

Village of Sister Bay Code of Ordinances

Chapter 18

Business Regulation

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Created 12/12/2006 Ordinance 123
Revised 03/27/2007 Ordinance 124
Revised 08/14/2007 Ordinance 132
38 Revised 08/17/2021 Ordinance 284
Revised 03/23/2022 Ordinance 293
Revised 4/19/2022 Ordinance 295
Revised 11/15/2022 Ordinance 303
Amended 12/20/2022 Ordinance 306-122022
Amended 4/18/23 Ordinance 2023-003
Amended 5/16/23 Ordinance 2023-005
Recreated 6/20/2023 Ordinance 2023-006
Amended 5/22/2024 Ordinance 2024-007

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ARTICLE I – ROOM TAX
(Recreated by Ordinance 2023-005)

Sec. 18.1 Definitions

In this Ordinance, the following words and phrases shall have the following meanings when used in regard to the Agreement with the Door County Tourism Zone Commission and its administration, and compliance with this Article, unless the context clearly indicates a different meaning is intended:

Commission has the meaning defined in Sec. 66.0615(a) Wis. Stats.

Door County Tourism Zone shall mean the Tourism Zone authorized and established in Door County, pursuant to the provisions of Sec. 66.0615, Wis. Stats., under the provisions of the Tourism Zone Agreement among the municipalities participating therein.

Door County Tourism Zone Commission shall mean the Commission established hereunder for the administration of the room tax pursuant to Sec. 66.0615, Wis. Stats.

Gross receipts shall mean the total revenue received from the retail furnishing of rooms, lodging, or similar accommodations by a Lodging Provider as defined herein, including any Lodging Marketplace provider service fees.

Hotel and Motel have the meaning as defined in Sec 77.52(2)(a)1., Wis. Stats., as being a building or a group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, bed and breakfast establishments, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins, commercial indoor lodging facilities and any other building or group of building in which accommodations are available to the public, except accommodations rented for a continuous period of more than thirty (30) consecutive days and accommodations furnished by any hospitals, sanitariums or nursing homes or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

Lodging Permit shall mean the permit issued by the Commission to the Lodging Providers authorizing the furnishing, at retail, of rooms or lodging to Transients by hotelkeepers, motel operators, lodging marketplaces, owners of short-term rentals, and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations.

Lodging Marketplace or **Lodging Marketplace Provider** shall mean an entity that provides a platform through which an unaffiliated 3rd party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant.

Lodging Provider shall mean the operator of a Hotel or Motel, as defined herein above.

Member Municipalities shall mean the municipalities located in Door County, Wisconsin, which have created and established the Door County Tourism Zone and the Door County Tourism Zone Commission to operate and administer the Tourism Zone.

Municipality means the Village of Sister Bay, Door County, Wisconsin.

Payor means the transient lodging person or entity who owes the tax imposed by this ordinance.

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1
2 **Reserve Fund** means the fund established and maintained by the Commission containing funds in excess of
3 the approved annual Tourism Entity budget to be used exclusively for such tourism promotion or
4 tourism development projects as the Commission shall, from time to time so determine in the manner
5 made and provided herein.
6

7 **Room Tax** means the tax imposed pursuant to this ordinance for the privilege of furnishing, at retail, except
8 sales for resale, rooms or lodging to transients by hotelkeepers, motel operators and other persons
9 furnishing accommodations that are available to the public, irrespective of whether membership is
10 required for use of the accommodations, subject to the exceptions provided in Sec. 66.015(1m)(a),
11 Wis. Stats.
12

13 **Tourism** has the meaning as defined in Sec. 66.0615(1)(e), Wis. Stats., as being any travel for recreational,
14 business or educational purposes.
15

16 **Tourism Entity** shall mean a nonprofit organization that came into existence before January 1, 2015, spends
17 at least 51 percent of its revenues on tourism promotion and tourism development, and provides des-
18 tination marketing staff and services for the tourism industry in a municipality, except that if no such
19 organization exists, a municipality may contract with one of the following entities:

- 20 1. A nonprofit organization that spends at least 51 percent of its revenues on tourism promo-
21 tion and tourism development, and provides destination marketing staff and services for the
22 tourism industry in a municipality; or
- 23 2. A nonprofit organization that was incorporated before January 1, 2015, spends at 100 per-
24 cent of the room tax revenue it receives from a municipality on tourism promotion and tour-
25 ism development, and provides destination marketing staff and services for the tourism in-
26 dustry in a municipality.

27
28 **Tourism promotion and development** has the meaning as defined in Sec. 66.0615(1)(fm), Wis. Stats., as
29 being any of the following that are significantly used by transient tourists and reasonably likely to
30 generate paid overnight stays at more than one establishment on which a tax under sub. (1m)(a) may
31 be imposed, that are owned by different persons and located within a municipality in which a tax
32 under this section is in effect; or, if the municipality has only one such establishment, reasonably
33 likely to generate paid overnight stays in that establishment:

- 34 1. Marketing projects, including advertising media buys, creation and distribution of printed or
35 electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or
36 motorcoach groups.
- 37 2. Transient tourist informational services.
- 38 3. Tangible municipal development, including a convention center.

39
40 **Tourism Zone** has the meaning as defined in Sec. 66.0615, Wis. Stats. as being an area made up of two or
41 more municipalities that, those municipalities agree, is a single tourism destination as perceived by
42 the traveling public.
43

44 **Tourism Zone Agreement** shall mean an intergovernmental agreement created under the provisions of Sec.
45 66.0301, Wis. Stats., for the purpose provided under Sec. 66.0615(1m)(b)(2), Wis. Stats.
46

47 **Tourism Zone Audit** shall mean the annual Room Tax audit to be performed by the Commission and pro-
48 vided to the Member Municipalities.
49

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1 **Transient** has the meaning as defined in Sec. 77.52(2)(a)1., Wis. Stats., as being any person residing for a
2 continuous period of less than thirty (30) consecutive days in a Hotel, Motel, or other furnished ac-
3 commodation available to the public.
4

5 **Sec. 18.2 Creation of Tourism Zone**

6 A. Establishment and Authorization. Pursuant to Sec. 66.0615(1m)(b)(2), Wis. Stats., the Village of
7 Sister Bay does, by the adoption of this Ordinance, reaffirm the establishment of and its member-
8 ship and participation in the Door County Tourism Zone for the purpose of promoting Door
9 County, Wisconsin, as a single tourism destination under and pursuant to the terms and conditions
10 of the Tourism Zone Agreement entered into by the Village of Sister Bay on August 17, 2021.

11 B. Tourism Zone Operation. The Tourism Zone shall be administered and operated by a commission
12 pursuant to Sec. 66.0615(1m)(b), Wis. Stats., which shall be established under a contract with the
13 other Member Municipalities pursuant to Sec. 66.0301, Wis. Stats., to create a commission which
14 shall administer and monitor the collection of room taxes from the Member Municipalities, as more
15 particularly described in this Article, and shall contract with one tourism entity from the municipal-
16 ities in the zone to obtain staff, support services and assistance in developing and implementing
17 programs to promote the zone to visitors.

18 **Sec. 18.3 Imposition of Room Tax**

19 A. Tax Imposed. Pursuant to Sec. 66.0615, Wis. Stats., a tax is hereby imposed on the privilege and
20 services of furnishing, at retail, of rooms or lodging to transients by hotel keepers, motel operators
21 and other persons furnishing accommodations that are available to the public, irrespective of
22 whether membership is required for the use of the accommodations. Such tax shall be at the rate of
23 8.0% percent of the gross receipts from such retail furnishing of rooms or lodgings. Such tax shall
24 not be subject to the selective sales tax imposed by Sec. 77.52 (2)(a)1., Wis. Stats., and may not be
25 imposed upon sales to the Federal Government and persons listed under Sec. 77.54 (9a), Wis. Stats.
26 There is also a sales tax applicable to leased properties, collected by the Department of Revenue,
27 said tax is a 0.5% Premier Resort Area Tax.
28

29 B. Taxation Effective Date. The effective date of the 8% Room Tax shall be January 1, 2022; the ef-
30 fective date of the 0.5% Premier Resort Area Tax shall be July 1, 2018.
31

32 C. Room Tax Payment Frequency. Subject to the Room Tax exemptions provided in this Article, the
33 Lodging Provider shall impose upon and collect from each Transient Lodger the Room Tax estab-
34 lished in Section 3(a) hereof, and paid by the lodging property thereafter, pay over the collected
35 Room Tax to the Commission on a monthly basis. The Room Tax collected hereunder shall be paid
36 by the end of the month following the month in which it was collected. The Room Tax is owed to
37 the local municipality which imposed the tax, but the municipality directs that all checks be sent
38 directly to the Commission. If the Room Tax payments for all properties in a municipality are sent
39 directly to the Commission, the Commission will send one check on or before the end of each
40 month to the municipality for thirty percent (30%) of all Room Tax collected the previous month
41 along with a report showing the amount of Room Tax collected from each lodging property. In the
42 latter case, the Commission does all the paperwork as part of their monitoring. See Sec. 18.9 for
43 information about the collection of the Premier Resort Area Tax.
44

45 D. Room Tax Responsibility. The correct amount of Room Tax shall accompany each lodging prop-
46 erty's monthly room tax return and be made payable to the Door County Tourism Zone Commis-
47 sion unless any portion of that Tax is otherwise collected and paid to the Commission by a Lodging
48 Marketplace. If any person liable for any amount of tax under this agreement sells, transfers, as-
49 signs, or conveys their transient lodging business, or their lodging property, their successors or as-
50 signee shall, as a condition of receiving a new Lodging Permit under the provisions of this Article,
51 withhold a sufficient amount from the purchase price to cover any and all applicable taxes, fees,

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1 interest and penalties, if any, until the former owner produces a receipt from the Commission that
2 all such taxes, fees, interest and penalties have been paid or a certificate that no amount is due. If
3 any person subject to the tax imposed by this agreement fails to withhold from the purchase price
4 any tax, fees, interest or penalties otherwise due hereunder as required, they shall be personally lia-
5 ble for the payment thereof, even if such new owner of the lodging property is not continuing the
6 transient lodging business. See Sec. 18.9 for responsibility information about the Premier Resort
7 Area Tax.

8
9 E. Monthly Room Tax Return. See Sec. 18.9 for return information about the Premier Resort Area
10 Tax.

- 11 1. Filing Date. The Monthly Room Tax return shall be filed by the Lodging Provider by the
12 end of the month following the month in which the room tax was reported by that Return.
13 The Room Tax Report filed by a Lodging Marketplace Provider shall be filed by the end of
14 the month following the month in which the room tax was reported by that Return unless
15 otherwise provided by state regulation.
- 16 2. Required Information. The Monthly Room Tax Return filed with the room tax payment by
17 the Lodging Provider shall contain the following information:
 - 18 a. Name of the business;
 - 19 b. Physical address, postal address, municipality located within;
 - 20 c. Name of the designated person filling out the return;
 - 21 d. Month and year the return is for;
 - 22 e. The total available rental units during the month (number of rental units in the facility
23 multiplied by the days in the month or days they were open);
 - 24 f. The total marketplace sales, the amount of room tax paid by each Lodging Marketplace
25 Provider;
 - 26 g. The number of rooms or units rented, total lodging sales for the month;
 - 27 h. The room tax to be paid (which should equal total lodging sales multiplied by the 8.0%
28 Room Tax); and,
 - 29 i. The signature of the person filling out this return, attesting to the accuracy of the Return.
- 30 3. This information will allow the Commission to judge the accuracy of the return, and, with
31 all returns in total, to judge the effectiveness of the tourism promotion. The Commission
32 shall establish the form of the monthly tax return as either a paper and/or electronic docu-
33 ment.
- 34 4. Amended or Corrected Room Tax Return. A Lodging Provider may, within forty-eight (48)
35 months of the original filing date file an amended or corrected Monthly Room Tax Return.
36 Such amended or corrected Monthly Room Tax Return shall be subject to any additional
37 tax due plus associated interest, penalties and late fees as provided herein on such addi-
38 tional tax due and be subject to an administrative fee of \$25.00.

39
40 F. Non-Compliance and Delinquent Room Tax. See Sec. 18.9 for non-compliance and delinquency
41 information about the Premier Resort Area Tax.

- 42 1. Failure to Timely File Monthly Room Tax Report. The Lodging Provider's Monthly Room
43 Tax Report shall be filed within the time specified in this Article. Any Monthly Room Tax
44 Report filed after that date shall be subject to a Late Filing Fee of \$25.00, in addition to
45 other penalties, fees and interest as may be applicable hereunder.
- 46 2. Failure to Timely Pay Room Tax. The tax imposed pursuant to this ordinance shall become
47 delinquent if not paid by Lodging Provider by the due date of the return as established in
48 this Article. A forfeiture of twenty-five percent (25%) of the room tax due or five thousand
49 dollars (\$5000.00) whichever is less, of the tax imposed, but not less than \$25.00, is hereby
50 established and due and owing in the event that the room tax is not paid within thirty (30)
51 days after the due date of the return. In addition to this forfeiture, all unpaid taxes under
52 this ordinance shall bear interest at the rate of twelve percent (12%) per annum from the
53 due date of the Return until the payment is received and deposited by the Commission.

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3. Inspection and Audit. Whenever the Commission has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, or that the tax has not been paid, the Commission is authorized to examine and inspect the books, records, memoranda and property of any person in order to verify the tax liability of that person or another person. Any Lodging Provider who fails to comply with a request from the Commission shall be subject to a penalty of five percent (5%) of the room tax determined to be due.
4. Room Tax Estimate. Whenever a Lodging Provider fails, neglects or otherwise refuses to file a Monthly Room Tax Return within the time, manner or form required by the Commission, the Commission may, using its best judgment, estimate the room tax due. The room tax estimated hereunder shall be subject to a penalty of twenty percent (20%) of the estimated tax due, plus all associated interest, penalties and late fees as provided hereunder. No refund or modification of the tax determined to be due and owing shall be made until the Lodging Provider files a correct room tax return and permits the Commission to inspect and audit the Lodging Provider's financial records to verify compliance.
5. False or Fraudulent Return. A Lodging Provider who files a false or fraudulent return with the intent to defeat, delay or evade the tax imposed by this ordinance, shall be subject to a penalty of fifty percent (50%) of the tax determined to be due; twenty-five percent (25%) of the room tax due from the previous year or \$5,000.00, whichever is less, plus interest and other penalties as provided under Sec. 66.0615(2m), Wis. Stats.
6. Separate Violations. Each room or unit separately rented or offered for rent, and each day of such rental or offer for rental of such unit shall be a separate violation. In addition, injunctive relief is hereby authorized to discontinue violation of this ordinance.
7. Prosecutions. Any Lodging Provider or Lodging Marketplace Provider determined to have violated any of the provisions of this ordinance shall be obligated to pay the costs of enforcement and prosecution, in addition to actual attorney's fees and audit fees expended in the course of said enforcement and prosecution.

G. Confidentiality of Reports. All Room Tax returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the Commission and the municipality are deemed confidential pursuant to Sec. 66.0615(3), Wis. Stats., except they may divulge their contents to the following, and no others. See Sec. 18.9 for confidentiality of reporting information about the Premier Resort Area Tax.

1. The person who filed the return.
2. Officers, employees or agents of the Village Treasurer and the Commission or its duly authorized agents and representatives.
3. Other persons for the use in the discharge of duties imposed by law, or in the discharge of the duties of their office (unless otherwise prohibited by law), or by order of a Court.

Sec. 18.4 Lodging Establishments to be Licensed

- A. License Required. Any party supplying transient lodging in the Village of Sister Bay shall obtain and maintain a Lodging Permit from the Commission permitting the rental of accommodations. No accommodations shall be rented or available for rental for a period of less than thirty (30) days by any party not possessing a lodging permit issued by the Commission.
- B. Permit Application. Any party furnishing lodging accommodations to transient guests in the Village shall apply to and file with the Commission, on forms provided by the Commission, an application to operate each place of business subject to this ordinance. There shall be no cost for the filing of the application for the Lodging Permit. The application form shall include, at minimum, the following information:

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- 1 1. The name of the business under which the person, partnership or corporation transacts
2 business or intends to transact business, which name shall agree with that used for Sales
3 Tax Permits and Property Tax Records.
- 4 2. The name of the agent for the business or other person designated as responsible to remit
5 the Room Tax, and means to contact this person, including email address, postal address,
6 telephone number, fax number and cell phone number.
- 7 3. The physical and mailing address of the business.
- 8 4. Number of rental units at the location for each month of the year during which the business
9 is operating.
- 10 5. The driver's license number or Federal Employer Identification Number of the owner of
11 the lodging business.
- 12 6. Signature of the person designated in item b. above.
- 13 7. Operating months indicated on the permit application must match all advertised availabil-
14 ity.
- 15 8. The Lodging Marketplace Provider online listing ID or ID's for all advertising in any form
16 or format.

17
18 C. Permit Review and Issuance. The Commission may accept the application, review it for accuracy
19 and issue the Lodging Permit. The permit shall not be assignable. The permit shall only be valid for
20 the person named on the application as being responsible to remit the Room Tax. In cases where
21 that person should change or the ownership should change during the life of the permit, the applica-
22 tion and issuance of a new permit shall be necessary.

23
24 D. Records Retention. As a condition of issuance of a Lodging Permit hereunder, the Lodging pro-
25 vider agrees to retain all records related to short term lodging services hereunder for a period of not
26 less than seven (7) years.

27
28 E. Lodging Permit Deactivation. A permitted Lodging Provider who ceases lodging operations may
29 apply to the Commission for the deactivation of their lodging permit. Deactivation of a Lodging
30 Permit is subject to the following conditions:

- 31 1. All advertising in any form or format, including print and online, social media and web
32 sites for the rental unit or units must be removed, discontinued and taken down.
- 33 2. The Lodging Provider must be current on all filings and tax payments.

34
35 **Sec. 18.5 Lodging Marketplace Providers to be Licensed**

36 A. License Required. Any Lodging Marketplace Provider that provides a platform through which a
37 Lodging Provider offers to rent a short-term rental to an occupant and collects the consideration for
38 the rental from the occupant shall obtain and maintain a Marketplace Provider Permit from the
39 Commission.

40 B. Permit Application. Any Lodging Marketplace Provider providing a platform through which a
41 Lodging Provider can offer short-term rentals and lodging accommodations to transient guests in
42 the Village of Sister Bay shall apply to and file with the Commission, on forms provided by the
43 Commission, an application to provide such services within the Village. There shall be no cost for
44 the filing of the application for the Lodging Marketplace Provider Permit. The application form
45 prepared and supplied by the Commission shall include, at minimum, the following information:

- 46 1. The name and tradename of Lodging Marketplace Provider under which it transacts business or
47 intends to transact business.
- 48 2. The physical and mailing address of the Lodging Marketplace Provider.
- 49 3. The Federal Employer Identification Number (FEIN) of the Lodging Marketplace Provider.
- 50 4. The email address for the primary contact person at the Lodging Marketplace Provider.

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1 5. The contact name and physical and electronic contact information of and for the person at the
2 Lodging Marketplace Provider who will be submitting the Lodging Marketplace Provider re-
3 porting.

4 C. Permit Review and Issuance. The Commission may accept the Lodging Marketplace Provider ap-
5 plication, review it for accuracy and issue the Lodging Marketplace Provider Permit in the form
6 determined by the Commission. The Lodging Marketplace Provider Permit shall not be assignable.
7 The Lodging Marketplace Provider Permit shall only be valid for the Lodging Marketplace Pro-
8 vider identified on the application. In the event of an ownership or name change, Lodging Market-
9 place Provider shall apply for a new Lodging Marketplace Provider Permit.

10 D. Records Retention. As a condition of issuance of a Lodging Marketplace Provider Permit hereun-
11 der, the Lodging Market Provider agrees to retain all records related to lodging marketplace pro-
12 vider services to Lodging Providers hereunder for a period of not less than seven (7) years.

13 E. Lodging Marketplace Provider Permit Deactivation. A permitted Lodging Marketplace Provider
14 who ceases operations within Door County, Wisconsin, may apply to the Commission for the deac-
15 tivation of their Lodging Marketplace Provider Permit. Deactivation of a Lodging Permit is subject
16 to the following conditions:

- 17 1. All lodging marketplace platform services in any form or format in Door County, Wiscon-
18 sin, must cease, be discontinued and otherwise terminated.
- 19 2. The Lodging Marketplace Provider must be current on all filing and tax payments.

21 **Sec. 18.6 Creation of a Commission**

22 A. Commission Purpose. The municipalities shall enter into a contract under Wis. Stats. 66.0615 to cre-
23 ate a Commission under the Intergovernmental Cooperation provisions of Sec. 66.0301(2), Wis.
24 Stats. The Commission shall contract with a Tourism Entity, as defined under Sec. 66.0615(1)(f),
25 Wis. Stats. for the promotion of the destination with a minimum of Seventy (70%) percent of the
26 room taxes collected. This does not include the sales tax collected.

27
28 B. Commission Membership. The Commission created by a Tourism Zone Agreement under Wis. Stats.
29 §66.0615 shall consist of the following members:

- 30 1. Three (3) members from each municipality in which tax collections exceed \$1 million.
- 31 2. Two (2) members from each municipality in which annual tax collections exceed \$300,000.
- 32 3. One (1) member from each municipality in which annual tax collections are \$300,000 or
33 less.
- 34 4. Two additional members, who represent the Wisconsin hotel and motel industry, shall be
35 appointed to the Commission by the Chairperson of the Commission. Those individuals
36 shall serve for a one-year term at the pleasure of the Chairperson and may be reappointed.
37 These members shall not be members of the Board of Directors or employees of the Tour-
38 ism Entity.

39
40 C. Commission Member Appointment Process and Term of Office. Members of the Commission shall
41 be appointed by the principal elected official in the municipality and shall be confirmed by a major-
42 ity vote of the members of the municipality's governing body who are present when the vote is
43 taken. Commissioners shall serve a one-year term, at the pleasure of the appointing official and
44 may be reappointed. If a member of the Commission resigns or is removed for cause, the municipal
45 body that appointed the member may appoint another person to fulfill the unexpired term. If the
46 subject member was appointed by the Chairperson, they may appoint another person to fill the un-
47 expired term. Members of the Commission shall receive no pay but may be reimbursed for their
48 travel expense. While membership on the Commission is provided for each municipality in the
49 Tourism Zone, all membership positions need not be filled if a municipality does not see a need. A
50 member community that does not appoint a representative shall not count towards the determina-
51 tion of a quorum.

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1 D. Applicability of State Open Meetings Law. The Commission shall be subject to the provisions of
2 the Wisconsin Open Meetings and Open Records laws as amended.

3
4 E. Tourism Zone Commission. Authority is hereby delegated to the Door County Tourism Zone Com-
5 mission to act as agent of the Village in enforcement of this ordinance as amended, for violation of
6 the requirement of obtaining and maintaining a lodging permit when such lodging permit is re-
7 quired. The Door County Tourism Zone Commission shall have and may exercise the full author-
8 ity which would otherwise be available to the Village in the enforcement of this ordinance, includ-
9 ing the ability to seek enforcement and penalties for failure to comply with the section requiring a
10 lodging permit.

11
12 F. Role of Commission. The Commission shall perform such tasks as are specified in the Tourism
13 Zone Agreement.

14
15 G. Commission Operational Funding. The administrative and operating expenses of the Commission
16 shall be paid by the Member Municipalities based upon and subject to the following:

- 17 1. Commission Administrative and Operating Expenses. The Commission's administrative and
18 operating expenses subject to contribution hereunder shall include, but are not limited to, the
19 cost of: issuing permits, monitoring, enforcing and prosecuting the collection of Room Tax;
20 reviewing the progress of the contracted Tourism Entity; approving the Tourism Entity's
21 budget; approving the payment of monthly expenses; and preparing monthly, quarterly and an-
22 nual reports to the participating municipalities Member Municipalities, plus any and all tasks
23 and costs necessary in the operation of the Commission.
- 24 2. Additional Commission Administrative Expenses. The Commission's administrative expenses
25 shall also include, but not be limited to, reimbursement of Commissioners for actual expenses
26 and mileage while attending meetings or on official business for the Commission, wages paid
27 to staff, mileage paid to staff when necessary for work related travel, rental of office space, ac-
28 counting fees for the annual audit and other Commission related accounting services, insurance
29 costs for coverages approved by the Commission, office equipment, office supplies, postage,
30 telephone, internet, utilities and any legal expenses, including litigation and any other expenses
31 associated with the collection of unpaid Room Tax. The rate paid for the mileage reimburse-
32 ment hereunder shall be the same as the standard Internal Revenue Service rate for business
33 mileage adjusted periodically.
- 34 3. Calculation of Municipal Contribution. The contribution amount owed by each Member Mu-
35 nicipality shall be determined by its percentage share of the room tax collected, as shown on
36 the previous year's Tourism Zone Audit, multiplied by the adopted budget of the Commission.
37 The amount determined hereunder shall be paid by each Member Municipality on or before
38 February 1 of each year. In the event that a Member Municipality fails to pay its annual con-
39 tribution payment when due, the Commission may withhold that Member Municipality's Muni-
40 cipal tax allocation payment until such contribution payment is made.

41 **Sec. 18.7 Commission's Distribution of Room Taxes Collected**

42 Allocation of Collected Room Tax. Upon receipt of the room taxes that are collected from Lodging Provid-
43 ers providing transient lodging in the Village of Sister Bay the Commission shall, pursuant to Sec.
44 66.0615(1m)(d), Wis. Stats.:

- 45 1. Tourism Promotion and Development. Allocate seventy (70%) percent of the amount collected to
46 be spent on tourism promotion and tourism development within the Tourism Zone in the following
47 manner:
 - 48 a. Forward an amount previously budgeted to be allocated for the Tourism Entity to the Tour-
49 ism Entity.
 - 50 b. Deposit the excess amount of the amount budgeted for the Tourism Entity to the Tourism
51 Reserve Fund to be used and allocated by the Commission for tourism promotion and tour-
52 ism development within the Tourism Zone to help promote local or special tourism

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1 promotion and tourism development within the Tourism Zone through the Tourism Entity.
2 The Tourism Entity may from time-to-time present special non-budgeted promotions that
3 may require the use of the reserve funds. The expenditure of funds from the Reserve
4 Funds account, for any reason, shall require an approval by a two-thirds (2/3rds) vote by
5 the full Commission membership present at a meeting, properly noticed and at which a
6 quorum is present.

- 7 2. Municipal Allocation. Distribute thirty (30%) percent of the room taxes to the Village for such
8 uses and purposes as the Village of Sister Bay shall determine.

9 **Sec. 18.8 Tourism Entity**

- 10 A. Contracted Services. The Commission shall, pursuant to Sec. 66.0615(1m)(b)4, Wis. Stats. con-
11 tract with a Tourism Entity to obtain staff, support services and assistance in developing and imple-
12 menting programs to promote the Tourism Zone to visitors and spend room tax revenues on tour-
13 ism promotion and development within the Tourism Zone. The Tourism Entity shall not use any of
14 the room tax revenue to construct or develop a lodging facility.
- 15 B. Tourism Revenue and Expenditure Tracking. The Tourism Entity shall track the use of Room Tax
16 revenues and expenditures and state its impact on generating paid overnight stays in the Member
17 Municipalities. This does not include Premier Resort Area Tax Revenue.
- 18 C. Annual Report. The Tourism Entity shall provide a written report as determined by the Tourism
19 Commission, no less than annually, and such report shall be available to the municipality and pub-
20 lic upon request. This does not include Premier Resort Area Tax reporting.
- 21 D. Record Inspection. The Tourism Entity shall permit and allow inspections of its records pertaining
22 to the use of the room tax funds upon request of the Tourism Commission at reasonable times.

23 **Sec. 18.9 Premier Resort Area Tax**

- 24 A. Authority. This section is enacted under the authority of (i) Sec. 66.113, Wis. Stats., and (ii) sub-
25 chapter X of the Chapter 77, Wis. Stats., and acts amendatory thereto.
- 26 B. Purpose. The sole purpose in the Village of Sister Bay in enacting this section is to raise revenues
27 from the Premier Resort Area Tax imposed for infrastructure expenses in accordance with the terms
28 of Sec. 66.1113, Wis. Stats.
- 29 C. Definitions. As used in this section, the following words have the meanings indicated:
- 30 **Infrastructure expenses** means those expenses specifically referred to in Sec. 66.1113(1)(a), Wis.
31 Stats.
- 32 **Premier Resort Area** means the Premier Resort Area Tax referred to in Sec. 77.994, Wis. Stats.
- 33 D. Findings. The Village of Sister Bay makes the following finding and determinations, to wit:
- 34 1. The Village of Sister Bay is a political subdivision of the State of Wisconsin.
- 35 2. The Board of Trustees has determined that the Village will have in the future certain infra-
36 structure expenses, and that the declaration of the Village as a Premier Resort Area and im-
37 position of the Premier Resort Area Tax pursuant to Sec. 66.1113 (2)(b), Wis. Stats., would
38 serve a public purpose by providing recreation and transportation facilities, encouraging
39 economic development and tourism, and promoting the public safety and welfare of the
40 people of the village.
- 41 3. Pursuant to its authority under Sec. 6.1113(2) (a), Wis. Stats., and adoption of Sister Bay
42 Ordinance 256-022118 the Village of Sister Bay has declared the village to be a Premier
43 Resort Area, as that term is defined in Sec. 66.1113(1)(c), Wis. Stats.
- 44 4. Pursuant to, and in strict conformity with, the provisions of Sec. 66.113, Wis. Stats., and
45 Subchapter X of Ch. 77, Wis. Stats., the Village does hereby elect to impose a Premier Re-
46 sort Area Tax in the manner and to the extent permitted by Subchapter X of Ch. 77, Wis.
47 Stats.
- 48

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5. It is the express intent of the Village that the construction, administration, and application of this section to all persons in all situations shall conform to the laws of the State of Wisconsin in all ways, and it shall be so construed, applied, and administered.

E. Tax rate. As of July 1, 2018 the Premier Resort Area Tax imposed by this section shall be at the rate of 0.5% (1/2 cent on the dollar).

F. Severability. The provisions of this section are severable. If any section, subsection, sentence, clause, phrase, or portion of this section is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

G. Effective Date. The premier resort area tax shall become effective as of the first day of July, 2018. (*Ordinance 256-022118*)

Sec. 18.10 Effective Date

This ordinance shall be effective on its passage and publication.

Secs. 18.11 – 18.30 Reserved

ARTICLE II – Deleted
(per Ordinance 306-122022)

Sec. 18.31 – 18.36 Reserved

ARTICLE III – MOBILE FOOD VENDORS
(added per Ordinance 2023-003)

Sec. 18.37 Permit Required.

No individual, partnership, corporation, non-profit organization, or other for-profit entity shall operate as a mobile food vendor without first obtaining a permit as provided for in this Article. All mobile food vendors shall be authorized by permit for such use as set forth in this Article and all other applicable agencies, such as the Department of Agriculture, Trade and Consumer Protection (DATCP), and provide proof of such permit.

Sec. 18.38 Definitions.

“Mobile Food Vendor” means an individual, partnership, corporation, non-profit organization or other for-profit entity engaged in the preparation, service, sale or distribution of ready-to-eat food, non-alcoholic drink or edible novelties for individual portion service to the general public directly from a motorized vehicle, or trailer which is transported by a motorized vehicle, which is temporarily parked in an area authorized by the Municipal Code, and has been issued a Mobile Food Vendor Permit from the Village Clerk, in accordance with the regulations established by this Article. Mobile food vendors are often referred to as “food trucks.”

“Mobile Food Vendor Unit” means the motorized vehicle or trailer used to prepare, service, sell or distribute ready-to-eat food, non-alcoholic drinks, or edible novelties, for individual portion service to the general public.

“Mobile Food Vendor Permit” means the legal, written approval issued by the Village Clerk which authorizes a mobile food vendor to operate in the Village of Sister Bay.

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1 “Temporarily Parked” means the placement of a mobile food vendor unit on a property, including set up
2 and removal, not to exceed 72 consecutive hours, unless permitted otherwise by the Municipal Code, Vil-
3 lage Board, or the Parks, Property and Streets Committee.

4 **Sec. 18.39 Exemptions.**

5 The following shall be exempt from all provisions of this Article:

- 6 1. Seasonal sales of fresh produce from an approved roadside stand
- 7 2. Sales at events for which a Festival Permit has been issued.
- 8 3. Sales authorized on public property which have secured the authorization of the Parks, Property and
9 Streets Committee.
- 10 4. Any village resident, not registered as a business or non-profit organization, under the age of 18,
11 selling water, soda, shaved ice or similar beverage less than twelve (12) times annually from a stand
12 on private property.
- 13

14 **Sec. 18.40 Permit Application.**

15 An applicant desiring to operate as a mobile food vendor per Section 18.37 above will make written appli-
16 cation for a Mobile Food Vendor Permit to the Village Clerk. The Clerk shall furnish application forms that
17 will require the following:

- 18 1. Name of applicant, name of business and business owner, address at which applicant can be
19 contacted at least seven (7) days after leaving the Village, cell phone, and driver’s license
20 number of the mobile food vendor.
- 21 2. Vehicle Registration and a description, including make, model Vehicle Identification Num-
22 ber (VIN), and license plate of the mobile food vendor unit used to provide mobile food
23 vending services.
- 24 3. A valid copy of all necessary licenses, permits or certificates required by the State of Wis-
25 consin, or any subsidiary enforcement agencies or departments thereof (DATCP), including,
26 but not limited to valid proof of registration and insurance for the mobile food vendor unit
27 and driver’s licenses for all operators.
- 28 4. The length of time for which the right to conduct business is desired.
- 29 5. References (localities where applicant has conducted similar business).
- 30 6. Location plan (see Section 18.41).
- 31 7. Address and/or description of location for which permit is being applied for. If on private
32 property, include the written consent of the owner(s) of the property. Be advised mobile
33 food vendors are not allowed to operate from any site not authorized under Chapter 66 of the
34 Municipal Code.

35 **Sec. 18.41 Application Addendums.**

- 36 1. Each application for a mobile food vendor permit shall include a location plan for the subject property
37 showing, at a minimum, the stationery location of the mobile food vendor unit; customer seating areas,
38 if any; available customer parking; location of hand washing stations and restrooms; location of public
39 and private roads; location of all vehicle entrances/exits; proposed lighting; proposed signage; and
40 copy of food menu.

41 **Sec. 18.42 Investigation.**

42 Upon receipt of each application, the Clerk may conduct a background check and may refer it to the Door
43 County Sheriff’s Office, who may complete an investigation of the statements made in such application.

44 **Sec. 18.43 Permit Issuance.**

- 45 1. Following receipt of the completed Mobile Food Vendor Permit Application, required appli-
46 cation addendums, required non-refundable fee, review, and investigation by the Sheriff’s
47 Department, the Clerk may grant the Mobile Food Vendor Permit.

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- 1 2. A permit issued under this Article shall be valid for a period of one (1) year, unless suspended
2 or revoked for cause, and shall not be assignable or transferable to another individual, oper-
3 ator or property.
4 (a) Each Mobile Food Vendor Permit will expire on June 30 of each year.
5 (b) A Mobile Food Vendor Permit is not transferable from person to person.
6 (c) A Mobile Food Vendor Permit is valid for one mobile food vendor unit. A separate
7 permit shall be obtained for each mobile food vendor unit used by the mobile food
8 vendor.
9 (d) A Mobile Food Vendor Permit is valid for one property, said property being the one
10 identified on the site plan. A separate permit shall be obtained for each property used
11 by the mobile food vendor.
12 (e) Should the mobile food vendor unit be removed from a property, the permit is void
13 and a new permit required to re-establish the mobile food vendor unit on the property.
14 3. The Clerk may refuse to issue a permit to an applicant if any of the following is determined:
15 (a) The application contains any material omission or materially inaccurate information.
16 (b) The applicant is not eligible to have the Mobile Food Vendor Permit under the provi-
17 sion of §111.321 et seq. Wis. Stats, or any other applicable statute(s).
18 (c) The applicant failed to comply with any provision of Section 18.40 and 18.41.

19 **Sec. 18.44 Permit Restrictions.**

- 20 1. Mobile food vendors shall comply with all state and county food and health code requirements
21 applicable to the unit, and all state, county and local permits shall be conspicuously displayed
22 on the mobile food vendor unit while in operation.
23 2. Each mobile food vendor unit shall be moved safely to and from its vending location and be
24 secured at all times so as not to injure or endanger persons or property.
25 3. Sales are prohibited on any Village properties or publicly dedicated lands unless involved in
26 a Village-sanctioned event/festival or permission has been granted by the Parks, Property &
27 Streets Committee or the Village Board, except that all mobile food vendors who wish to
28 participate in Fall Fest need approval from the Sister Bay Advancement Association.
29 4. Mobile food vendor units are not permitted on public sidewalks.
30 5. No sales of alcoholic beverages or tobacco products are allowed.
31 6. The mobile food vendor unit must comply with Chapter 30.11 regarding loud and unnecessary
32 noise. The mobile food vendor unit shall not generate noise louder than levels produced by the
33 equipment used in operating the vehicle or trailer.
34 7. Mobile food vendor units shall make provision for at least one (1) onsite, conveniently located
35 waste receptacle for customers. Operators are responsible for the removal and disposal of all gar-
36 bage and refuse daily within the immediate area of the mobile food vendor unit. Spills of food or
37 food by-products shall be cleaned up by the operator.
38 8. Gray water shall not be dumped onto the ground or into the sewer village sewer system.
39 9. Restrooms shall be made available to patrons and employees. A sign shall be posted on the mobile
40 food vendor unit indicating where restrooms are available. The restroom facilities shall be pro-
41 vided onsite, or a written agreement from an adjoining business allowing the use of their restroom
42 facilities shall be submitted with the Mobile Food Vendor Application.
43 10. If a restroom with hand washing facilities is not available within one hundred (100) feet of the
44 mobile food vendor unit, at least one hand washing station shall be made available to the public and
45 a sign posted on the mobile food vendor unit indicating where that hand washing station is located.
46 11. All mobile food vendor units shall be entirely self-contained in regards to gas, water, and equipment
47 required for operation of the mobile food vendor unit. Electric does not have to be self-contained,
48 but the vendor shall not use utilities drawn from the public right-of-way or private property without
49 the property owner's written consent. No power cable or equipment shall be extended at grade
50 across any Village street, alley, or sidewalk.
51 12. A functioning fire extinguisher shall be kept in the mobile food vendor unit at all times. Additional
52 fire safety restrictions may be placed by the Fire Chief.

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1 **Sec. 18.45 Fees.**

2 The application described in Section 18.40 shall be accompanied by a non-refundable fee as established by
3 the Village Board.

5 **Sec. 18.46 Suspension, Revocation and Penalty.**

6 Any mobile food vendor found to be in violation of any provisions of this Article may, upon conviction,
7 have their permit suspended or revoked (see Section 18.43(3)). Notice of suspension or revocation will be
8 personally served on the applicant and will include a statement of the act(s) upon which the denial is based.

9 Any person violating any provision of this Article shall further be punished by a forfeiture per Sec. 1.11 of
10 the Municipal Code. Each day of violation shall constitute a separate offense.

11 The Village of Sister Bay shall also have the right to seek any remedies available to it under the law, or in
12 equity with respect to any violations(s) of this Article.

13 **Sec. 18.47 – 18.50 Reserved.**

14
15 **ARTICLE IV – SHORT-TERM**
16 **RESIDENTIAL DWELLINGS**
17 **(recreated Ordinance 2023-006)**

18 **Section 18.51 Purpose.**

19 The purpose of this Article is to establish licensing requirements which allow residential dwellings to be
20 rented as a means to offer individuals a safe and enjoyable place to stay while visiting Sister Bay, while
21 maintaining the quality of life of the residents and other visitors. The regulations herein are intended to
22 guarantee the casual rental of a dwelling is compatible with the neighborhood in which it is located and does
23 not disrupt the peace, health and safety, or visual appeal of Sister Bay. In addition, these regulations are to
24 ensure all licensing applicants and agents are held to the same standards and held accountable for false infor-
25 mation and violations.

26 **Sec. 18.52 License Required.**

27 No person may own, manage, or operate a short-term rental within a Residential Dwelling for at least one
28 (1) night each calendar year without a Village Short-term Rental license issued pursuant to this Article. No
29 owner, manager, or operator of a short-term rental not licensed in the previous annual licensing term, shall
30 advertise the availability of the short-term rental until a Village Short-term Rental license has been issued.
31

32 **Sec. 18.53 Definitions.**

33 ***DATCP*** means Wisconsin Department of Agriculture, Trade and Consumer Protection.
34

35 ***DCTZC*** means Door County Tourism Zone Commission.
36

37 ***Operator/Operate*** is the owner of a residential dwelling licensed as a Short-Term Rental, the person to
38 which a Short-Term Rental License is issued, the person responsible for the property and the actions
39 thereon, and the only person who may designate a Registered Agent to assist with the day-to-day reserva-
40 tion of and maintenance of the Short-Term Rental.
41

42 ***POWTS*** means Private On-Site Wastewater Treatment System.
43

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1 **Quiet Hours** means a period of time within a day where plainly audible noise shall be held to a minimum
2 due to people relaxing, sleeping, or meditating. For purposes of this Article, *Quiet Hours* are those hours
3 between 10:00PM and 10:00AM.
4

5 **Resident Agent** means a person or entity who declares residency in the Village of Sister Bay, Egg Harbor,
6 or Ephraim; or Town of Baileys Harbor, Egg Harbor, Gibraltar, Jacksonport, or Liberty Grove; or, who
7 lives within 30 (thirty) miles of the property licensed as a short-term rental; and, who is authorized to act on
8 behalf of the Short-Term Rental Operator for purposes of the day-to-day management of the Short-Term
9 Rental in absence of the Operator. The extent of responsibility of the Agent shall be determined by the Op-
10 erator but as a minimum shall include being available as an emergency contact for the Short-Term Rental
11 property or guests.
12

13 **Residential Dwelling** means any lawfully constructed building, structure, or part of the building or struc-
14 ture, that is used or intended to be used as a home, residence, or sleeping place by one or more persons
15 maintaining a common household, to the exclusion of all others. For purposes of this Article, a Residential
16 Dwelling is not a unit in an inn or hotel or motel or condominium whose building or complex has a central,
17 on-site, staffed reservation desk, and on-site property management.
18

19 **Short-Term Rental (STR)** means a residential dwelling in which sleeping accommodations are offered for
20 pay to tourists or transients in compliance with the Sister Bay Municipal Code. These facilities are some-
21 times referred to as “vacation rentals”. They do not include a boarding house which does not accommodate
22 tourists or transients, bed & breakfast establishments, or, inns or a hotel or motel with a central, on-site,
23 staffed reservation desk, and on-site property management.
24

25 **Tourist Rooming House** means a residential dwelling unit in which sleeping accommodations are offered
26 for pay to tourists or transients for periods of less than 30 days.
27

28 **Un-hosted** means the owners of the property are not on the premises during the rental.
29

30 **Violation** a violation means an infraction by the Operator, Agent or renter, whether during a rental period or
31 not, that does not comply with this Article.

32 **Sec. 18.54 License Application Requirements.**

33 All Short-Term Rental Operators shall provide the following to the Village Clerk before a Short-Term
34 Rental License Application can be deemed complete and processed for a Short-Term Rental License:

- 35 1. A completed Village of Sister Bay Short-Term Rental License Application Form signed by all owners
36 of the residential dwelling attesting the information provided on the application and provided in the ad-
37 dendum is true and correct to the best of their knowledge, and acknowledging false information will
38 result in the denial of the license and may result in revocation of the license and/or forfeitures.
39
- 40 2. Unless indicated otherwise, the following are the addendums required to be submitted annually with
41 the license application:
 - 42 a. A floor plan of the dwelling with all rooms identified, indicating the sleeping areas available
43 for rent and maximum capacity accommodated therein for sleeping purposes.
 - 44 b. A site plan indicating where parking is available on-site; where the driveway is located; drive-
45 way width; and the maximum number of parking stalls available to guests.
 - 46 c. Current photos of all four sides of the exterior of the building and one photo at the end of the
47 driveway looking into the property towards the dwelling.
 - 48 d. Copy of the most recent recorded deed to the property.
 - 49 e. A current statement from the Registered Agent, if an Agent is required, acknowledging their
50 responsibilities as stated in Sec. 18.53, *Definitions*; and the statement is signed by the Agent,

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1 their name legibly printed below their signature, address, and date signed. Said statement to be
2 signed before a Notary Public. In lieu of a statement, a contract for services, signed by both
3 Operator and Registered Agent, may be accepted.

- 4 f. Current copy of the DCTZC permit, and, if the Operator or Agent was previously found in de-
5 fault of that permit, or not in good standing with the DCTZC for the inaccurate and timely col-
6 lection and submission of taxes, reports, payment of penalties and legal fees, a statement as to
7 how the infraction(s) were resolved.
- 8 g. Valid State of Wisconsin Tourist Rooming House License issued by DATCP.
- 9 h. Copy of the most recent DATCP Inspection Report, including any observations and corrective
10 action required as noted therein. If the property has not been re-inspected in person by DATCP
11 within thirty-six (36) months of the date the initial inspection was made by DATCP for the
12 Tourist Rooming House License, or if no in-person DATCP inspection was made for the initial
13 Tourist Room House License, the Applicant shall annually have the property inspected by a
14 Home Inspector who is a Wisconsin Certified Professional Inspector (CPI certification) or an
15 American Society of Home Inspectors (ASHI certification) inspector, and annually submit the
16 inspector's report with the Short-Term Rental License Application. The inspection report must
17 be performed and signed by the CPI or ASHI verifying, at a minimum, the furnace and fire-
18 place (if applicable) are up to code and functioning properly, all decking is safe and to code, all
19 smoke alarms and carbon monoxide detectors are installed to code and functioning properly,
20 there is a radon detector installed and functioning properly, and all other issues observed that
21 pose a threat to health and safety have been addressed to the satisfaction of the inspector. Proof
22 of satisfactory inspection results, or proof of corrective action satisfying the inspector's con-
23 cerns, shall be provided annually at time of application. No license shall be issued until all
24 matters requiring corrective action have been resolved.
- 25 i. If served by a private well or POWTS, well and sanitation reports as required in Sec. 18.57.
- 26 j. Proof of a contract for refuse and recycling collection and disposal services that are tailored to
27 the property to ensure compliance with Chapter 50 of the Municipal Code related to Health and
28 Sanitation, garbage and recycling in particular, as required in Sec. 18.57, *Operation of Short*
29 *Term Rental*.
- 30 k. Copy of the Property Rules, per Sec.18.58, *Property Rules*.
- 31 l. The applicant shall acknowledge on the Short-Term Rental License Application Form they
32 have read and understood the use and development restrictions on their subdivision deed, con-
33 dominium bylaws, or homeowner association, if applicable, and acknowledge they are in com-
34 pliance with said restrictions. Be advised the Village does not enforce deed restrictions or con-
35 dominium or homeowner association bylaws to which they are not a party and such statement
36 may be used by other parties in the subdivision, condominium, or association, if needed, to ver-
37 ify the applicant was aware of the property restrictions at time of license application.
- 38 m. The required non-refundable application fee.

39 **Sec. 18.55 Application Review.**

40 Every Short-Term Rental License Application shall be reviewed for compliance with this Article and the
41 other applicable provisions specified in the Village of Sister Bay Municipal Code. Failure to satisfy all re-
42 quirements specified herein shall be deemed a denial of a license. In the event a license is denied, no new
43 application may be reviewed until all deficiencies of the previous application, residential dwelling and
44 property have been resolved and a new application, including new fee and addendums, have been submit-
45 ted. The application shall be reviewed for compliance with the following, and if deemed compliant, a li-
46 cense issued:

- 47 A. The Short-Term Rental License Application is complete, legible and signed, and all addendums are
48 submitted.

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- 1 B. Compliance with this Article and the Municipal Code, as applicable; DATCP license; and DCTZC
2 permit, including the collection of room taxes and timely and accurate reporting thereof, accurate
3 and timely filing of reports, payment of legal fees and penalties, and absence of deceit.
- 4 C. A statement the Operator has resolved any known code violations, is current on any applicable cita-
5 tion charges and court costs, property taxes, utility charges, and other municipal fees and sur-
6 charges, and, acknowledgement no license can be issued until the Operator has resolved these
7 aforementioned violations or fees.
- 8 D. A statement the building has not been altered without permits to accommodate more bedrooms or
9 that other unpermitted construction has occurred that may be a safety concern.
- 10 E. Proof there is adequate road access and parking on-site in conformance with the Municipal Code.
- 11 F. Evidence the Registered Agent, if required by this Article, meets the residency requirements speci-
12 fied in Sec. 18.53, *Definitions*.
- 13 G. If on a private well, proof of safe, potable water.
- 14 H. If served by a POWTS, proof the system is sized adequately to accommodate the number of guests
15 advertised to sleep in the dwelling, and, the POWTS has been inspected once in the past three years
16 and any deficiencies noted on the mandated inspection report have been corrected.
- 17 I. Evidence the Operator has contracted for refuse and recycling services as outlined in this Article.
- 18 J. Property Rules, reflective of Sec. 18.58, *Property Rules*, and posted in their entirety on any applica-
19 ble listing platform or other advertising means.
- 20 K. The non-refundable fee submitted in its entirety at time of application.

21 **Sec. 18.56 License Issuance and Revocation.**

- 22 A. A Short-Term Rental License shall be effective for twelve (12) months. The annual licensing term
23 begins July 1 and ends on June 30 of the following year. If applying for a license every year, every
24 license request requires a new completed application, staff review, and compliance with this Article
25 and codes in effect at time of the new application.
- 26 B. The application process will open on March 1. A completed application must be filed with the Vil-
27 lage Clerk at least forty-five (45) days prior to the license expiration so the Village Board, or its de-
28 signee, has adequate time to consider the application. After the initial licensure, a subsequent ap-
29 plication shall be treated as a new application and require the same forms, documentation, verifica-
30 tions and fees as required for the original license application, albeit current to reflect current li-
31 censes, inspections, etc. The application will be date stamped as complete on the date the applica-
32 tion has been deemed completed in its entirety, all addendums submitted, and the required fee paid.
33 Incomplete applications will be returned to the Applicant.
- 34 C. Change in ownership of the residential dwelling requires a new license per Wisconsin Administra-
35 tive Code State Statute 72.04(b) prior to obtaining a Short-Term Rental License from the Village.
36 Licenses are non-transferrable and issued to the Operator, not the property.
- 37 D. An Operator may apply for a new license no less than six (6) months after a Short-Term Rental Li-
38 cense has been revoked and provided there is evidence the dwelling has not been rented during the
39 revocation period.
- 40 E. The Village Board or their designee may reject, suspend, revoke, or not issue subsequent Short-
41 Term Rental Licenses, or process an application, if it has been determined the license application
42 contained false information; the license was issued under false pretenses; the Operator or Agent
43 provided false information on the application, to DATCP, or to the DCTZC; or operated in violation
44 of the Municipal Code, DATCP license, or DCTZC permit. A violation of the Municipal Code
45 shall also be deemed a violation of this Article and be taken into consideration when deciding to
46 reject, suspend, revoke a license, or process an application.
- 47 F. Any Operator who, by the Village Board or the Board's designee, has been denied a license, had a
48 license suspended or revoked, or whose license application was not processed, may appeal the de-
49 cision to the Board of Trustees upon filing an Appeal Form within fourteen (14) days of the written

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1 decision and paying the required appeal fee. The Board shall hold a hearing as soon as possible and
2 determine whether the decision should be upheld or reversed.

- 3 G. Prior to revocation, any Operator operating in violation of this Article and the Municipal Code,
4 DATCP license, or DCTZC permit shall be notified in writing of said violation. Depending on the
5 severity of the violation, written correspondence may be by email, United States Postal Service, or
6 certified mail. In an emergency situation contact will be by phone to the Operator first, the Regis-
7 tered Agent second.
- 8 H. Failing to report any change in the Registered Agent's contact information to the Village Clerk
9 within twenty-four (24) hours of the change may result in suspension or revocation of the license.
- 10 I. The Village Board or the Board's designee may suspend or revoke a license if any of the following
11 are found to be true:
 - 12 1. The Operator, which includes those employed to maintain or manage their property, has had
13 three violations within the past twelve (12) months;
 - 14 2. The Operator, which includes those they are responsible for, has failed to rectify any violation
15 to which notice by the Village was given;
 - 16 3. The Operator has been convicted, or whose Resident Agent has been convicted of, engaging in
17 illegal activity while on the Short-Term Rental premises on at least one (1) occasion within the
18 past twelve (12) months;
 - 19 4. The Operator or their Registered Agent have outstanding fees, taxes, or forfeitures owed to the
20 Village, DATCP or the DCTZC.

21 **Sec. 18.57 Operation of a Short-Term Rental.**

22 The following Rules of Operation apply to the property being licensed as a Short-Term Rental, whether oc-
23 cupied by a guest or the Operator.

- 24 A. The Operator is responsible for the licensing of the Short-Term Rental and ensuring compliance
25 with this Article, which includes at all times during the licensure period compliance with the Mu-
26 nicipal Code, DATCP license and DCTZC permit. The Operator shall also be responsible for
27 those they employ, directly or through their Registered Agent, and their compliance with this Arti-
28 cle, Municipal Code, DATCP license, and DCTZC permit.
- 29 B. No Short-Term Rental shall be rented for a period of time, or number of days, inconsistent with the
30 Municipal Code.
- 31 C. The Operator shall not allow rooms to be used for sleeping purposes that are not contained within
32 those areas designed and approved by the Village for living quarter purposes.
- 33 D. The Operator is to make sure there are no unpermitted decks or structures, and the decks and other
34 structures are in sound condition.
- 35 E. The Operator is to make provisions for parking that complies with the Municipal Code and take
36 necessary measures to ensure said parking is in compliance with the Code.
- 37 F. No single residential dwelling served by a private well and/or POWTS shall be used as a Short-
38 Term Rental unless a signed document is submitted from the oversight agency (Wisconsin Depart-
39 ment of Natural Resources, Door County Sanitarian's Office, or equivalent licensed professional)
40 verifying the well capacity (gallons per minute) and POWTS is functioning and sized correctly for
41 the number of guests to be accommodated on-site. Additionally, the well shall be tested annually
42 for bacteria and nitrates and every three years for arsenic; a certified Wisconsin lab shall test the
43 water sample and the results be submitted at time of License Application. Any water test showing
44 elevated or dangerous levels of bacteria, nitrates, or arsenic shall not be used as a Short-Term
45 Rental.
- 46 G. To prevent the spread of invasive species, no firewood may be brought from outside Door County
47 to the premises. Any firewood stored or used on the premises shall be harvested in Door County.
- 48 H. In addition to those regulations specified in the Municipal Code, pets that accompany a renter:
49

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- 1 1. Must be under the control of their owner and on a leash when outside the dwelling.
- 2 2. Pets may be tethered securely to a leash or pulley-run on the premises, provided that the teth-
3 ered pet is at least ten (10) feet inside the premises lot line.
- 4 3. Pet owners must adhere to minimizing pet noise, independent of whether the pet is inside or
5 outside the dwelling.
- 6 I. Any outdoor event held at the Short-Term Rental shall last no longer than twelve (12) consecutive
7 hours occurring between the hours of 10AM and 10PM. Quiet Hours will be enforced. No event
8 shall be permitted for which a demand for parking exceeds the number of stalls approved by the
9 Village as being available for guests.
- 10 J. All residential dwellings shall be able to accommodate reliable cellular phone service, or the Oper-
11 ator shall provide land line phone services.
- 12 K. All Operators, during the rental period, shall follow all state and federal antidiscrimination regula-
13 tions.
- 14 L. Un-hosted Short-Term Rentals shall be categorized as public accommodations under Title II of the
15 1964 Civil Rights Act.
- 16 M. The Operator must reside within the Village of Sister Bay, Egg Harbor of Ephraim; or, Town of
17 Baileys Harbor, Egg Harbor, Gibraltar, Jacksonport, or Liberty Grove. This requirement may be
18 waived if there is a valid Resident Agent hired by the Operator. The Operator must provide the Vil-
19 lage with the current contact information for the Registered Agent and the Agent must be available
20 twenty-four (24) hours a day. The Operator must provide the following information to the Village
21 Clerk, who will forward the information to neighboring residential property owners located within
22 a 300-foot radius of the Short-Term Rental property within seven (7) days of the license issuance
23 date. If the Operator or Agent’s contact information changes, the Operator shall forward said infor-
24 mation to the Clerk within twenty-four (24) hours. Information to be provided to the neighbor’s for
25 both the Operator and Agent:
 - 26 1. Cellular or emergency telephone number and email address
 - 27 2. A copy of the Property Rules
 - 28 3. Information as to the location of approved on-site parking
- 29 Q. Every Operator, or if authorized by the Operator, their Resident Agent, shall contract for refuse and
30 recycling collection and disposal services that are tailored to the property to ensure compliance
31 with Chapter 50 of the Municipal Code related to Health and Sanitation, garbage and recycling in
32 particular. Said contract shall specify the collection of refuse and recycling will not be at the curb,
33 but at the home itself to comply with the Municipal Code. Be advised a violation of Chapter 50,
34 during the rental period or not, shall be deemed a violation of this Article.
- 35 R. The operator shall ensure their Property Rules, in compliance with this Article, are posted on all
36 reservation platforms so guests are aware of what is required, and, in the in a conspicuous location
37 in the Short-Term Rental.

Sec. 18.58 Property Rules.

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

- 42 A. The name and phone number of the Operator or Resident Agent.
- 43 B. A diagram of the property identifying the property lines and the location of off-street parking, in-
44 cluding the maximum number of off-street parking spaces provided for renters, and where located,
45 including prohibited vehicles and parking areas.
- 46 C. Quiet hours of 10PM to 10AM.
- 47 D. Pet policy in compliance with, at a minimum, this Article and the Municipal Code.
- 48

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- 1 E. Information about refuse and recycling storage and collection that demonstrates compliance with
- 2 Chapter 50.
- 3 F. Fireworks are strictly prohibited.
- 4 G. Outdoor burning regulations, including where to check to see if a burn ban is in effect.
- 5 H. Information specific to the property about tornado safety, operation of the fire and carbon monox-
- 6 ide alarms, where to locate a fire extinguisher and location of all hoses for extinguishing.
- 7 I. Notification that, in an attempt to stop the spread of invasive species, the renter and their guests are
- 8 prohibited from transporting firewood not harvested in Door County.
- 9 J. No firearms are allowed on the property.
- 10 K. No illegal activity is permitted on the property.
- 11 L. Notification that the Operator may be cited or fined by the Village or have their license revoked if
- 12 the renter violates any provisions of this Article, which shall also include those applicable sections
- 13 of the Municipal Code.

14 **Sec. 18.59 Penalties.**

15 The Operator or Resident Agent or other legal entity that fails to comply with the provisions of this Article
16 shall, upon conviction or admission, pay a forfeiture of not less than \$500.00 nor more than \$1000.00 for
17 the first offense, a forfeiture of not less than \$1000.00 nor more than \$2000.00 for the second offense, and a
18 forfeiture of not less than \$2500.00 nor more than \$5000.00 for the third and subsequent offenses, plus the
19 applicable surcharges, assessments, and costs including legal fees and costs of prosecution for each viola-
20 tion. Each day a violation exists or continues constitutes a separate offense under this Article. The Opera-
21 tor is responsible for any violation that occurs on their property.

22
23 Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement of costs
24 whether existing under this Article or otherwise.

25 **Sec. 18.60 Fees.**

26 License fees shall be established by the Village Board in a fee schedule and may, from time to time, be
27 modified. The fees shall be related to the cost of processing license applications, reviewing plans, conduct-
28 ing inspections, ordinance compliance and documentation, and providing infrastructure necessary to ac-
29 commodate the short-term rental industry. Fees are nonrefundable and shall not be prorated.