

ORDINANCE № 293-032322

CREATING SECTIONS 18.51 TO 18.58 OF CHAPTER 18 OF THE MUNICIPAL CODE FOR THE VILLAGE OF SISTER BAY CONCERNING SHORT-TERM RENTAL RESIDENTIAL DWELLINGS

WHEREAS, the Village of Sister Bay desires to balance the interests of property owners to use their property as short term rentals [“STR” or “STRs”], while balancing the interests of residents who seek to protect the quality of life and the character and stability of their neighborhood; and

WHEREAS, the issuance of short-term rental permits is to ensure the quality and nature of Short-term rentals operating in a Residential Dwelling in a Residential District within the Village of Sister Bay (“Village”) by establishing minimum standards and determining the responsibilities of owners, agents, and property managers offering properties for tourists and transient occupants, to protect the character and stability of neighborhoods within the village, and provide for the administration and enforcement thereof; and

WHEREAS, any short-term rental shall not adversely affect the residential character of the neighborhood, nor shall the use generate noise, vibration glare, odors, or other effects that unreasonably interfere with any person’s enjoyment of their residence.

NOW, therefore, the Village Board does hereby ordain as follows:

Section 1 – State Statutes Adopted – Authority

The Village Board adopts this ordinance under its general village powers authority and §66.1014 and §61.34 of the Wisconsin Statutes.

Section 2 – Availability for Public Inspection

A copy of this ordinance shall be permanently on file and open to public inspection in the Office of the Village Clerk after its enactment and for a period of not less than two (2) weeks before its enactment.

Section 3 – Article IV, Sections 18.51 – 18.58 of the Municipal Code for the Village of Sister Bay, is hereby created and shall read:

Section 18.51 License Required

No person may own, manage, or operate a short-term rental within the R-1, R2, or R-3 Zoning Districts for even one (1) night each year without a Village Short-term Rental license issued pursuant to this ordinance.

Section 18.52 Definitions

- A. “BTR” means Department of Revenue Business Tax Registration number.
- B. “DATCP” means Wisconsin Department of Agriculture Trade and Consumer Protection.
- C. “DCTZC” means Door County Tourism Zone Commission.

- D. "POWTS" means Private On-Site Wastewater Treatment System.
- E. "Property Owner" means the person or entity who owns the residential dwelling that is being rented.
- F. "Resident Agent" means a person or an entity who is not the Property Owner and who is authorized to act as the agent of the Property Owner for the receipt of service of notice and remedy of municipal ordinance violations and for service of process pursuant to this ordinance.
- G. "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 or more persons maintaining a common household, to the exclusion of all others.
- H. "STR (Short Term Rental)" means a dwelling unit in which sleeping accommodations are offered for pay to tourists or transients for periods of less than 30 days.
- I. "Tourist Rooming House" means a dwelling unit in which sleeping accommodations are offered for pay to tourists or transients for periods of less than 30 days.
- J. "Un-hosted" means the owners of the property are not on premise during the rental.

Section 18.53 – License Application

- A. Licenses shall be issued using the follow procedures:
 1. All applications for a Short-term Rental license shall be filed with the Village Clerk on forms provided. Applications must be filed by the Property Owner or authorized Agent. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.
 2. All applications for a STR license shall include a copy of the current inspection report completed by DATCP.
 3. The Village Clerk shall issue a Short-term Rental license to all applicants following payment of the required fee, receipt of all completed documentation and information requested by the application, and approval by the village board or its designee.
 4. A Short-term rental license shall be effective for one year and may be renewed for additional one-year periods. The annual licensing term begins July 1st and ends on June 30th of the following year.
 5. The application process will open on March 1st. A fully completed application or renewal application and fee must be filed with the Village Clerk at least forty-five (45) days prior to the license expiration so that the village board, or its designee, has adequate time to consider the application. A renewal application shall include any updated information since the filing of the original application.
 6. Any changes in ownership of the property requires a new license per Wisconsin Administrative Code State Statute 72.04(b) prior to obtaining a permit from the Village.
 7. An owner may apply for a new license no less than 12 months after being revoked (see "Revocation" and "Penalties" sections below.)
 8. The village board may suspend, revoke, reject, or not-renew a Short-term Rental license or license application following a due process hearing if the board determines that the licensee has had violations of B1, B2, B3, B4, B5, B6 under Section 18.55, has been notified by telephone and email of such a breach and has left breach uncured for a period of 24 hours following notification from the village.

The village board may suspend, revoke, reject, or not renew a Short-term Rental license or license application following a due process hearing if the board determines that the licensee has had violations of B7, B8, B9, C, D, R, F, under Section 18.55, has been notified by telephone and email of such a breach, and has left breach uncured for a period of fourteen (14) days following notification from the village.

- a) has had two violations at the property in the last 12 months;
- b) failed to comply with any of the requirements of this ordinance;
- c) has been convicted or whose Resident Agent or renters have been convicted of engaging in illegal activity while on the Short-term Rental premises on one (1) occasion within the past twelve (12) months;
- d) has outstanding fees, taxes, or forfeitures owed to the village.

9. Property owners shall be permitted no more than seven (7) calendar days to correct discrepancies in the application before it is deemed late or ineligible for renewal.

Section 18.54 Permit Process

Each Short-term Rental shall comply with all the following requirements:

- A. The Village application shall be completed in its entirety.
- B. Each rental must register with the State of Wisconsin as a business and receive a Business Tax Registration number (BTR) unless they have contracted with a Resident Agent.
- C. Each rental application will be shared with the Village of Sister Bay's assessor for personal property tax assessment.
- D. Each Short-term Rental shall hold a valid State of Wisconsin Tourist Rooming House License issued by the Department of Agriculture, Trade and Consumer Protection (DATCP), and shall provide proof of such license by attaching a copy to the initial license application.
- E. Each Short-term Rental shall be licensed by the Door County Tourism Zone Commission (DCTZC) and shall provide proof of such license by attaching a copy to the initial license application.

Section 18.55 – Operation of a Short-Term Rental

1. Every STR shall be operated by a property owner or resident agent.
2. Each Short-term Rental shall comply with all the following requirements:
 - a) Any short-term rental shall be defined by the Village of Sister Bay Zoning Code definition of Dwelling Unit. This ordinance prohibits the use of any structure not qualified as a dwelling unit.
 - b) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
 - c) If the property is served by a private onsite wastewater treatment system (POWTS), the occupancy is limited to the number of occupants for which the POWTS was designed. The POWTS must be in full compliance with this Ordinance and serve the property in accordance with Chapter 21 of the Door County Code.

- d) Sufficient off-street parking shall be available to accommodate all vehicles on the Short-term Rental premises. Off-street parking shall comply with the Sister Bay Zoning Code, Chapter 400. On-street parking for renters of the Residential Dwelling is Prohibited.
- e) Pets that accompany a renter are subject to the Sister Bay Municipal Code, Chapter 10, with the following additional requirements:
 - (a) Pets must be under the control of their owner and on a leash when outside the dwelling. Pets may be tethered securely to a leash or pulley-run on the premises, provided that the tethered pet is at least ten (10) feet inside the premises lot line.
 - (b) Pet owners must adhere to minimizing pet noise, independent of whether the pet is inside or outside the dwelling.
- f) Any outdoor event held at the Short-term Rental shall last no longer than one day occurring between the hours of 10 AM and 10 PM. From 10 PM to 10 AM quiet hours shall be enforced. All activities shall comply with the Village noise ordinance.
- g) All STR's must be able to accommodate reliable telephone communications in case of emergency.
- h) All STR's must follow state and federal antidiscrimination regulations.
- i) Un-hosted STR's shall be categorized as public accommodations under Title II of the 1964 Civil Rights Act.
- j) The Property Owner must reside within thirty (30) miles of the Short-term Rental during periods in which the Short-term Rental is rented.
 - 1. This requirement may be waived if there is a valid Resident Agent (point of contact) located within thirty (30) miles of the Short-term Rental, in such a case, the Property Owner shall provide a copy of the Resident Agent contract to the Village and notify the Village within thirty (30) days of termination of any such contract.
 - 2. To qualify as a Resident Agent the representative must reside within Door County or be a corporate entity with offices located in Door County.
- k) The Property Owner and/or Resident Agent must provide the village with current contact information and must be available twenty-four (24) hours a day.
- l) The Property Owner and/or Resident Agent must provide the following information to neighboring residential property owners located within a 300-foot radius of the Short-term Rental dwelling property in all directions no later than seven (7) days from the date the rental dwelling permit is issued or any time the Property Owner/Resident Agent contact information changes:
 - 1. Telephone and email address to enable neighboring residential property owners or Village personnel to contact the Property Owner or Resident Agent twenty-four (24) hours a day, seven (7) days a week regarding disturbances or issues arising in connection with the rental of a Residential Dwelling.
 - 2. Provide a copy of property rules that is provided to renters.
 - 3. Provide their DATCP license number.
- m) The Property Owner shall include the following Property Rules information in the online web listing house rules or equivalent page for their rental property:
 - a. Maximum number of off-street parking spaces.
 - b. Quiet hours of 10 PM to 10 AM.

- c. Fireworks strictly prohibited.
- d. Pets must be leashed.

Section 18.56 - Property Rules

A copy of the State of Wisconsin tourist rooming house license, Door County Tourism Zone Good Neighbor Policy, and the Village STR license shall be posted on the property. A list of property rules must be posted at the Short-term Rental property, provided to the guests, and a copy submitted with the application for a license. Property rules must contain the minimum information:

- (a) The name, phone number and address of the Property Owner or Resident Agent.
- (c) A diagram of the property identifying the property lines and the location of off-street parking, including the maximum number of off-street parking spaces provided for renters.
- (d) Quiet hours of 10 PM to 10 AM.
- (e) Fireworks are strictly prohibited.
- (f) Pet policy: Leash requirements, noise.
- (g) The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property.
- (h) Outdoor burning regulations.
- (i) Notification that the occupant may be cited or fined by the Village or immediately evicted by the Property Owner or Resident Agent, in addition to any other remedies available at law, for violating any provisions of this ordinance.

Section 18.57 – Revocation Process and Penalties

A. Forfeiture. The owner of any property, whether a person, partnership, corporation, limited liability company, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction or admission, pay a forfeiture of not less than \$500.00 nor more than \$1000.00 for the first offense, a forfeiture of not less than \$1000.00 nor more than \$2000.00 for the second offense, and a forfeiture of not less than \$2500.00 nor more than \$5000.00 for the third and subsequent offenses, plus the applicable surcharges, assessments, and costs including legal fees and costs of prosecution for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.

- B. Suspension, Revocation or Nonrenewal. Upon violation, the Village, at its sole discretion, shall:
1. Notify the owner of the property of noncompliance by email and telephone;
 2. Summarily suspend the STR License, with written notice to the Owner;
 3. Determine if the owner has remedied the violation and shall schedule a license revocation hearing, before the Village Board, if the violation is not remedied immediately.
 4. Provide the opportunity to the Owner to have a hearing on the matter before the Village Board with an effort to provide notification to property owners within 300-feet of the property and allow them to provide oral or written testimony.
 5. Determine that the STR License shall, or not, be revoked.
 6. Elect to non-renew an STR License for the following year.

7. Shall, in all events, provide notice of any ~~its~~ decision in writing to the Owner.

Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement of costs whether existing under this ordinance or otherwise.

Section 18.58 – Fees

License fees shall be established by the Village Board in a fee schedule and may, from time to time, be modified. The fees shall be related to costs involved in processing license applications, reviewing plans, conducting inspections, ordinance compliance and documentation. Fees are nonrefundable and shall not be prorated.

Annual Village STR application -----\$500.00
Late fee-----\$100.00

Section 4 – Severability.

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

Section 5 – Effective Date.

This ordinance shall take effect upon adoption and publication as required by law.

VILLAGE OF SISTER BAY

By: 

Rob Zoschke, President

Date Introduced: 3-23-2022

Date Adopted: 3-23-2022

Publication Date: 3-31-2022

ATTEST:



Heidi Teich, Village Clerk

Ayes 5

Nays 2