



## Frequently Asked Questions

### Short-Term Rentals of Residential Dwelling In the Town of Baileys Harbor, Door County WI

**Thinking of renting out your property for overnight stays? Here's some basic information and answers to questions.**

**What is a Short-Term Rental?** A residential dwelling that is offered for rent for a fee to guests for more than ten (10) nights each year and for less than thirty (30) consecutive days is considered a short-term rental (STR) per Wisconsin statute. It is sometimes referred to as a vacation rental or tourist rooming house. If you are advertising on Airbnb, VRBO or other similar marketing site, you are likely operating a tourist room house for short-term rental purposes.

**Why do I need a license?** The purpose of the enacted STR ordinance is to protect the character and stability of neighborhoods and to establish minimum standards and responsibilities for STR owners and guests. The Town has the best interests in mind for STR owners, renters, and neighbors.

**What do I need to do to apply for a STR license?** Complete the STR license application and provide all supporting information. The Town requires the following:

- Short-Term Rental License Application Short Term Rental License Application.
- License fee Short Term Rental License Fees.
- Copy of [Wisconsin Department of Agriculture, Tourism & Consumer Protection \(DATCP\) Tourist Rooming House](#) License with license number.
- Copy of [Door County Tourism Zone](#) permit with permit number
- Copy of Property Rules
- Evidence of homeowner's or business liability insurance for the STR premises
- Diagram of the property identifying property lines, off-street parking location. Visit [Door County Land Use GIS Maps](#).

**How long is the license good for?** The annual license term begins January 1<sup>st</sup> and ends December 31<sup>st</sup> the following year. Renewal applications must be filed with the Town clerk at least 45 days prior to license expiration.

**When does the Ordinance take effect?** The ordinance was adopted June 12, 2023 but does not go into effect until January 1, 2024.

**What does it mean to be “owner-occupied” during a rental?** Being owner-occupied means the owner remains at the STR that is their primary residence, through the night and does not reside elsewhere when guests have reserved the STR for less than seven (7) consecutive nights.

**Can I rent out my STR and be gone during the rental time?** The STR may be occupied by guests for stays of seven (7) days or more, whereby the owner does not have to remain on site.

**What is considered a primary residence?** A “Primary Residence” means a Residential Dwelling that serves as an individual’s true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent from, that individual intends to return. Additional characteristics of a Primary Residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.

**Can I live in an accessory dwelling on the same parcel as my house while my house is being rented as an STR?** Use of an accessory dwelling as a secondary dwelling unit is subject to compliance with the Door County Comprehensive Zoning Ordinance.

**Can I live in a camper or RV on my property while my home is used for STR rentals?** Use of RV on private property is considered camping per the Door County Comprehensive Zoning Ordinance and is limited to 30 days per calendar year.

**I have an accessory dwelling on my parcel that is adjacent to my primary residence. Can I use it as an STR?** No. Per Door County Comprehensive Zoning Ordinance you can only rent an accessory dwelling for periods of 30 or more consecutive days.

**Can a family member or friend stay at my primary residence while it is being rented?** No. The STR must be occupied by the owner of the primary residence being rented.

**What happens if I don’t get a license?** If you fail to obtain a license and/or continue to operate in violation of the Town’s ordinance, you may be subject to penalties as stated in Section XII of the Short-Term Rental Ordinance.

**Is there a minimum number of nights per rental period?** The ordinance does not require a minimum night stay. If the rental is less than seven consecutive days, the first day of a subsequent rental of less than seven consecutive days may not begin until the sixth day after the first day of the preceding rental. Simply put, one rental within a six-night period, to the exclusion of any rentals for more than seven days. For example, if you rent Thursday/Friday/Saturday, the

next renter/guest period (of less than 7 days) could not begin until the following Wednesday. Some additional examples are provided below.

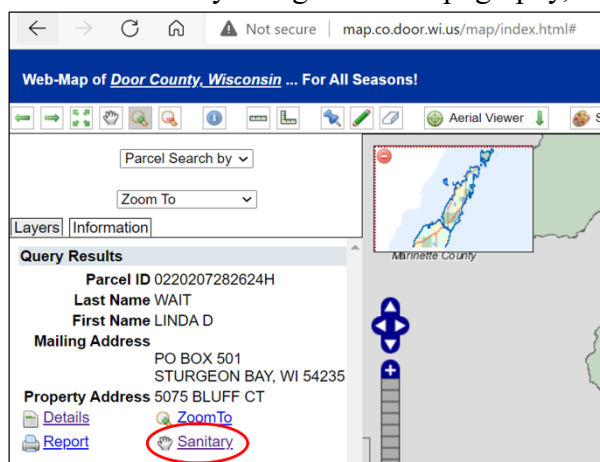
Stay Examples	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	
A four day rental following a three day rental							1	2	3	x	x	x		1	2	3	4
One day rental following a two day weekend rental	1	2	x	x	x	x	1										
Seven day rental following a two day weekend rental	1	2	1	2	3	4	5	6	7								
Three day rental following a seven day rental		1	2	3	4	5	6	7	1	2	3						

\*Short-Term Rental Owners prior to July 15, 2023, shall be exempt from the above requirement as long as they renew and maintain their Short-Term Rental license in good standing. Ordinance No. 01-2023, Section VI (2).

**Why are there limits on occupancy if I'm on a private onsite wastewater treatment system (POWTS)?** A POWTS, which includes septic systems and holding tanks, is designed for occupancy based on the number of bedrooms. With Door County's fragile karst topography, overloading the system

is a public health concern for protecting groundwater quality. POWTS must be in compliance with Door County Code and occupancy is limited to the number of occupants for which the POWTS is designed or as granted by the State tourist rooming house license, whichever is less.

You can find your sanitary permit information by selecting the [Door County Land Use GIS Maps](#), entering your parcel or street address, and select the Sanitary link.



**Do I need a survey or building blueprints for the diagram I need to submit with my application?** No. You can sketch out a diagram or use the [Door County Land Use GIS Maps](#) to obtain an overhead picture of your property. Many properties also have a survey on file. On the GIS Maps website, enter your parcel number or owner address to find your property. The plans do not need to be to scale, but they should accurately reflect the property boundary lines and allowable parking spots.

**What do I need to include in the Property Rules that are posted on my property and included with my application?** Page 2 of the STR license application states the minimum information that needs to be included is as follows:

- Emergency contact information

- Contact information for designated Agent or Property Owner
- Maximum occupancy of the property
- Where to park and maximum off-street parking spaces
- Quiet hours of 10 pm to 8 am; fireworks strictly prohibited
- Pet control policy – leash requirements and minimize noise
- Outdoor burn regulations
- What to do with garbage
- Shoreline property owners should remind renters/guests about riparian rights of neighboring property owners. See [DNR Common Questions on Waterway Public Access](#).

**What if I have a complaint regarding a STR?** To report non-emergency concerns or nuisance violations, visit [www.baileysharborwi.gov](http://www.baileysharborwi.gov) and click Short-Term Rental at the top of the home page, and fill out the Complaint Form.

**If the issue is an emergency, call 911.**

#### **Other Helpful Resources & Publications:**

- “[A Guide to Renting Out Your Property for Overnight Stays](#)” is a compilation of submissions by experts at Wisconsin DATCP, Wisconsin Hotel & Lodging Association, League of Wisconsin Municipalities, Wisconsin Insurance Alliance and Wisconsin Counties Association.

- The [Door County Tourism Zone Commission’s](#) website has a guide for commencing rentals, monthly reporting, good neighbor policy and recent news for lodging providers.

- [The Wisconsin Department of Agriculture, Trade & Consumer Protection \(DATCP\)](#) defines a tourist rooming house as all lodging places, cabins and cottages (other than hotels and motels) offered for pay to tourists or transients. Their website provides instructions, requirements for inspection, fees charged and how to get the license process started.