

Town of Liberty Grove
Minutes of the Plan Commission meeting on January 27, 2021
(This meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: 1-13-21
5. Public input
6. Discussion and possible action: Short-Term Rental (STRs) Ordinance
7. Correspondence
8. Future meeting dates
9. Adjourn

Chair Nancy Goss called the meeting to order at 7:01pm. Commissioners Anne Miller, Paul Schwengel, Lou Covotsos, Paul Bokelmann, and Bill Surbaugh were present along with Administrator Walter Kalms, Clerk/Treasurer Anastasia Bell and 4 members of the public via teleconference (Zoom). Goss indicated that Commissioner Michael Mercier has resigned and Dan Watts has been appointed.

Surbaugh moved, Schwengel second to approve the agenda as posted. Passed 6-0.

Schwengel moved, Goss second to approve the 1/13/21 minutes as presented. Passed 6-0.

Public Input – None

Short-Term Rentals (STRs) – James Quick, Ellison Bay, asked if the Town's guidelines would request owners to follow current DATCP and/or DCTZ guidelines. He also asked if a professional management company with local residency will need to be available to support on site issues. Kristine Rowe, Appleton, noted that the DCTZ fines people who are not registered. Kayla Gensler, Ellison Bay, requested her name be entered into the record. Goss replied that the goal of this ordinance is to monitor the items that the DCTZ cannot monitor. The following items were noted during the continued work on the STR Ordinance (draft #2 is attached to these minutes):

- Miller will confirm the number of nights referenced in the Sevastopol ordinance with the County.
- The ordinance should be basic and ensure the sanitary system is sufficient, it should not focus on requiring a certain number of nights.

Correspondence – Kalms reported that there is property to the west of Port des Motes Park for sale, it was the consensus to discuss this at the next meeting.

The next meeting will be Wednesday, February 10, 2021 at 7:00pm.

Bokelmann moved, Surbaugh second to adjourn at 8:51pm. Passed 6-0.

Respectfully submitted,

Anastasia Bell, Clerk/Treasurer, approved at the 2/10/21 Plan Commission meeting

TOWN OF LIBERTY GROVE
ORDINANCE ____ - ____
<TITLE>

The Town Board of the Town of Liberty Grove (hereinafter referred to as “the Town”), in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose

The purpose of this ordinance is to ensure that the quality and nature of the Short-term Rentals (“STRs”) operating within the Town of Liberty Grove (“Town”) are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the Town.

Drawn from the *Town of Liberty Grove Comprehensive Plan 2019* (“The Plan”), the following explain the purpose and intent of the ordinance.

Due to the fractured bedrock and karst topography of most of Door County, STRs that are rented for “over capacity” for their private onsite wastewater treatment system (“POWTS”) risk contamination of neighboring wells and ultimately a large portion of the community-wide water system. For example, a dwelling intended for a family of 4 or 5 people and now occupied as an STR with 8 or 9 people has the potential of untreated wastewater leaving the system too soon to accomplish necessary sanitary treatment.

A proliferation of STRs would undermine the strictly residential character of residentially zoned areas, thus undermining The Plan’s goal of maintaining the rural character of the Town.

An **unregulated** proliferation of **unregulated** STRs could compromise the Town’s supply of single-family housing available to workforce at competitive pricing.

An **unregulated** proliferation of **unregulated** STRs has the potential to compete with existing tourist related establishments within the Town. Such as motels, restaurants, et al.

State Statutes Adopted – Authority

The Board of Supervisors of the Town is granted authority for adopting this ordinance under § 60.10(2)(c) and § 60.22(3), Wisconsin Statutes. The Town Board adopts this ordinance under its general village powers authority and § 66.1014 of the Wisconsin Statutes, 2017 Act 59.

Definitions (consider cross references)

- A. “Application Fee”
- B. “Application Form”
- C. “Door County Tourism Zone Commission (“DCTZ”)”
- D. “License”
- E. “Property Owner” means the person or entity who owns the residential dwelling that is being rented.
- F. “Property Owner’s Agent (“Agent”)” means a person or an entity who is not the property owner of record 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. “Renewal Application”
- H. “Renewal Fee”
- I. “Required Fee” see Application Fee.
- J. “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.
- K. “STR Premises”
- L. “Short-term Rental” means a Residential Dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

Short-Term Rental License

- A. NO person may maintain, manage, or operate a STR more than ten (10) nights each year without a Town STR license issued pursuant to this ordinance **(AM to research # of days)**
- B. License shall be issued using the following procedures:
 - 1. All applications for a STR license shall be filed with the Town Clerk, or the designee of the Town 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 annual inspection report as required by Wisconsin Department of Agriculture Trade and Consumer Protection “DATCP”.

3. The Town Clerk shall issue a STR license to all applicants following payment of the required fee, receipt of all fully completed documentation and information requested by the application, and application approval by the Town Board, or its designee.
4. A STR license shall be effective for one year. The annual licensing terms begins January 1st and ends December 31st the same year.
5. A fully completed renewal application and renewal fee must be filed with the Town Clerk at least forty-five (45) days prior to license expiration so that the Town Board or its designee, if required, has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application.
6. An existing license becomes void and a new application is required any time the ownership of a Residential Dwelling licensed for STR changes.
7. The Town Board may suspend, revoke, reject or non-renew a STR license or license application following a due process hearing if the Board determines that the licensee:
 - a. Has failed to comply with any of the requirements of this ordinance; or
 - b. Has been convicted or whose Agent or renters have been convicted of engaging in illegal activity while on the STR premises; or
 - c. Has outstanding fees, taxes, or forfeitures owed to the Town; or
 - d. Has failed to adhere to Town and County ordinances; or
 - e. Has failed to adhere to a set of property rules that communicate relevant Town ordinances, DCTZ Best Practices and/or recognized neighborhood association standards of conduct that renters and their guests are expected to follow as part of their rental contract (create document for distribution with license)

Operational

Proximity of agent

Subject to the DCTZ rules and regulations