda, City Clerk
City of Rhinelander
Oneida County, Wisconsin



Kristopher Hanus, Mayor
City of Rhinelander
Oneida County, Wisconsin