

TOWN OF LIBERTY GROVE PUBLIC MEETINGS

Plan Commission

Date: Wednesday, March 24, 2021

Time: 7:00 PM

Place: Town Hall, 11161 Old Stage Road, **via Zoom**

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

Anastasia Bell, Clerk/Treasurer

Deviation from posted order may occur

Audience members must ask for permission, during public input, to speak on topics they wish to address

Members of the Liberty Grove Town Board or any other Liberty Grove Town committee, who are not members of the body whose meeting agenda is published in this notice, are entitled, as any other citizen of the Town of Liberty Grove, to attend this meeting in an unofficial capacity. It is possible the attendance of one or more non-members may create a quorum of the membership of another body. Such a quorum is unintended and the non-members are not meeting for the purpose of exercising the powers or duties attendant upon their membership on any Town committee or board.

Town of Liberty Grove is inviting you to a scheduled Zoom meeting (teleconferencing). To join the Zoom Meeting enter the following on your computer:

<https://us02web.zoom.us/j/83628890171?pwd=c2RWSTBaSHdVSHRMMkdXMUQ0dTezd09>

Meeting ID: 836 2889 0171

Password: 457175

To find your local number visit <https://zom.us/u/atMFqvZKe>. To join the meeting by telephone dial one of the numbers below based on your location.

(312) 626-6799 US (Chicago)

(301) 715-8592 US (Germantown)

(646) 558-8656 US (New York)

(346) 248-7799 US (Houston)

(253) 215-8782 US (Tacoma)

(669) 900-9128 US (San Jose)

Town of Liberty Grove
Minutes of the Plan Commission meeting on February 24, 2021

(This meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: 2-10-21
5. Public input
6. Discussion and possible action: review of Plan Commission mission statement
7. Discussion and possible action: Short-Term Rental (STRs) Ordinance
8. Consider defining buffer zones for Campground Ordinance
9. Correspondence
10. Future meeting dates
11. Adjourn

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

Miller moved, Schwengel second to approve the agenda with adjustment to discuss #8 after #5. Passed 7-0.

Schwengel moved, Bokelmann second to approve the 2/10/2021 minutes as presented. Passed 7-0.

Public Input – None

Campground Ordinance – Goss reported that the County has indicated buffer zones will need to be clearly defined in order for the overlay to be considered. This should be on the next agenda.

Mission Statement – The following mission statement was created.

The mission of the Plan Commission, as an advisory body to the Liberty Grove Town Board and to the Door County Resource Planning Committee, and as a deliberative body, is to adhere to and promote the goals and objectives of the Town's Comprehensive Plan, by balancing land use, maintaining rural atmosphere, protecting environmental quality, and fostering employment opportunity while preserving the Town's scenic beauty and abundant natural resources.

Short-Term Rentals (STRs) – Miller inquired if the County Sanitarian has presented information since the water usage information is 50 years old and other regulations have required more water-efficient appliances be installed. Also, commercial loans may be required if a home is being used for business activities. Goss noted Wallworth County requires property owners to document the maximum sanitary capacity for the property as well the maximum for what is being advertised for rent. The following items should be addressed by the ordinance

1. Potential for well water contamination due to risk from karst topography

2. How to minimize commercial impact in residential zoned areas.
3. KNOX boxes for Fire Department emergency access

A uniform standard “Good Neighbor Policy” should be the focus of the next meeting which can then be available on the Town website. Surbaugh indicated the regulation will need to be very precise in order to hold STRs and non-STR neighbors to the same standards. Arica Hirsch, Ellison Bay, asked if there has been a significant increase in STRs? Is there data to support this information? Do we have documented complaints? And, indicated the 6-night requirement may change people’s business plans. Goss replied that there has been an increase and a monitoring service could assist in permit compliance, the complaints have been due to activity at current locations.

Correspondence – None.

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

Bokelmann moved, Goss second to adjourn at 8:55pm. Passed 7-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

Town of Liberty Grove
Minutes of the Special Town Board and joint Plan Commission meeting on March 10, 2021
(this meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Public input
5. Presentation from Bruce McCaskill of Granicus
6. Correspondence
7. Future meeting dates
8. Adjourn

The Plan Commission meeting was called to order by Chair Nancy Goss at 6:42pm and The Town Board meeting was called to order by Clerk/Treasurer Anastasia Bell at 6:43pm. Roll call: Commissioners Lou Covotsos, Bill Surbaugh, Paul Bokelmann, Paul Schwengel, Anne Miller, and Dan Watts, and Supervisors Lou Covotsos, Cathy Ward, Nancy Goss, and Janet Johnson were present along with Administrator Walter Kalms via Zoom (teleconference).

Public Input – None

Granicus Presentation – Bruce McCaskill of Granicus provided the following information related to the monitoring services offered by Granicus.

- There are currently 190 listings for 140 unique units within the Town with an average nightly rate of \$225.00.
- The Town could provide the DCTZ list of properties to compare and determine which are not compliant with permits.
- The fees collected by municipalities are typically 1 or 2 times the average nightly rate. Excess revenue may be used for attainable housing or other improvements, as determined by the Town.
- The following cost estimate was provided; much of it is based on the number of listings which would be updated annually based on a 10-month rolling average (174 was used for this estimate). The invoice would be due 30 days after set-up, but this may be discussed.
 - Tax collecting (fixed charge) \$5,000
 - Address identification (variable-\$45 per listing) \$7,830
 - Compliance monitoring (variable) \$2,970
 - Activity monitoring (variable) \$3,960
 - 24/7 Hotline (variable) \$1,584
- 1 hour per week is the average office time commitment once the service is active.
- A toll-free area specific hotline could be available 24/7 to answer citizen questions and offer guidance/resolution to complaints.
- The Town would need to provide POWTS information for Granicus to monitor this.
- Granicus does not use or sell the data collected.
- Jeff at Granicus could review the ordinance draft.

After the presentation, the following items were noted:

- The system is impressive and could serve the monitoring needs of the Town.

- The Town's ordinance should be complete prior to implementation, the goal was established at May first.
 - The Plan Commission will review Wallworth's ordinance next.
 - The intent statement could be generalized and not include reference to hotels.
 - Attainable housing could be incorporated to justify excess revenue. Additional funding will still be needed for housing.
 - \$500 is an appropriate permit fee.
 - Long-term rentals are 30 days. A property can switch between "short-term" and "long-term" rentals throughout the year.
 - The nightly minimum may be necessary to preserve the residential character even if compliance is achieved based on the POWTS.
- This would be a contracted service which will require bids.
- Modules can be added as revenue occurs.

Correspondence – None

The next Board meeting will be Wednesday, March 17, 2021 at 7:00pm or immediately following the Sanitary District meeting. The next Plan Commission meeting will be Wednesday, March 24, 2021 at 7:00pm.

Miller moved, Surbaugh second to adjourn the Plan Commission meeting at 8:29pm. Passed 6-0.

Lowry moved, Johnson second to adjourn the Town Board meeting at 8:29pm. Passed 5-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

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)

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.

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.

Fees

Initial STR application fee.....	\$500
Renewal STR application fee.....	\$100
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_.

John Lowry, Chairman

Lou Covotsos, Supervisor

Nancy Goss, Supervisor

Janet Johnson, Supervisor

Cathy Ward, Supervisor

I, Anastasia Bell, Clerk/Treasurer of the Town of Liberty Grove, Door County, Wisconsin do hereby certify that the above is a true and correct copy of an ordinance that was adopted on the ____ day of ____ 202_ by the Liberty Grove Town Board.

Dated this ____ day of ____ 202_.

Anastasia Bell, Clerk/Treasurer

Colored text = Sevastopol draft 7

Highlighted text = note for later review

Enforcement

Proximity of agent

Subject to the DCTZ rules and regulations

TOWN OF LIBERTY GROVE
ORDINANCE ____ - ____
TITLE:

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State Statutes Adopted – Authority

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- G. “Renewal Application”
- H. “Renewal Fee”
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 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

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Fees

- D. Fees Initial STR application fee.....\$500
 E. Renewal STR application fee.....\$100
 F. Late fee..... \$100
 G. 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

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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_.

 John Lowry, Chairman

 Lou Covotsos, Supervisor

 Nancy Goss, Supervisor

 Janet Johnson, Supervisor

 Cathy Ward, Supervisor

I, Anastasia Bell, Clerk/Treasurer of the Town of Liberty Grove, Door County, Wisconsin do hereby certify that the above is a true and correct copy of an ordinance that was adopted on the ____ day of ____ 202_ by the Liberty Grove Town Board. Dated this ____ day of ____ 202_.

 Anastasia Bell, Clerk/Treasurer

ARTICLE VII. - OFFERING A RESIDENTIAL DWELLING AS A SHORT TERM RENTAL

Sec. 26-334. - Short term rental license required.

- a. Except as provided in (b), no person shall offer a residential dwelling for rent for a fee or similar consideration for less than 29 consecutive days, without first obtaining a license under this Section. Proof of the License and Property Rules shall be posted in a conspicuous location at all times while the property is rented and made available upon request for inspection. Offering a residential dwelling for rent for a fee or similar consideration for periods of less than seven days is prohibited except as allowed in the B-5 zone district.
- b. No license shall be required for a single rental of not greater than ten days which occurs in a calendar year.

(Ord. No. 1099-04/18, pt. I, 4-19-18; Ord. No. 1156-01/19, pt. I, 1-8-19)

Sec. 26-335. - Purpose.

The purpose of this article is to ensure a short term rental operating in a residential dwelling within Walworth County is adequate for protecting public health, safety and general welfare, including establishing minimum standards for human occupancy; determining the responsibilities of owners, agents, and designated operators offering these properties for rent; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises as well as the surrounding community; and provisions for the administration and enforcement thereof.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

Sec. 26-336. - Applicability.

This article shall apply to all rentals of a residential dwelling for periods less than 29 consecutive days, but shall not apply to a full month rental in the month of February, within unincorporated Walworth County. This article shall not apply to facilities approved as a hotel, motel, tourist court, rooming house, lodge, lodging house, or bed and breakfast as defined in sections 74-131 and 74-262 of the Walworth County Code of Ordinances.

(Ord. No. 1099-04/18, pt. I, 4-19-18; Ord. No. 1156-01/19, pt. II, 1-8-19)

Sec. 26-337. - Determination of application completeness.

The Department of Land Use and Resource Management shall make a finding of completeness of the application. Applications determined to be complete will be approved and the license shall be issued. Upon license issuance, the Department will attempt to notify all owners located within 150 feet of the property and shall provide said owners with the name and contact information of the applicant and the designated operator. Once approved, each license shall be valid for a period of one year from July 1 to June 30. If a license is granted after April 1 of a license year, that license will extend to June 30 of the following year.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

Sec. 26-338. - Sanitary facilities.

Adequate sanitary facilities shall be provided. Cesspools and non-plumbing sanitary systems such as composting toilets, incinerating toilets, privies, and portable restrooms are prohibited. If the property is

not served by public sanitary sewer, a private onsite wastewater treatment system (POWTS) in full compliance with this article and in accordance with Chapter 70, Walworth County Code of Ordinances, and Wisconsin Administrative Code DSPS 383 must serve the property.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

Sec. 26-339. - Occupancy.

If the property is served by public sanitary sewer, occupancy is limited to the number of occupants authorized by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Wisconsin Administrative Code ATCP 72. 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 house [license], whichever is less.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

Sec. 26-340. - Parking.

A minimum of two parking spaces shall be provided. No on-street parking for renters of the property will be allowed. Parking may be provided off-site. Parking spaces must meet the standards set forth in the Walworth County Zoning Code. The use of off-site parking for the rental property shall not cause a violation of the required parking for the off-site location where parking is to be provided.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

Sec. 26-341. - Solid waste disposal.

Adequate refuse containers shall be available to prevent accumulation or scattering of solid waste, garbage and rubbish on the ground. Refuse containers shall be no larger than two cubic yards. Refuse must be picked up from the property one time each week and within 24 hours of placement for pick-up.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

Sec. 26-342. - Reserved.

Editor's note— Ord. No. 1139-09/18, pt. I, adopted April 19, 2018, amended the Code by repealing former § 26-342 in its entirety. Former § 26-342 pertained to guest registries, and derived from Ord. No. 1099-04/18, adopted April 19, 2018.

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.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

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:
 - 1. Address and tax key of the residential dwelling.
 - 2. Names and addresses of the applicant, owner of the dwelling, and promoter or sponsor.
 - 3. Copy of State of Wisconsin tourist rooming house license.
 - 4. Name, address and phone number of a designated operator for the property.
 - 5. Proposed **MAXIMUM** occupancy for the dwelling.
 - 6. Floor plan of all floors to be occupied in the dwelling, drawn neatly and accurately with dimensions clearly shown.
 - 7. Site plan drawn neatly and accurately of the parcel including but not limited to, lot lines, parking, and location of garbage collection areas.
 - 8. Copy of property rules.
 - 9. Schedule for refuse pickup and name of refuse hauler.
 - 10. 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.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

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.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

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.

(Ord. No. 1099-04/18, pt. I, 4-19-18)

Interesting facts/info/legal opinions etc. on proposed control of Short Term Rentals 2021.
Research done by Ann Miller

1970 – the year the State of WI code set Water usage at 75 gal. per person per day STS383 for POWTS.

Room Size

ATCP 72.14 Building structure and safety.

(2) ADDITIONAL REQUIREMENTS. (a) *Ventilation with gas space heaters.* Any room where a gas space heater is located shall have access to a constant supply of fresh air through a permanent opening which shall not be closed. The size of the opening shall be minimum of 10 square inches (65 square cm) and at least one square inch for each 1,000 BTU per hour of the rated heating capacity of the heater, or be so constructed that the air used in the combustion of the fuel is taken directly from the outside.

(b) *Size of sleeping rooms.* Every sleeping room shall be of sufficient size to afford at least 400 cubic feet (12 cu m) of air space for each occupant over 12 years of age and 200 cubic feet (6 cu m) for each occupant 12 years and under. Every sleeping room shall have a minimum ceiling height of 7 feet (2.13 m). No greater number of sleeping occupants than the number established by application of these standards is permitted in any sleeping room.

DATCP requires that tourist rooming houses have a properly designed and operating system. Here's the DATCP language on POWTS.(as per Linda Wait, Town of Sevastopol Planning Commission Chair)

ATCP 72.10 Water supply and waste disposal.

(5) PRIVATE SEWAGE DISPOSAL. (a) A private sewage disposal system as defined in s. 145.01 (12), Stats., is permitted when a public sewer facility is not available to the premises. The system shall be located on the premises and shall be designed, constructed and operated in accordance with chs. SPS 382 and 383 and s. 145.245, Stats.

(b) Failed on-site private waste disposal systems shall be replaced or rehabilitated. A failed system has the meaning prescribed for "failing private sewage system" in s. 145.245 (4), Stats.

(c) Plans and installation details covering the design and construction, alteration or extension of private sewage disposal systems shall receive the approval of the department of safety and professional services or its designated agent prior to the construction, alteration or extension of the systems.

(d) All plumbing fixtures shall be connected to the building drainage system with

(5) SPS383.03(5) LOCAL ORDINANCES.

- (a) Pursuant to ss. 59.70 (5) (a) and 145.02 (2), Stats., this chapter is uniform in application and a governmental unit may not enact an ordinance for the design, installation, inspection and management of a POWTS which is more or less stringent than this chapter, except as specifically permitted by rule.
- (b) Except as provided in s. SPS 383.25 (1) (b), a governmental unit shall submit to the department any proposed ordinance or proposed ordinance revision relating to POWTS. The proposed ordinance or revision shall be submitted for review a minimum of 30 calendar days prior to the first scheduled public hearing date regarding the ordinance.

Note: Pursuant to ss. 59.69, 60.62, 61.35 and 62.23, Stats., this chapter does not affect municipal authority for zoning, including establishing nitrate standards as part of a zoning ordinance to encourage the protection of groundwater resources.

Linda Wait informed me that if a municipality is under County of Door Zoning, the municipality cannot pick and choose what zoning districts it wants to regulate STR's in. Regulation affects all districts regardless of zoning designation as per input from their Town Attorney. Linda chairs the Town of Sevastopol Plan Commission.

Information as per Brian Jorta DATCP in Madison 608-224-4923 in regards to TRH license language printed on the actual License.

I obtained this info based on a statement made by Plan Commission Chairman Nancy Goss at a prior meeting in regards to Liberty Grove regulating the level of occupancy in STR's. She indicated occupancy would be determined by the number of bedrooms the POWTS was designed for, or the number of bedrooms listed on the Tourist Rooming House License.

The (LTR) behind "Tourist Rooming House" on the license has no meaning from what his research found.

Rooms: 2 - this number does not indicate the number of rooms/bedrooms in a TRH, only the number of lockable units the holder of the license owns. One TRH is considered a lockable unit vs. a motel/hotel which may contain multiple lockable units per building (each room having it's own lock and key assigned to it).

"The person, firm, or corporation shown below has complied with the Wisconsin statutes and is authorized to engage in the activity indicated" This is quoted from the line directly under License, Permit or Registration on each copy of the DATCP permit.

The individual owner ID number sequence has no inference to any capacity or number of rooms.

Link below is to a summary of STR's by League of WI Municipalities Atty. Remzy Bitar Municipal Law & Litigation Group SC.

<http://www.lwm-info.org/DocumentCenter/View/3990/Licensing-and-Regulations-403-Short-Term-Rentals>

<https://www.epa.gov/watersense/how-we-use-water#Daily%20Life>

The following came out of a lengthy discussion with Attorney Mike Rudolph of Rudolph Law Office
Appleton WI

Attainder of Blood – dealing with search & seizure incidences in regards to can a landlord (STR owner/manager) be held accountable for the violation of law committed by a tenant if the owner/manager had no knowledge or involvement of the incident, and can the license to operate be confiscated by the municipality as a result of the infraction.

Also noted in a conversation with Attorney Rudolph is:

Atty. Rudolph noted that a landlord of an STR can enter a property without a search warrant and if they find something illegal by law, confiscate it and the fruits of the search can be used in a court of law as evidence against a tenant, whereas a government official must by law have a search warrant to enter the property and seize items to be used as evidence in a court of law.

<https://www.law.cornell.edu/constitution-conan/article-3/section-3/clause-2/corruption-of-the-blood-and-forfeiture>

WI Administrative Code Chapter SPS 383 on POWTS systems

https://docs.legis.wisconsin.gov/code/admin_code/sps/safety_and_buildings_and_environment/380_387/383

State of WI POWTS Code Advisory Committee

<https://dsps.wi.gov/Pages/BoardsCouncils/POWTS/Default.aspx>

Regarding Short Term Rental Considerations and Possible Actions

Granicus told us they have 5 clients in Wisconsin:

Rome, WI (Adams County)

Holland, WI (Sheboygan County)

Village of Williams Bay (Walworth County)

Green Bay Area Room Tax Commission

City of Madison

On 3-15 and 3-16 I was able to speak with personnel who in their municipalities deal the short term rentals and Granicus in 3 of the above communities. I did not receive a call back from the two I left messages with.

Town of Holland: I spoke with the Clerk. Holland, population 2,300, currently has 25 STRs. Of the services Granicus offers, Holland uses the Registration and Monitoring options. They have used Granicus for 3 years and have gone thru a number of software changes as Granicus went through a number of acquisition processes, "growing pains" she called them, but they now seemed to be stable, and the clerk felt now is a good time to begin a relationship with them. The clerk was very pleased with the service from Granicus and especially noted the time saving factor. The Town of Holland does have an STR ordinance.

Village of Williams Bay, population 2,564, has 12 STRS the regulation of which comes under the Walworth County ordinance without any modification on the Village's part. I spoke with the Treasurer who was very pleased with the work they contract for with Granicus. She commented multiple times on the good communication they have with Granicus, noting the municipality can be involved as much as they want to be. They receive monthly reports of compliance complaints and the resolution thereof and a point system is used to track the overall compliance of the specific units. Williams Bay makes use of the Address ID, Compliance Monitoring and the 24/7 Hotline at a cost of \$8,343 which is covered by a steep permit fee of \$950. A notice is up on the Village webpage directing residents with complaints to call the hotline. I saw this page myself

when looking for a number for the Village office. She mentioned the Home Owners Associations (HOAs) in the Village contain language within their HOA Agreements which do not allow STR activity and that has helped curtail STR proliferation.

Green Bay Area Room Tax Commission: the person who actually works with Granicus for the Commission is an employee for the Ashwaubenon which is a member of the Commission. I spoke with him. This employee mentioned the many STRs near Lambeau Field and the Resch Center have definitely caused a housing issue in that immediate working class neighborhood, particularly due to absentee, out of area, property owners. Prior to using the services of Granicus, his office used and "STR Helper" software he felt was more useful. However he was glad to free up the many hours he previously spent monitoring and administering the permits and compliance. He informs Granicus of new or deactivated permits to which Granicus applies the Address ID, Compliance and Rental Monitoring. Having their own police department, Ashwaubenon does not make use of the hotline, though they do receive reports from the PD and can take action or issue warnings themselves. He said Granicus does what they need to have done and is pleased with their work.

I did finish my tedious plotting of STR on the E911 Addressing Maps for LG off the county land use site and then applying County Zoning map for LG. It is not exact as what might be done via software, but close for our purposes I think. I went over everything twice and came up with nearly matching result.

52% located in Single 30,000sq ft zoning, the vast majority along the shore or across the road from it.

27% in Heartland 3.5a, 5a or 10a (8, 13 and 9 units respectively), plus another 3 units on Small Estate Residential

9% in Mixed commercial

5 units are located in Wetlands or right on the edge in Natural Zoning--- on Kinsey Bay road, Marshall's Point and out Lime Kiln. My zoning map was a different scale from the address maps, so overlaying was not exact.