

Town of Liberty Grove
Minutes of the Plan Commission meeting on March 24, 2021
(This meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: 2/24/21 & 3/10/21
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 7:00pm. Commissioners Paul Schwengel, Bill Surbaugh, Paul Bokelmann, Lou Covotsos, and Anne Miller were present along with Clerk/Treasurer Anastasia Bell and 23 members of the public via teleconference (Zoom).

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

Bokelmann moved, Miller second to approve the 2/24/2021 minutes as presented. Passed 6-0.

Surbaugh moved, Goss second to approve the 3/10/2021 minutes as presented. Passed 6-0.
Commissioner Dan Watts connected to the meeting at 7:04pm.

Public Input – Cathy Ward, Ellison Bay, reported that there are 940 STRs permitted in Liberty Grove which is an increase from 459 in 2008. Sarah Mohr, Wagon Trail Circle, asked for the history of this discussion and Goss replied that the Town Office received several complaints. Kristine Rowe, Cedar Dell Lane, asked how POWTS information will be determined and/or enforced. Ann Miller asked the following: will lost revenue be addressed due to the minimum night requirements? Do we know how many failing septic/wells are here? How often is STR criminal/illegal activity reported to the Sheriff? Will KNOX boxes be enforced for all residents? Do hotels/motels have similar POWTS requirements? How will STRs know of burning bans? Will there be more enforcement of the driveway ordinance? How will STRs file appropriate taxes? Goss replied that the monitoring agency will identify which STRs are not licensed by DCTZ and DATCP; a hotline could be available for concerned neighbors; taxes will be filed as they are now; and the other items are suggestions for potential inclusion in the ordinance. Cecile Lindell, N Barry Lane, reiterated her concerns as expressed to the Town Board regarding the difference between large families and STRs. She requested clarification regarding which health and safety concerns would be the focus. Kristine Rowe asked if this would apply to all lodging establishments and Goss replied that the intention is to stop the unregulated explosion of STRs; reference to hotels and motels will be removed from the ordinance. Covotsos indicated that the purpose of the ordinance is to create an enforcement structure that balances the rights of the owner with regulations correlating dwellings to the current recommendations from the Sanitarian. Capacity appears to be the fairest way to apply the ordinance to ensure the regulations will be the same for all zoning areas. A “Good Neighbor Policy” should be created for reference in the ordinance and posting at all STR locations.

Short-Term Rentals (STRs) – Various changes were made to the STR Ordinance draft, and the most current version “Draft 03.24.2021” is attached to these minutes.

Correspondence – None.

The next meeting will be Wednesday, April 14, 2021 at 7:00pm.

Miller moved, Schwengel second to adjourn at 8:38pm. Passed 7-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

Approved at the 4-14-2021 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.

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)

Operation of a Short-Term Rental

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

- A. No person may maintain, manage, or operate a Short-term Rental more than ten (10) nights each year without a Short-term Rental license. Every Short-term Rental shall be operated by a Property Owner or a Resident Agent.
- B. 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 and all subsequent renewal applications.
- C. 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 and all subsequent renewal applications.
- D. Each Short-term Rental shall comply with all of the following requirements:
 1. No Residential Dwelling may be rented for a period of less than six (6) consecutive nights.
 2. 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.
 3. If the property is not served by a public sanitary sewer, a private onsite wastewater treatment system (POWTS) in full compliance with this Ordinance and in accordance with Chapter 21 of the Door County Code must serve the property.
 4. If the property is serviced by public sanitary sewer, occupancy is limited to the number of occupants authorized by the tourist rooming house license issued by DATCP. If the property is served by a POWTS, occupancy is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming license, whichever is less.
 5. Sufficient off-street parking shall be available to accommodate all vehicles on the Short-term Rental premises. Off-street parking shall be in compliance with Door County Comprehensive Zoning Ordinance, Chapter 7. On-street parking for renters of the Residential Dwelling is prohibited,

- consistent with Town Ordinance No. 05-2016.
6. Pets that accompany a renter are subject to Town Ordinance No. 01-2012, with the following additional requirements: Pets must be under the control of their owner and on a leash when outside the dwelling.
 - a. 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.
 - c. Pet owners are prohibited from leaving their pet unattended on the Rental Dwelling premises. Unattended pets are subject to impoundment under Town Ordinance No 01-2012.
 7. Signage shall conform to applicable Town and Door County Ordinances.
 8. Rental dwellings must be able to accommodate reliable telephone communications in case of emergency.
 9. Any outdoor event held at the Short-term Rental shall last no longer than one day occurring between the hours of 10AM and 10PM. From 10PM to 10AM quiet hours shall be enforced. All activities shall be in compliance with the Town noise Ordinance and other applicable Town and Door County Ordinances.
- E. The Property Owner must reside within seventy-five (75) miles of the Short-term Rental during periods in which the Short-term Rental is rented.
- a. This requirement may be waived if there is a valid Resident Agent (point of contact) located in Door County, in such a case, the Property Owner shall provide a copy of the Resident Agent contract to the Town and notify the Town within thirty (30) days of termination of any such contract.
 - b. To qualify as a Resident Agent the representative must reside within Door County or be a corporate entity with offices located within Door County.
- F. The Property Owner and/or Resident Agent must provide the town with current contact information and must be available twenty-four (24) hours a day, seven (7) days a week by telephone or email. The town must be notified within twenty-four (24) hours of any change in contact information.
- G. Each Short-term Rental shall provide a set of property rules that communicates relevant Town Ordinances, DCTZC 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. The property rules shall also be posted in the Residential Dwelling.
- H. The Property Owner and/or Resident Agent must provide the following information to neighboring residential property owners located within 200-feet of the Short-term Rental dwelling property in all directions no later than seven (7) days from the date rental dwelling permit is issued or any time the Property Owner/Resident Agent contact information changes:
- a. Telephone and email contact information to enable neighboring residential property owner or Town 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.
 - b. Provide copy of property rules or other standard of conduct that is provided to renters.
 - c. Provide their DATCP license number.
- I. The Property Owner shall have and maintain homeowner's liability or business liability insurance for the premises that are used for short term rental and shall provide written evidence of such insurance with the initial license application and all subsequent renewal applications.

Sec. 26-343. - Property rules.

A list of property rules must be posted at the property, provided to the guests and a copy submitted with the application for a license. Property rules must include the following minimum information:

- A. Maximum occupancy of the property.
- B. Contact information for the designated operator.
- C. Where to park.
- D. Quiet hours of 10:00 p.m. to 7:00 a.m.

- E. Pet policy. No more than four pets are allowed at the property.
- F. Outdoor burning regulations.
- G. Non-emergency contact information for law enforcement and fire.
- H. If applicable, information on the location of the high water alarm for the POWTS, and procedure to follow if the alarm is activated.
- I. What to do with the garbage after the rental period is done.
- J. Copy of the State of Wisconsin tourist rooming house license.
- K. Copy of the County short term rental license.
- L. Copy of the boating regulations if the property is located on a lake.

Penalties

Any person, partnership, corporation, limited liability company, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$1000.00, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Ordinance

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

Sec. 26-344. - License application and fees.

Any property owner or person having a contractual interest in any residential dwelling in the county may file an application for a license to offer for rent a short term rental with the Department at least 30 days in advance of the date the property is first offered for rent on forms furnished by the Department and shall include the following:

- A. The application shall include the following:
 - a. Address and tax key of the residential dwelling.
 - b. Names and addresses of the applicant, owner of the dwelling, and promoter or sponsor.
 - c. Copy of State of Wisconsin tourist rooming house license.
 - d. Name, address and phone number of a designated operator for the property.
 - e. Proposed **MAXIMUM** occupancy for the dwelling.
 - f. Floor plan of all floors to be occupied in the dwelling, drawn neatly and accurately with dimensions clearly shown.
 - g. Site plan drawn neatly and accurately of the parcel including but not limited to, lot lines, parking, and location of garbage collection areas.
 - h. Copy of property rules.
 - i. Schedule for refuse pickup and name of refuse hauler.
 - j. Proof of adequate sanitation facilities **FOR PROPOSED MAXIMUM OCCUPANCY**.
- B. Any changes in ownership of the property, designated operator, or refuse hauler shall be forwarded to the Department within ten days of the change
- C. Permit fee schedule. The license application fees shall be established by the Walworth County Board of Supervisors, according to procedures set forth in chapter 30 of the County Code of Ordinances, 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, and documentation. A schedule of the fees shall be available for review in the Walworth County Land Use and Resource Management Department or on the County website.

Sec. 26-345. - Revocation.

Revocation of the license shall commence when the owner of the property fails to comply with the requirements of this article as it existed at the time of the issuance of the license.

Sec. 26-346. - Revocation process.

- A. The owner of the property shall be notified of any noncompliance by the Department.
- B. The owner shall correct the violation within 24 hours to the satisfaction of the Department.
- C. The Department may notify the Walworth County Executive Committee of noncompliance and request permission to proceed with the revocation process.
- D. Upon scheduling of the hearing, the Department will notify the owner of the property at least two weeks prior to the hearing date.
- E. The Department will attempt to notify all property owners located within 150 feet of the property at least two weeks prior to the public hearing.

- F. A representative of the Department shall appear at the hearing before the Committee to present the evidence of noncompliance. All other interested parties may also give testimony to the Committee.
- G. A written decision of the Committee will be made and will be provided to the owner and the Department.
- H. If the license is revoked, the owner may apply for a new license after a 12 month revocation period.

Fees

Initial STR application fee.....\$500
Renewal STR application fee.....\$250
Late fee.....\$100
Inspections (as necessary).....\$100

Severability

If 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.

If any provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance.

Effective Date and Publication

This Ordinance shall become effective upon adoption and publication as required under § 60.80 Wisconsin Stats.

This Ordinance shall take effect upon passage and publication as provided by law. Adoption of this Ordinance by the Liberty Grove Town Board does not preclude the Town Board from adopting any other Ordinance or providing for the enforcement of any other law or Ordinance relating to the same or other matter. Issuance of a citation hereunder shall not preclude the Town Board or any authorized officer from proceeding under any other ordinance or law by any other enforcement method to enforce any Ordinance, citation, or order.

Adopted at a regular meeting of the Town Board of the Town of Liberty Grove, Door County, Wisconsin, on this ____ day of ____ 202_.