

Town of Liberty Grove
Minutes of the Plan Commission meeting on May 12, 2021
(This meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes 04/28/21
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 7:04pm. Commissioners Anne Miller, Lou Covotsos, Paul Schwengel, Dan Watts, and Paul Bokelmann were present along with Administrator Walter Kalms, Clerk/Treasurer Anastasia Bell and 1 member of the public via teleconference (Zoom). Commissioner Bill Surbaugh was excused.

Goss noted that this will be the last meeting for Commissioner Lou Covotsos and thanked him for his years of valuable insight and service. **Miller moved, Bokelmann second** to approve the agenda as posted. Passed 6-0.

Schwengel moved, Goss second to approve the 4/28/2021 minutes as presented. Passed 6-0.

Short-Term Rentals (STRs) – Various changes were made to the STR Ordinance draft, the most current version “Draft 05.12.2021” is attached to these minutes. The following items were noted during the review:

- Cross references can be addressed after the legal review.
- Property owners should be responsible to educate their renters on what items should not enter a POWTS.
- A listening session would provide an educational opportunity.
- The State and County do not have leash laws.
- The fees should be determined by the Town Board.

Correspondence – there will be a CUP on the next agenda.

The next meeting will be Tuesday, May 25, 2021 at 7:00pm.

Schwengel moved, Bokelmann second to adjourn at 9:22pm. Passed 6-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

Approved at the 5-25-2021 Plan Commission meeting.

TOWN OF LIBERTY GROVE
ORDINANCE ____ – 21
REGULATING SHORT-TERM RENTALS

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 "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

- A. "DATCP" means the Wisconsin Department of Agriculture Trade and Consumer Protection.
- B. "DCTZC" means the Door County Tourism Zone Commission.
- C. "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.
- D. "POWTS" means Private Onsite Wastewater Treatment System.
- E. "Property Owner ("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. "Resident Agent" see "Property Owner's Agent."
- H. "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.
- I. "STR ("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" policy which prohibits an Owner from using the property as an STR if the Owner 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, on forms provided. Applications shall 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 shall 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.
- C. An Owner may apply for a new license no less than 12 months after being revoked (see “Revocation” and “Revocation Process” sections below.)

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.
 9. Proof of casualty and liability insurance issued by an insurance company authorized to do business in the state of Wisconsin, identifying the property as used for rental, short-term or otherwise.

Operation of a Short-Term Rental

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

- A. The Property Owner or his/her Resident Agent shall be accessible either directly or through the OSTR.
- B. 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.
- C. 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 shall serve the property.
- D. If the property is served by a POWTS, occupancy shall be limited to the number of occupants for which the POWTS was designed.
- E. 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.
- F. Signage shall conform to applicable Town and Door County Ordinances.
- G. Rental dwellings shall be able to reasonably accommodate reliable telephone communications in case of emergency.
- H. Outdoor events including but not limited to, weddings, graduations, reunions and the like are limited to six (6) in a calendar year as per Door County Zoning §2.07(1)(a).

Property Rules

A copy of the State of Wisconsin tourist rooming house license and the Town STR license shall be posted on the property. Property rules shall be made available to the renters and shall include at a minimum the following 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. Property Owner’s policy regarding pets, if applicable.
- F. Outdoor burning regulations.
- G. Non-emergency contact information for law enforcement and fire.
- H. How to deal with existing POWTS, if applicable (location of high-water alarms, etc.).
- I. How to deal with waste and recyclables.

Revocation

A license, as issued, is subject to revocation if the Owner of the property fails to comply with the requirements of this Ordinance under the “three-strikes” policy as set forth in the Enforcement Section above.

Over and above the “three-strikes” policy, the Town Board has the authority to suspend, revoke, reject or non-renew a STR license or license application if the Board determines that the licensee:

- A. Has been convicted or whose Agent or renters have been convicted of engaging in illegal activity while on the STR premises; or
- B. Has outstanding fees, taxes, or forfeitures owed to the Town; or
- C. Has failed to adhere to Town and/or County Ordinances.

Revocation Process

The Town, at its discretion, shall:

- A. Notify the Owner of the property of any noncompliance.
- B. Determine whether the Owner has remedied the violation and shall schedule a license revocation hearing if the violation is not remedied.
- C. Notify the Owner and attempt to notify all property owners located within 150-feet of the property of the hearing date at least two weeks prior to the hearing.
- D. Hear written or verbal testimony from other affected parties at the time of the hearing.
- E. Provide its decision in writing to the Owner.

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.

Effective Date and Publication

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

Adopted at a regular meeting of the Town Board of the Town of Liberty Grove, Door County, Wisconsin, on this ____ day of ____ 2021.

Motion to adopt: _____ Second: _____ Vote: Aye: _____ Nay: _____

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 ____ 2021 by the Liberty Grove Town Board.

Dated this ____ day of _____ 2021.

Anastasia Bell, Clerk/Treasurer