

## ORDINANCE NO. 303-111522

### AMEND CHAPTER 18, BUSINESS REGULATION, OF THE MUNICIPAL CODE FOR THE VILLAGE OF SISTER BAY, REGARDING SHORT TERM RENTALS

**WHEREAS**, the Village of Sister Bay has adopted regulations for the licensing and operation of Short-Term Rentals; and,

**WHEREAS**, since the regulations have been implemented, landowners and Village Staff have requested clarification on the definition of Residential Dwelling, requested more effective processes for notifying operators of violations of the Code, received several complaints regarding garbage, and encountered concerns over noise and events; and,

**WHEREAS**, to ensure consistent code enforcement and compliance with codes, maintain the character of residential neighborhoods, prevent garbage and garbage cans from proliferating Village streets, and ensure peace and quality of life, the Village Board of Trustees believes it is in the public's best interest to amend Chapter 18 to address noted concerns.

**NOW, THEREFORE**, the Village Board of the Village of Sister Bay does hereby ordain as follows:

#### **Section 1 – 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 2 – Amend Chapter 18, Business Regulation, Article IV, Short-Term Rentals, as follows:**

**Amend Chapter 18, Article IV, Short-Term Residential Dwellings, Section 18.52, Definitions, adding:**

##### **Sec. 18.52 Definitions.**

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. For purposes of this Section, a Residential Dwelling is not a unit in a hotel/motel/condominium whose building or complex has a central, on-site, staffed, reservation desk, and, on-site property management.

Re-alphabetize and add a definition for Quiet hours:

Quiet hours means a period of time within a day where plainly audible noise shall be held to a minimum due to people relaxing, sleeping, or meditating. For purposes of this code, Quiet hours are those hours between 10:00 PM and 10:00 AM.

**Amend Chapter 18, Article IV, Short-Term Residential Dwellings, Section 18.55 Operation of a Short-term Rental, by deleting 2.a):**

##### **Sec. 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 Unity. 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 invitees.

*[Be advised this amendment not only results in renumbering Section 18.55 but revising the numbering in Section 18.53.A.8.]*

**Amend Chapter 18, Article IV, Short-Term Residential Dwellings, Section 18.53, License Application, and, Section 18.57 Revocation Process and Penalties, adding and deleting as follows:**

**Sec. 18.53 License Application.**

8. The ~~v~~Village ~~b~~BBoard 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 license has had violations of 2B, 2C, 2D, 2E, 2G, under Section 18.55, and has been notified by ~~telephone and~~ email or certified mail of such a breach and has left breach uncured for a period of 24 hours following notification from the village. The ~~v~~Village ~~b~~BBoard 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 license has had violations of 2F, 2J, 2K, 2L, 2M under Section 18.55, has been notified by ~~telephone and~~ email or certified mail of such a breach, and has left breach uncured for a period of fourteen (14) days following notification from the village. The Village Board may also suspend a license if any of the following are found to be true:

- 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 at least one (1) occasion within the past twelve (12) months;
- d) has outstanding fees, taxes, or forfeitures owed to the village.

**Sec. 18.57 Revocation Process and Penalties.**

B. Suspension, Revocation, or Nonrenewal. Upon violation, the Village, at its sole discretion, shall:

- 1. Notify the owner of the property on noncompliance by email ~~and telephone~~ or certified mail;
- 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. In all events, provide notice of any decision in writing to the Owner.

**Amend Chapter 18, Article IV, Short-Term Residential Dwellings, Sections 18.55, Operation of a Short-term Rental, and 18.56, Property Rules, adding the following:**

**Sec. 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 of the following requirements:

m) Every Short-term Rental Property Owner, or if authorized by the Owner, their Resident Agent, shall contract for refuse and recycling collection and disposal services that are tailored to the property to ensure compliance with Chapter 50 of the Municipal Code related to Health and Sanitation, garbage and recycling in particular. Said contract shall specify the collection of refuse and recycling will not be at the curb, but at the home itself to comply with Section 50.41 of the Municipal Code, Preparation, Storage and Placement of Solid Waste.

**Sec. 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:

- (f) The contact information for the refuse company who the owner or agent has contracted to service the Short-term Rental. Said contract shall ensure garbage is not stored in violation of Chapter 50 of the Municipal Code. Also, included in the rules is additional information about tThe trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property.

**Amend Chapter 18, Article IV, Short-Term Residential Dwellings, Sections 18.55, Operation of a Short-term Rental, and 18.56, Property Rules, as follows:**

**Section 18.55 Operation of a Short-term Rental**

- f) Any outdoor event held at the Short-term Rental shall last no longer than ~~one-day~~ twelve consecutive hours occurring between the hours of 10 AM and 10 PM. From 10 PM to 10 AM quiet hours shall be enforced.

**Section 3 – Ordinances in Conflict**

Nothing in this Article shall be deemed to supersede or repeal any ordinance relating to Short-Term Rentals, enforcement and penalties, garbage and recycling, or event duration except as specifically provided in the Article.


**Section 4 – Effective Date**

This ordinance shall take effect and be in full force from and after its passage and publication according to law.

**Section 5 – 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.

**VILLAGE OF SISTER BAY**

By:   
Rob Zoschke, President

**ATTEST:**

  
Heidi Teich, Village Clerk

Date Introduced: Nov. 15, 2022  
Date Adopted: Nov. 15, 2022  
Publication Date: Nov. 23, 2022

Ayes 7 Nays 0