

Town of Liberty Grove
Minutes of the Plan Commission meeting on April 14, 2021
(This meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes 03/24/21, Sp. Plan meeting 03/31/2021
5. Discussion and possible action: Short-Term Rental (STRs) Ordinance
6. Correspondence
7. Future meeting dates
8. Adjourn

Chair Nancy Goss called the meeting to order at 7:00pm. Commissioners Anne Miller, Lou Covotsos, Paul Schwengel, and Paul Bokelmann were present along with Clerk/Treasurer Anastasia Bell and 4 members of the public via teleconference (Zoom). Commissioner Dan Watts was absent.

Miller moved, Goss second to approve the agenda as posted. Passed 5-0.

Covotsos moved, Bokelmann second to approve the 3/24/2021 and 3/31/2021 minutes as presented. Passed 5-0. Commissioner Bill Surbaugh connected to the meeting.

Short-Term Rentals (STRs) – Various changes were made to the STR Ordinance draft, the most current version “Draft 04.14.2021” is attached to these minutes. The following items were noted during the review:

- The necessary definitions may change, many are just placeholders for the moment.
- A DATCP license is proof of a successful inspection.
- Can more than the monitoring company’s costs be included in the permit fee?

Correspondence – None.

The next meeting will be Wednesday, April 28, 2021 at 7:00pm.

Miller moved, Schwengel second to adjourn at 8:37pm. Passed 6-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

Approved at the 4/28/2021 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 balance the interests of property owners to use their property as short term rentals [“STR” or “STRs”], on the one hand, with the interests of residents who seek to protect the quality of life and the character and stability of neighborhoods, on the other hand.

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 and, thereby, the health and quality of the potable water supply.

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. “DATCP” means the Wisconsin Department of Agriculture Trade and Consumer Protection
- D. “DCTZC” means the Door County Tourism Zone Commission
- E. “License
- F. “Office of Short-Term Rentals,” [“OSTR”] means the agent or agency employed by the Town to administer the regulation of STRs, including but not limited to permitting, collection of fees, and the reporting of instances of non-compliance for enforcement purposes.
- G. “Property Owner” means the person or entity who owns the residential dwelling that is being rented.
- H. “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.
- I. “Renewal Application”
- J. “Renewal Fee”
- K. “Required Fee” see Application Fee.
- L. “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.
- M. “STR Premises”
- N. “Short-Term Rental” means a Residential Dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

Enforcement

The Town may contract with an outside provider to assist with establishing an enforcement structure, one that incentivizes compliance with appropriate fees and fines, but should not be so overburdensome that it prevents users from participating in the enforcement and regulatory process.

The enforcement structure includes but is not limited to the posting of and adhering to the “good neighbor” policy. Also, the enforcement structure includes but is not limited to the “three-strikes-you’re out” policy which prohibits a user from using his or her property as an STR if he or she is out of compliance three times in an annual permitting cycle.

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.
- 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, **or the OSTR**, 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. Any changes in ownership of the property require a new license per Wisconsin Administrative Code §72.04(b) prior to obtaining a permit from the Town.
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)

Application and Permit Process

The Town, in collaboration with its agent OSTR shall provide an easy, online way of getting and renewing a permit.

- 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 current DATCP rooming house license.
 4. Copy of DCTZC license.
 5. Name, address and phone number of the owner and a designated operator for the property where such a distinction might occur.
 6. Proposed MAXIMUM occupancy for the dwelling.
 7. Proof of design capacity of POWTS to accommodate subsection (f) above.
 8. Copy of Town Good Neighbor standards. (consider DCTZC & other hosts Good Neighbor standards)-permit process

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.
1. 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.
 2. 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:
1. 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.
 2. Provide copy of property rules or other standard of conduct that is provided to renters.
 3. 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.

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

Permit fee schedule. The license application fees established by the Town of Liberty Grove Board of Supervisors shall correlate with the administrative and related costs involved with compliance monitoring. A schedule of the fees shall be made available for review.

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__.

Items noted to be considered/reviewed

- Enforcement
- Proximity of agent
- Subject to the DCTZ rules and regulations
- Distinction between residency/non-residency run STRs
- Categorize based on number of days rented per year-DCTZ has information from monthly reports