

**TOWN OF BRISTOL**  
**7747 County Road N, Sun Prairie WI 53590**  
**Town Board Meeting**

The Bristol Town Board will hold a regular monthly town board meeting on Monday, February 14, 2022, at 6:00 p.m., located at the Bristol Town Hall, 7747 County Road N, Sun Prairie WI 53590.

**AGENDA**

- I. Order of Business
  - a. Call to Order
  - b. Pledge of Allegiance
  - c. Approval of Minutes from January 10, 2022
  - d. Approval of Check Registers January 2022
- II. Public Comment – items not on the agenda
- III. Business
  - a. Discuss/Consider Bobek Deed Restriction Termination on 6925 Elder Lane
  - b. Discuss/Consider Associated Appraisal Quote for Total Revaluation of Town
  - c. Discuss ARPA Grant
  - d. Discuss BIL Grant
  - e. Discuss/Consider Nuisance and Illegal Dumping Ordinance
  - f. Discuss/Consider Short Term Rental Ordinance
  - g. Discuss/Consider Bristol's Comprehensive Plan Update
- IV. Clerk Updates
- V. Set Future Meetings and Agendas
- VI. Adjourn.

Notice is hereby given that it is possible that a majority of the Town Board or other governmental body may be present at the above meeting of the Town Board to gather information about a subject over which they have ultimate decision-making responsibility. If such a majority is present, it will constitute a meeting of the Town Board or other governmental body under Wisconsin's Open Meeting Laws and is hereby being noticed as such, although only the Town Board will take formal action at the above meeting. Any person who has a qualifying disability as defined by the American with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact the clerk at 608-837-6494, 7747 County Road N, Sun Prairie, WI 53590, at least 24 hours prior to the meeting so the necessary arrangements can be made to accommodate each request.

Kim Grob  
Town Clerk-Treasurer

*Certified Posting: 2-10-2022 Town Hall and website.*

**TOWN OF BRISTOL BOARD MINUTES**  
**7747 COUNTY ROAD N, SUN PRAIRIE, WI 53590**  
**MONDAY, JANUARY 10, 2022**

**ORDER OF BUSINESS**

**a. CALL TO ORDER**

The meeting was called to order at 6:00pm by Chairman Derr. Members Present –Derr, Willison and Grove. Sign-in sheet on file in Clerk's office.

**b. PLEDGE OF ALLEGIANCE – RECITED**

**c. APPROVAL OF MINUTES FROM DECEMBER 13, 2021**

Motioned by Willison and seconded by Grove to approve December 13, 2021 minutes with correction to Section III, A, line seven, to read "driveway agreement, naming of the private drive; plan of house numbers and their locations; and correction of grammatical errors. All ayes, Motion Carried.

**d. APPROVAL OF CHECK REGISTER DECEMBER 2021**

Motioned by Grove and seconded by Willison to approve December 2021 check register. All ayes, Motion Carried.

**PUBLIC COMMENT**

Public comment included: The disruption of phone/internet line by a contractor near the Norway Rd retention pond. Inquiry if the contractor working on Norway Rd retention pond has a contract. It was asked of who pays for cleaning of ditches and how many snowplowers does the town have. It was inquired about having meeting packets and minutes be put on the new website.

**BUSINESS**

**a. DISCUSSION/CONSIDER CR DEVCO PROJECT AT BIRD ST. AND EGRE RD.**

Derr reported that CR Devco revised their plans to accommodate the requests from the Town & City residents.

**b. DISCUSS/CONSIDER GEC BUILDING INSPECTION AGREEMENT**

With the retiring of Tom Viken, General Engineering Company has given a proposed agreement for municipal plan examination & inspection services for the town. Derr explained GEC is already familiar with Bristol as they handle zoning for the town. Motioned by Grove and seconded by Willison to approve GEC's agreement for building inspection services. All ayes, Motion carried.

**c. DISCUSS/CONSIDER POSITION ON LEADED AVIATION FUEL USAGE**

Bristol has been asked to support surrounding Towns against the use of leaded fuel initiative in aircraft; as piston-driven airplanes still use leaded fuel. Motioned by Willison and seconded by Grove to decline supporting the petition to the EPA regarding leaded aviation fuel. All ayes, Motion carried.

**d. DISCUSS/CONSIDER AIRB&B ORDINANCE**

Short term home rentals were discussed. Room tax, license fee schedule and Ordinances from surrounding communities will be reviewed. Motioned by Grove and seconded by Willison to move forward with creating an ordinance for short term home rentals. All ayes, Motion carried.

**e. DISCUSS/CONSIDER PARKS COMMITTEE APPOINTMENTS**

Discussion occurred on getting the Parks Committee activated again. Members assigned are *Tom Voeck*, Tamara Sondgeroth, Cristine Reid, Mark Jurvic, Kim Moermond and Ben Grove. Meeting for mid-February is to be scheduled.

**TOWN OF BRISTOL BOARD MINUTES  
7747 COUNTY ROAD N, SUN PRAIRIE, WI 53590  
MONDAY, JANUARY 10, 2022**

**f. DISCUSS/CONSIDER NUISANCE AND ILLEGAL DUMPING ORDINANCE**

Motioned by Willison and seconded by Grove to postpone the Nuisance and Illegal Dumping Ordinance discussion. All ayes, Motion carried.

**g. MOVE TO CLOSED SESSION UNDER SS 19.85 (1) (C) FOR PURPOSES OF EMPLOYMENT, COMPENSATION OR PERFORMANCE EVALUATION OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY AND TO CONSIDER LEGAL COUNSEL ISSUES**

Motioned by Willison and seconded by Grove to move into closed session. Roll call: Grove aye, Willison aye, Derr aye. All ayes, Motion carried.

**h. MOVE TO OPEN SESSION TO CONSIDER ANY ACTION NECESSARY FROM THE CLOSED SESSION**

Motioned by Willison and seconded by Grove to move back to open session. Roll call: Grove aye, Willison aye, Derr aye. All ayes, Motion carried.

Motioned by Willison and seconded by Grove to move to draft letter of intent to hire Mike Winters for a Public Works Assistant position. All ayes, Motion carried.

**CLERK UPDATES**

Clerk's update was given before closed session with no objection. Grob announces that the new website is activated and more updates will be done.

**SET FUTURE MEETINGS AND AGENDAS**

Town Board Meeting: February 14, 2022

**ADJOURN**

Motioned by Derr and seconded by Grove at 9:00 p.m. All Ayes, Motion Carried.

Submitted by Kim Grob, Clerk-Treasurer

# The Town of Bristol

## Account QuickReport

### As of January 31, 2022

| Type                                              | Date       | Num   | Name                               | Memo                                  | Amount               |
|---------------------------------------------------|------------|-------|------------------------------------|---------------------------------------|----------------------|
| <b>1001 · Bank of SP - cash &amp; investments</b> |            |       |                                    |                                       |                      |
| <b>100 · General Fund</b>                         |            |       |                                    |                                       |                      |
| Bill Pmt -Check                                   | 01/03/2022 | 28690 | MSA Professional Services Inc      | Pavement Ratings & LRIP appli...      | -4,471.00            |
| Bill Pmt -Check                                   | 01/03/2022 | 28691 | Frontier                           | Town Hall Internet                    | -76.53               |
| Bill Pmt -Check                                   | 01/03/2022 | 28692 | Visa                               | Postage, Office Supplies, Rack...     | -179.60              |
| Paycheck                                          | 01/07/2022 | 28696 | Ward, James R                      |                                       | -99.73               |
| Paycheck                                          | 01/07/2022 | 28695 | Ward, Dustin                       |                                       | -1,503.12            |
| Paycheck                                          | 01/07/2022 | 28694 | Johnson, Lynnette R                |                                       | -1,322.26            |
| Paycheck                                          | 01/07/2022 | 28693 | Grob, Kimberly M                   |                                       | -1,491.48            |
| Paycheck                                          | 01/07/2022 | 28697 | Derr, Gerald H                     |                                       | -1,183.62            |
| Bill Pmt -Check                                   | 01/10/2022 | 28698 | General Engineering Company        | Zoning Fees                           | -411.61              |
| Bill Pmt -Check                                   | 01/10/2022 | 28700 | Pellitteri Waste Systems           | Recycling & Disposal Expenses         | -3,711.07            |
| Bill Pmt -Check                                   | 01/10/2022 | 28705 | Associated Appraisal Consultant... | Assessment of property & inter...     | -1,375.48            |
| Bill Pmt -Check                                   | 01/10/2022 | 28706 | DANE COUNTY TREASURER              | November Contractual Police ...       | -4,893.72            |
| Bill Pmt -Check                                   | 01/10/2022 | 28707 | Sundance BioClean Inc.             | Town Hall Cleaning                    | -212.00              |
| Bill Pmt -Check                                   | 01/11/2022 | 28708 | Tom Viken Building Inspections     | December 2021 Building Inspec...      | -7,886.00            |
| Bill Pmt -Check                                   | 01/12/2022 | 28709 | Dane County Treasurer's Office     | 24310 Property Tax January Se...      | -1,151,628.56        |
| Bill Pmt -Check                                   | 01/12/2022 | 28710 | Columbus School District           | Property Tax January Settlement       | -275,434.34          |
| Bill Pmt -Check                                   | 01/12/2022 | 28711 | DeForest School District           | Property Tax January Settlement       | -14,898.27           |
| Bill Pmt -Check                                   | 01/12/2022 | 28712 | Sun Prairie School District        | Property Tax January Settlement       | -3,660,414.39        |
| Bill Pmt -Check                                   | 01/12/2022 | 28713 | Madison Area Tech. College         | Property Tax January Settlement       | -278,480.84          |
| Bill Pmt -Check                                   | 01/19/2022 | 28732 | Stafford Rosenbaum LLP             | Club Bristol Liquor License           | -798.00              |
| Bill Pmt -Check                                   | 01/19/2022 | 28733 | MG&E                               | Gas Service                           | -850.24              |
| Bill Pmt -Check                                   | 01/19/2022 | 28734 | US Cellular                        | Cell Phones                           | -153.91              |
| Bill Pmt -Check                                   | 01/19/2022 | 28735 | Alliant Energy/WPL                 | Elec-Street lights,parks,townhal...   | -1,414.57            |
| Bill Pmt -Check                                   | 01/19/2022 | 28736 | Burke Truck & Equipment            | Blade, shielded carbide               | -1,789.92            |
| Bill Pmt -Check                                   | 01/19/2022 | 28737 | MSA Professional Services Inc      | PASER ratings                         | -195.00              |
| Bill Pmt -Check                                   | 01/19/2022 | 28738 | Wisconsin Dept. of Revenue         | Business Tax Registration Ren...      | -10.00               |
| Bill Pmt -Check                                   | 01/19/2022 | 28739 | Napa Auto Parts                    | oil drain plug,gasket,battery,star... | -360.49              |
| Bill Pmt -Check                                   | 01/19/2022 | 28740 | Northeast Dane County Fire Unit    | 52101 2022-1st QTR. Invoice           | -55,342.26           |
| Bill Pmt -Check                                   | 01/19/2022 | 28741 | Insight FS                         | December Fuel                         | -982.12              |
| Bill Pmt -Check                                   | 01/19/2022 | 28742 | Madison Sand & Gravel              | Torpedo Sand                          | -342.55              |
| Bill Pmt -Check                                   | 01/19/2022 | 28743 | Office Depot Business Credit       | Toner & Office Supplies               | -118.63              |
| Bill Pmt -Check                                   | 01/19/2022 | 28744 | Horstman Networks                  | IT Services                           | -160.00              |
| Bill Pmt -Check                                   | 01/19/2022 | 28745 | DANE COUNTY TREASURER              | December Contractual Police S...      | -4,893.71            |
| Bill Pmt -Check                                   | 01/19/2022 | 28746 | Country Plumber Inc                | Portable Restrooms - Bristol Ga...    | -360.00              |
| Bill Pmt -Check                                   | 01/19/2022 | 28747 | General Engineering Company        | Zoning Fees                           | -1,646.12            |
| Bill Pmt -Check                                   | 01/19/2022 | 28748 | Town of Bristol 1                  | Property Taxes                        | -9.54                |
| Bill Pmt -Check                                   | 01/19/2022 | 28749 | WMCA                               | 2022 Membership Dues                  | -65.00               |
| Bill Pmt -Check                                   | 01/19/2022 | 28750 | Julie Marshall                     | Overpayment on Dog License            | -5.00                |
| Bill Pmt -Check                                   | 01/20/2022 | 28751 | Sundance BioClean Inc.             | Town Hall Cleaning - Septembe...      | -212.00              |
| Bill Pmt -Check                                   | 01/20/2022 | 28752 | COLONIAL CLUB                      | 2022 Support                          | -8,000.00            |
| Paycheck                                          | 01/21/2022 | 28722 | Grob, Kimberly M                   |                                       | -1,516.26            |
| Paycheck                                          | 01/21/2022 | 28728 | Ward, Dustin                       |                                       | -1,505.92            |
| Paycheck                                          | 01/21/2022 | 28727 | Schultz, Daryl A                   |                                       | -507.65              |
| Paycheck                                          | 01/21/2022 | 28723 | Johnson, Lynnette R                |                                       | -1,420.03            |
| Paycheck                                          | 01/21/2022 | 28726 | Lattimer, Jon T                    |                                       | -570.35              |
| Paycheck                                          | 01/21/2022 | 28724 | Koltes, Robert J                   |                                       | -265.96              |
| Paycheck                                          | 01/21/2022 | 28725 | Koltes, Zachary J                  |                                       | -94.20               |
| Paycheck                                          | 01/21/2022 | 28729 | Ward, James R                      |                                       | -337.93              |
| Paycheck                                          | 01/21/2022 | 28731 | Willison, Brian L                  |                                       | -392.49              |
| Paycheck                                          | 01/21/2022 | 28730 | Grove, Benjamin A                  |                                       | -300.14              |
| Total 100 · General Fund                          |            |       |                                    |                                       | -5,494,293.61        |
| Total 1001 · Bank of SP - cash & investments      |            |       |                                    |                                       | -5,494,293.61        |
| <b>TOTAL</b>                                      |            |       |                                    |                                       | <b>-5,494,293.61</b> |

**TOWN OF BRISTOL**  
**Cover Sheet for Agenda Packet Section**

**III. Business**

**a.**



**TERMINATION OF  
DEED RESTRICTION**

**RE:** Lot 1 Certified Survey Map No. 9796 recorded with the Dane County Register of Deeds Office on August 24, 2000, in Volume 56 of Certified Surveys at page 304 and 305, as Document No. 3245513 (hereinafter "the Property").

**WHEREAS,** the Property is currently owned by Thomas J. Bobek, Annd T. Bobek, Brian J. Ballweg, Victoria B. Ballweg and Craig S. Pfister (hereinafter collectively referred to as "the Owners"); and

**WHEREAS,** on March 23, 1990, certain Deed Restrictions were recorded with the Dane County Register of Deeds Office as Document No. 2190404 (the "Restrictions") which affected the use of the Property; and

**WHEREAS,** pursuant to the terms of the Restrictions, the Restrictions may be amended with approval of the county government of Dane County, if the Property is under the jurisdiction of Dane County; and

**WHEREAS,** the Property is currently not under the jurisdiction of Dane County; and

**WHEREAS,** the Restrictions may be amended with the consent of the Town of Bristol.

**NOW, THEREFORE,** the Owners and the Town of Bristol do hereby agree as follows:

1. Any and all terms and restrictions set forth in the Restrictions recorded with the Dane County Register of Deeds on the 23<sup>rd</sup> day of March, 1990, as Document No. 2190404 are hereby terminated and of no further legal effect to the Property.

**Drafted by and Return To:**  
Thomas J. Bobek  
3115 Hawk Haven Trail  
DeForest, WI 53532

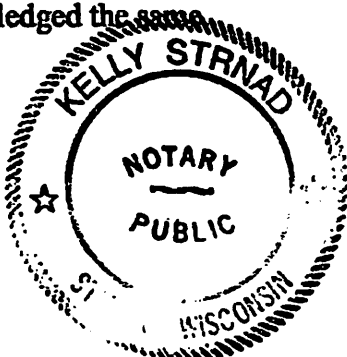
0911-224-8370-0  
Parcel Identification Number(s)

Date: 2-22, 2018

Thomas J. Bobek  
Thomas J. Bobek

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF Dane )

Personally came before me this 22 day of February, 2018, the above-named Thomas J. Bobek to me known to be the person who executed the foregoing instrument and acknowledged the same.



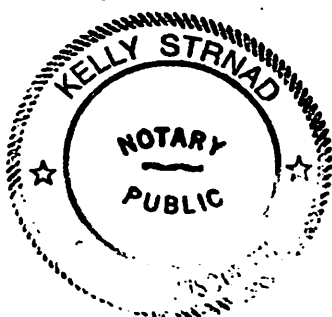
Kelly Strnad  
Kelly Strnad (print name)  
Notary Public, State of Wisconsin  
My Commission expires: 11-2-2018

Date: 2-22, 2018

Anne T. Bobek  
Anne T. Bobek

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF Dane )

Personally came before me this 22 day of February, 2018, the above-named Anne T. Bobek to me known to be the person who executed the foregoing instrument and acknowledged the same.



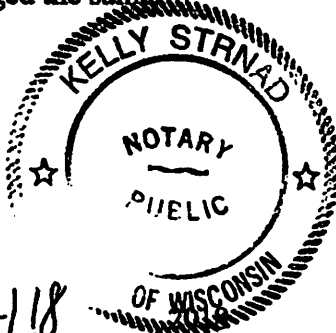
Kelly Strnad  
Kelly Strnad (print name)  
Notary Public, State of Wisconsin  
My Commission expires: 11-2-2018

Date: 02/22, 2018

Brian J. Ballweg  
Brian J. Ballweg

STATE OF WISCONSIN )  
COUNTY OF Dane ) ss.

Personally came before me this 22 day of February, 2018, the above-named Brian J. Ballweg to me known to be the person who executed the foregoing instrument and acknowledged the same.

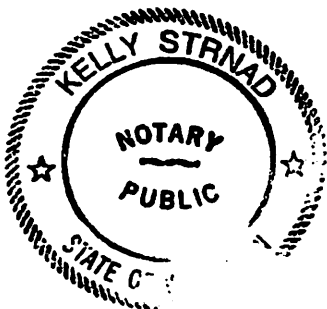


Kelly Strnad  
Kelly Strnad (print name)  
Notary Public, State of Wisconsin  
My Commission expires: 11-2-2018

Date: 2/22/18  
Victoria B. Ballweg  
Victoria B. Ballweg

STATE OF WISCONSIN )  
COUNTY OF Dane ) ss.

Personally came before me this 22 day of February, 2018, the above-named Victoria B. Ballweg to me known to be the person who executed the foregoing instrument and acknowledged the same.



Kelly Strnad  
Kelly Strnad (print name)  
Notary Public, State of Wisconsin  
My Commission expires: 11-2-2018

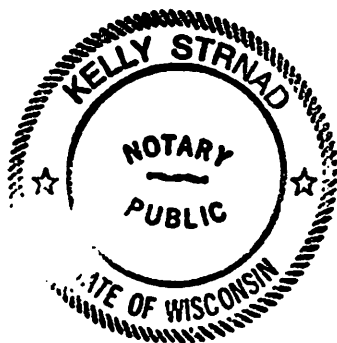


Date: 2/22/, 2018

Cy Pfister  
Craig S. Pfister

STATE OF WISCONSIN )  
COUNTY OF Dane ) ss.

Personally came before me this 22 day of February, 2018, the above-named Craig S. Pfister to me known to be the person who executed the foregoing instrument and acknowledged the same.



Kelly Strnad  
Kelly Strnad (print name)  
Notary Public, State of Wisconsin  
My Commission expires: 11-2-18

**TERMINATION OF DEED RESTRICTION**  
**Register of Deeds Document No. 2190404**  
**Parcel #0911-224-8370-0**

**Town of Bristol**

Date: \_\_\_\_\_, 2022

Date: \_\_\_\_\_, 2022

\_\_\_\_\_  
Gerald Derr,  
Town Chairman

\_\_\_\_\_  
Kimberly Grob,  
Clerk-Treasurer

STATE OF WISCONSIN     )  
                                          ) ss.  
COUNTY OF \_\_\_\_\_)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022, the above-named Gerald Derr to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
\_\_\_\_\_(print name)  
Notary Public, State of Wisconsin  
My Commission expires: \_\_\_\_\_

STATE OF WISCONSIN     )  
                                          ) ss.  
COUNTY OF \_\_\_\_\_)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022, the above-named Kimberly Grob to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
\_\_\_\_\_(print name)  
Notary Public, State of Wisconsin  
My Commission expires: \_\_\_\_\_

**TOWN OF BRISTOL**  
**Cover Sheet for Agenda Packet Section**

**III. Business**

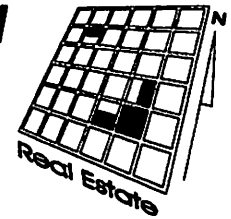
**b.**

## Assessment Services Summary for the Town of Bristol

Services Performed For:  
Town of Bristol

Kim Grob  
Clerk - Treasurer

**Associated Appraisal  
Consultants, Inc.**  
Appleton ■ Hurley ■ Lake Geneva



### Fee Schedule

The figures below are based on 5 years of professional assessment services. Optional add-on assessment services for a revaluation would be in addition to the price of annual maintenance.

| Contract Proposal                                      | 2022<br>Assessment<br>Year                               | 2023<br>Assessment<br>Year | 2024<br>Assessment<br>Year | 2025<br>Assessment<br>Year | 2026<br>Assessment<br>Year |
|--------------------------------------------------------|----------------------------------------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| MAINTENANCE                                            | \$16,100                                                 | \$16,200                   | \$16,300                   | \$16,400                   | \$16,500                   |
| <b>OPTIONAL ADD-ON REVALUATION ASSESSMENT SERVICES</b> |                                                          |                            |                            |                            |                            |
| FULL REVALUATION                                       | +\$96,500 (for each revaluation assessment year)         |                            |                            |                            |                            |
| EXTERIOR REVALUATION                                   | +\$82,500 (for each revaluation assessment year)         |                            |                            |                            |                            |
| QUESTIONNAIRE                                          | +\$4,700 (for each exterior revaluation assessment year) |                            |                            |                            |                            |
| INTERIM MARKET UPDATE                                  | +\$32,000 (for each revaluation assessment year)         |                            |                            |                            |                            |

### Out-of-Pocket Expenses / Invoice Procedures

**MAINTENANCE:** The compensation due the Assessor shall continue to be paid in monthly or quarterly installments throughout the 2022, 2023, 2024, 2025 and 2026 assessment year(s). The maintenance contract will continue to have separate charges for postage and mailing services and personal property accounts.

**REVALUATION:** Payment shall be made monthly for services and expenses incurred during a Revaluation year. Monthly invoices shall reflect the percentage of work completed, less 5 percent retained by the Municipality until completion of the revaluation and final adjournment of the Board of Review.

- The 2021 assessment year was the 4<sup>th</sup> year out of compliance in accordance with sec. 70.05(5), Wis. Stats. The Town will be required to conduct a revaluation prior to or during the 2023 assessment year at the latest to avoid a state ordered reassessment for the 2024 assessment year which will cost 2-3 times the amounts provided above due to WIDOR oversight etc.
- Municipality will be responsible for all postage and mailing services costs during the revaluation year and are estimated to cost \$4,200 +/- depending on how many assessment notices and general correspondence letters are mailed.
- For budgeting purposes if the Town were to conduct one of the revaluation options for the 2023 assessment year the estimated total cost would be as follows:

|             |                      |                   |              |                 |
|-------------|----------------------|-------------------|--------------|-----------------|
| Maintenance | Full Revaluation     | Personal Property | Postage      | Total           |
| \$16,200    | +\$96,500            | +\$270 +/-        | +\$4,200 +/- | = \$117,170 +/- |
| Maintenance | Exterior Revaluation | Personal Property | Postage      | Total           |
| \$16,200    | +\$82,500            | +\$270 +/-        | +\$4,100 +/- | = \$103,070 +/- |
| Maintenance | Interim Market       | Personal Property | Postage      | Total           |
| \$16,200    | +\$32,000            | +\$270 +/-        | +\$2,200 +/- | = \$50,670 +/-  |

- Options to spread a revaluation cost over multiple years is available upon request and would be based on the revaluation type chosen.

# Annual Assessment Options

As identified on the annual assessor requirements chart (see attached) from the Wisconsin Department of Revenue (WIDOR), municipalities/assessors have a few guidelines or recommendations for annual assessment cycles.

## **Maintenance Option:**

This type of assessment service is the minimum requirement for all municipalities. The annual review/maintenance cycle consists of copying the assessment roll from the previous year and updating values to the current level of assessment when changes warrant. Examples of changes include new construction, combining or splitting of parcels, remodeling, demolition, annexation and zoning changes, changes in classification, and any other occurrence that might affect value or the attributes of the parcel. These changes may, or may not, result in a change in value; nonetheless each of these requires the Property Record Card (PRC) to be updated.

## **Full and Exterior Revaluation Options:**

This type of assessment cycle is recommended when Property Record Card (PRC) information is outdated or inaccurate, assessment uniformity is poor, a full revaluation has not been done in 10 years and or a reassessment is required per statute 70.75. The last full revaluation for the Town of Bristol was conducted during the 2014 assessment year. As of the 2023 assessment year it will be nine years since all properties have had an onsite review of property records.

### **Pros**

- Typically, a lesser cost for annual maintenance between revaluation years.
- Can budget additional funds yearly towards a full revaluation.
- The market dictates when to complete a revaluation.
- Each parcel is visited during the same assessment cycle/year thus ensuring equitable record collection and verification of the property record card.
- The Town could pick up additional new construction or building improvements done without a permit.
- Corrects inequities amongst individual property assessments and between classes of properties i.e.: residential, commercial, sum of 5,5m, 6 & G7 etc.
- Brings all major classes of property within 10 percent of full value in the same year as required under state law (sec 70.05(5), Wis. Stats.)

### **Cons**

- The Town will experience a spike in cost due to services for revaluation work if every parcel were needed to be visited during one calendar year.
- Additional time spent on Open Book, Board of Review, or other appeals due to larger swings in assessment value changes since the last revaluation.
- Slower reaction to market corrections/changes than annual market updates.
- Reactive approach rather than a proactive approach to market changes.

Associated Appraisal has many municipalities that plan and budget for a full or exterior revaluation on different cycles (every 2, 4, 6 years etc.) regardless of market conditions. Those municipalities want to stay in compliance with the WIDOR and see a great benefit of visiting each property during one calendar year. Capturing PRC changes that may affect assessments is worth the additional work and cost. In addition, by visiting each property during the same year they ensure that the records and values are looked at equitably and updated under the same market conditions.

# Annual Assessment Options

## **Interim Market Update:**

This option works best when the Property Record Card information is deemed reliable, and a full or exterior revaluation has been completed within the last five (5) years and the assessment level shows an unacceptable degree of variance in some neighborhoods or classes. This would be a future option for the Town once onsite inspection revaluation has taken place.

### **Pros**

- **Cost.** This method is much less costly for the Town as there would not be as many field inspections except in cases where there was a sale, building permit or a property owner requested a review, which is common practice during a typical maintenance year.
- The CAMA model would be reviewed, and adjustments would be made to all taxable parcels when deemed necessary to ensure all taxpayers are assessed fairly and equitably.
- Corrects inequities amongst individual property assessments and between classes of properties i.e.: residential, commercial, sum of 5,5m, 6 & G7 etc.
- Brings all major classes of property within 10 percent of full value in the same year as required under state law (sec 70.05(5), Wis. Stats.)

### **Cons**

- This may delay visiting every parcel more frequently, which would create less reliable assessment data and or assessment values.
- It only works if the data being used for assessments is accurate and up to date.
- There would not be field inspections on every parcel, so changes made without a permit would not be captured.

ANNUAL ASSESSOR REQUIREMENTS BY ASSESSMENT TYPE

|                                                                                | Full Revaluations                                                                                                                                                                                | Exterior Revaluation                                                                                                                          | Interim Market Update                                                                                                                                                 | Annual Review/Maintenance                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Appropriate when                                                               | PRC is outdated or inaccurate, or assessment uniformity is poor or full revaluation hasn't been done in 10 years or assessment uniformity is poor or reassessment is required per statute 70.75. | Most PRC information can be verified by exterior inspection and full revaluation completed within past 6-9 years                              | PRC is deemed reliable and full revaluation completed within past 5 years and assessment level shows unacceptable degree of variance in some neighborhoods or classes | PRC is deemed reliable and revaluation was completed within past 5 years and assessment level during previous assessment year is within acceptable parameters                                                                         |
| Real Property affected                                                         | All Property                                                                                                                                                                                     | All Property                                                                                                                                  | Changes identified in column D PLUS<br>Analysis of problem strata identified from previous assessment year                                                            | Annexed properties<br>Change in exemption status<br>Demolitions & fire damage<br>New construction<br>Change in classification<br>Parcels with ongoing construction<br>Change in legal description<br>Change in zoning<br>As necessary |
| Land Study                                                                     | On-site Inspection                                                                                                                                                                               | On-site Inspection                                                                                                                            | As necessary                                                                                                                                                          | Buildings w/changes                                                                                                                                                                                                                   |
| Inspect Exterior                                                               | All Buildings                                                                                                                                                                                    | All Buildings<br>If no changes, may use digital imaging technology to supplement field re-inspections with a computer-assisted office review. | Buildings w/changes                                                                                                                                                   | Buildings w/changes                                                                                                                                                                                                                   |
| Inspect Interior                                                               | All Buildings                                                                                                                                                                                    | Buildings w/changes                                                                                                                           | Buildings w/changes                                                                                                                                                   | Buildings w/changes                                                                                                                                                                                                                   |
| Building Measurements                                                          | Measure all buildings                                                                                                                                                                            | Measure or verify as needed                                                                                                                   | Measure or verify as needed                                                                                                                                           | Measure or verify as needed                                                                                                                                                                                                           |
| Photos                                                                         | All primary buildings                                                                                                                                                                            | As necessary                                                                                                                                  | As necessary                                                                                                                                                          | As necessary                                                                                                                                                                                                                          |
| Sketch                                                                         | All primary buildings                                                                                                                                                                            | As necessary                                                                                                                                  | As necessary                                                                                                                                                          | As necessary                                                                                                                                                                                                                          |
| Analyze neighborhoods, property types, trends                                  | Required                                                                                                                                                                                         | Required                                                                                                                                      | Required. Results determine whether assessment is full value or aggregate assessment level                                                                            | Optional                                                                                                                                                                                                                              |
| Property Record Card (PRC)                                                     | Create new                                                                                                                                                                                       | Update/create new as needed                                                                                                                   | Update/create new as needed                                                                                                                                           | Update/create new as needed                                                                                                                                                                                                           |
| Review classifications                                                         | Required                                                                                                                                                                                         | Required                                                                                                                                      | Required                                                                                                                                                              | Required                                                                                                                                                                                                                              |
| Validate usability of sales                                                    | Required                                                                                                                                                                                         | Required                                                                                                                                      | Required                                                                                                                                                              | Required                                                                                                                                                                                                                              |
| Verify sales attributes (Ch 7 and 9)                                           | Required                                                                                                                                                                                         | Required                                                                                                                                      | Required                                                                                                                                                              | Required                                                                                                                                                                                                                              |
| Parcels to be valued                                                           | All Parcels                                                                                                                                                                                      | All Parcels                                                                                                                                   | Parcels with changes                                                                                                                                                  | Parcels with changes                                                                                                                                                                                                                  |
| Review / revalue properties                                                    | All Parcels                                                                                                                                                                                      | All Parcels                                                                                                                                   | Parcels with changes                                                                                                                                                  | Parcels with changes                                                                                                                                                                                                                  |
| Assessment level                                                               | Full Value                                                                                                                                                                                       | Full Value                                                                                                                                    | Aggregate assessment level or full value as appropriate                                                                                                               | Aggregate Assessment                                                                                                                                                                                                                  |
| Mail Notice of Change in Asmt                                                  | Only if assessment changes                                                                                                                                                                       | Only if assessment changes                                                                                                                    | Only if assessment changes                                                                                                                                            | Only if assessment changes                                                                                                                                                                                                            |
| Personal property assessment                                                   | Required                                                                                                                                                                                         | Required                                                                                                                                      | Required                                                                                                                                                              | Required                                                                                                                                                                                                                              |
| Add omitted property to roll (70.44)                                           | Required                                                                                                                                                                                         | Required                                                                                                                                      | Required                                                                                                                                                              | Required                                                                                                                                                                                                                              |
| Correct errors in roll (70.43)                                                 | Required                                                                                                                                                                                         | Required                                                                                                                                      | Required                                                                                                                                                              | Required                                                                                                                                                                                                                              |
| Hold open book / attend BOR (minimum 7 days between open book and BOR (70.47)) | Required                                                                                                                                                                                         | Required                                                                                                                                      | Required                                                                                                                                                              | Required                                                                                                                                                                                                                              |

A change in color across a row indicates a change in the level of task work required compared to the preceding assessment type



# Property Record Questionnaire

This questionnaire is necessary to assist the assessor's office in determining the attributes and condition of your property for assessment purposes. Please complete this form and provide any supporting documents to help determine your property's estimated fair market value. Download this form onto your computer; enter the requested information below, save a filled copy, and email the completed form including any supporting documents to the Assessor's office, the email address is [prq.apraz@gmail.com](mailto:prq.apraz@gmail.com)

## Property Information:

Municipality: \_\_\_\_\_  
 Parcel Number: \_\_\_\_\_  
 Property Address: \_\_\_\_\_

**Return form to local assessor:**  
 Associated Appraisal Consultants, Inc.  
 PO Box 440  
 Greenville, WI 54942-0440

Phone: 920-749-1995  
 Fax: 920-731-4158  
 Email: [prq.apraz@gmail.com](mailto:prq.apraz@gmail.com)



## I. Provide the following information on your dwelling as of January 1, 2021.

|          | Bedroom(s) | Full Bath(s) | Half Bath(s) | Fireplace(s) |
|----------|------------|--------------|--------------|--------------|
| Quantity |            |              |              |              |

**DWELLING** – any building or portion of a building designed or occupied in whole or in part as a place of residence.

**BEDROOMS** – Refers to the total number of separate rooms designed to be used as bedrooms. If a room was designed to be a bedroom but is being utilized for some other purpose, such as a den, it must be included in this count.

**FULL BATHS** – Refers to the number of three-fixture bathrooms which include a sink, toilet and bathtub or shower stall.

**HALF BATHS** – Refers to the number of two-fixture bathrooms including only a sink and toilet.

## II. Check the option below that **BEST** describes the condition rating of each dwelling component.

|                                                   | Excellent | Good | Average | Fair | Poor |
|---------------------------------------------------|-----------|------|---------|------|------|
| Mechanical System (HVAC, Electrical and Plumbing) |           |      |         |      |      |
| Kitchen                                           |           |      |         |      |      |
| Bathroom(s)                                       |           |      |         |      |      |
| Interior                                          |           |      |         |      |      |
| Exterior (Roof, Siding & Windows)                 |           |      |         |      |      |

**EXCELLENT** – Brand new or like new condition; very attractive and or highly desirable.

**GOOD** – Well maintained, only minor deterioration visible; slightly less attractive and desirable.

**AVERAGE** – Normal wear and tear is apparent; average attractiveness and desirability.

**FAIR** – Noticeable deterioration but still usable; rather unattractive and undesirable.

**POOR** – Definite deterioration is obvious; undesirable and barely usable.

(Over)

|                  |                  |             |                |             |             |
|------------------|------------------|-------------|----------------|-------------|-------------|
|                  | <b>Excellent</b> | <b>Good</b> | <b>Average</b> | <b>Fair</b> | <b>Poor</b> |
| Overall Dwelling |                  |             |                |             |             |

**POOR** – Definite deterioration is obvious; undesirable and barely usable.

Does the finished basement area have a walkout door or egress window(s)? YES ☐ NO ☐

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

**8-3-2020**

**TOWN OF BRISTOL**  
**Cover Sheet for Agenda Packet Section**

**III. Business**

**e.**

## Chapter 6

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### Public Nuisances

|       |                                               |
|-------|-----------------------------------------------|
| 9-6-1 | Public Nuisances Prohibited                   |
| 9-6-2 | Public Nuisances Defined                      |
| 9-6-3 | Public Nuisances Affecting Health             |
| 9-6-4 | Public Nuisances Offending Morals and Decency |
| 9-6-5 | Public Nuisances Affecting Peace and Safety   |
| 9-6-6 | Abatement of Public Nuisances                 |
| 9-6-7 | Cost of Abatement                             |
| 9-6-8 | Enforcement; Penalty                          |

#### **Sec. 9-6-1          Public Nuisances Prohibited.**

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Westport.

#### **Sec. 9-6-2          Public Nuisances Defined.**

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (b) In any way render the public insecure in life or in the use of property;
- (c) Greatly offend the public morals or decency;
- (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

#### **Sec. 9-6-3          Public Nuisances Affecting Health.**

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 9-6-2:

- (a) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

- (b) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) **Breeding Places for Vermin, Etc.** Accumulations of decayed animal or vegetable matter (other than composting sites), trash, rubbish, rotting lumber, bedding, packing material, scrap metal, tires or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (d) **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- (e) **Garbage Cans.** Garbage cans which are not fly-tight.
- (f) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation.
- (g) **Water Pollution.** The pollution of any public or private well or cistern, stream, lake, canal or other body of water or ground water by sewage, creamery or other wastes or substances.
- (h) **Noxious Odors, Etc.** Any use of property, substances or things within the Town or within four (4) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town, other than livestock manure.
- (i) **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.
- (j) **Animals at Large.** All animals running at large.
- (k) **Accumulations of Refuse.** Accumulations of old cans, lumber, elm firewood and other refuse.
- (l) **Air Pollution.** The escape of smoke soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

#### Sec. 9-6-4 Public Nuisances Offending Morals and Decency.

The following acts, omissions, laces, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 9-6-2:

- (a) **Disorderly Houses.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (b) **Gambling Devices.** All gambling devices and slot machines, other than state-authorized programs.



- (c) **Unlicensed Sale of Liquor and Beer.** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Town.
- (d) **Continuous Violation of Town Ordinances.** Any place or premises within the Town where Town Ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (e) **Illegal Drinking.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.

### Sec. 9-6-5            Public Nuisances Affecting Peace and Safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 9-6-2:

- (a) **Signs, Billboards, Etc.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (b) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the Ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town.
- (c) **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- (d) **Obstruction of Intersections.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (e) **Tree Limbs.** All limbs of trees which project over a public sidewalk or ditch area of the right-of-way less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- (f) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (g) **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Town.
- (h) **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (i) **Wires Over Streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- (j) **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall

greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.

- (k) **Obstructions of Streets: Excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Ordinances of the Town or which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- (l) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (m) **Abandoned Refrigerators.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (n) **Flammable Liquids.** Repeated or continuous violations of the Ordinances of the Town or laws of the State relating to the storage of flammable liquids.
- (o) **Unremoved Snow.** All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

## **Sec. 9-6-6            Abatement of Public Nuisances.**

- (a) **Enforcement.** The Town Board, Fire Inspector and the Building Inspector shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this Section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself/herself that a nuisance does in fact exist.
- (b) **Summary Abatement.** If the inspecting officer shall determine that a public nuisance exists within the Town and that there is a great and immediate danger to the public health, safety, peace, morals or decency, the Town Board, upon the recommendation of the appropriate department head, may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (c) **Abatement After Notice.** If the inspecting officer shall determine that public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisance to be removed as provided in Subsection (b).
- (d) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.



**Sec. 9-6-7            Cost of Abatement.**

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

**Sec. 9-6-8            Enforcement; Penalty.**

- (a)    **Enforcement.** The Town Building Inspector, and any other agent authorized by the Town Board, shall enforce the provisions of this Chapter and shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under Section 9-6-6 to abate a public nuisance unless the Building Inspector or other agent has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.
- (b)    **General Penalty.** Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 1-1-6.



**TOWN OF BRISTOL**  
**Cover Sheet for Agenda Packet Section**

**III. Business**

**f.**

## Chapter 11

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# Regulation and Licensing of Short-Term Rentals

|         |                                     |
|---------|-------------------------------------|
| 7-11-1  | Purpose                             |
| 7-11-2  | Definitions                         |
| 7-11-3  | Operations of Short-Term Rentals    |
| 7-11-4  | Short-Term Rental License           |
| 7-11-5  | Short-Term Rental License Procedure |
| 7-11-6  | Renewal                             |
| 7-11-7  | Property Manager                    |
| 7-11-8  | Standards for Short-Term Rentals    |
| 7-11-9  | Room Tax                            |
| 7-11-10 | Display of Permit                   |
| 7-11-11 | Appeal and License Revocation       |
| 7-11-12 | Penalties                           |
| 7-11-13 | Fees                                |
| 7-11-14 | Severability                        |

### Sec. 7-11-1 Purpose

The Purpose of this Chapter is to ensure that the quality of short-term rentals operating within the Town of Westport is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators and property managers offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially residential areas, within the Town of Westport; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

### Sec. 7-11-2 Definitions

- (a) For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows:
  - (1) Words in the present tense include the future.
  - (2) Words in the singular number include the plural number
  - (3) Words in the plural number include the singular number
- (b) The following definitions and conditions apply unless specifically modified:

Sample

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REGULATIONS AND LICENSING OF SHORT-TERM RENTALS

*Clerk.* The Town Clerk of the Town of Westport or designee.

*Corporate entity.* A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.

*Dwelling Unit.* One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family. Dwelling Units include residential, tourist rooming house, seasonal employee housing and dormitory units.

*Owner.* The owner of a short-term rental.

*Person.* Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any section of this Chapter prescribing a penalty of fine, as to partnerships or association, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

*Property Manager.* Any person that is not the property owner and is appointed to act as agent and/or provides property management services to one or more short-term rental.

*Short Term Rental.* A residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days, as defined in Sec. 66.0615(1)(dk), Wis. Stats.

*State.* The State of Wisconsin Department of Health, or its designee.

### **Sec. 7-11-3      Operations of Short Term Rentals**

- (a) No person may maintain, manage, or operate a short-term rental more than 10 nights each year without a short-term rental license. Every short-term rental shall be operated by a Property Owner or Property Manager.
- (b) Every short-term rental must be the primary residence of the Owner or the principals of any corporate entity owner or trust.
- (c) The short-term rental must be rented for a minimum of 6 consecutive days by each guest.
- (d) Each short-term rental is required to have the following licenses and permits:
  - (1) A State of Wisconsin Tourist Rooming House License;
  - (2) A Seller's permit issued by the Wisconsin Department of Revenue;
  - (3) A room tax permit; and
  - (4) A permit or license issued pursuant to the provisions of this Chapter.

Sample



Sample

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REGULATIONS AND LICENSING OF SHORT-TERM RENTALS

- (e) Each short-term rental shall comply with all of the following:
- (1) The total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days. If the Owner does not occupy the short-term rental at the time of rental, the short-term rental may be rented no more than 30 days per licensing year.
  - (2) The Property Owner or Property Manager shall notify the Clerk in writing when the first rental within a 365-day period begins.
  - (3) No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.
  - (4) There shall not be excessive noise, fumes, glare, vibrations generated during the use.
  - (5) Name plates or other signage shall not exceed one square foot. No other signage advertizing the short-term rental is permitted on site. Off-site advertising in media channels relating to the availability of the rental may take place only after all Town, County and State permits and licenses have been obtained.
  - (6) The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable county and town housing regulations based upon the number of bedrooms in each unit. In no case shall the short-term rental have more than two occupants per bedroom.
  - (7) No recreational vehicle (RV), camper, tent, or other temporary lodging arrangement shall be permitted on site as means of providing additional accommodations for paying guests or other invitees.
  - (8) Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 8:00 am and 9:00 pm. Any activities shall be in compliance with other applicable noise regulations, except that quiet hours shall be kept from 9:00 pm to 8:00 am. Only guests who have registered under subsection (16) may attend an outdoor or indoor event at the Property.
  - (9) All rentals of the short-term rental shall be subject to payment of the Town room tax at the currant applicable rate. Permit holders are responsible for complying with all regulations of the room tax.
  - (10) Compliance with all applicable state, county, and local codes and regulations is required.
  - (11) Annual general building inspection is required prior to issuance or renewal of the license.
  - (12) A local property management contact must be on file with the Town at the time of application. The local Property Manager must be within twenty-five (25) miles of the short-term rental property and must be available 24 hours a day. The Property Owner must notify the Town within twenty-four (24) hours of a change in management contact information for the short-term rental.
  - (13) A short-term rental license will not be issued until the following contingencies have been met:
    - (a) License from the County received;
    - (b) General Building and fire code inspections completed by the Town and no outstanding orders remain.

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Sample

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REGULATIONS AND LICENSING OF SHORT-TERM RENTALS

- (14) Short-term rental licenses are issued for one year period and must be renewed annually subject to Town approval or denial.
  - (15) The Property Owner of the short-term rental shall have appropriate insurance for the home that is used for short-term rental and provide proof of insurance with the license application and renewal.
  - (16) Each short-term rental shall provide a register and require all guests to register their true names date of birth, and addresses before beginning occupancy of the short-term rental. The register shall be kept intact and available for inspection by representatives of the Town for at least one year.
  - (17) Each short-term rental shall maintain the following written records for each rental of the dwelling unit: the full name and current address of any person renting the property, the time period for that rental, and the monetary amount or consideration paid for that rental.
- (f) No Property Owner shall advertise through any form of media or communication the availability of a Short Term Rental unless previously licensed under this Chapter. Examples including, but not limited to, VRBO, Airbnb, HomeAway, HotPads.com, Expedia, ShortTermHousing.com, and Craig's List.

#### **Sec. 7-11-4 Short Term Rental License**

- (a) The Clerk shall issue a short-term rental license to all applicants following the approval of an application and the filing of all documents and records required under this Chapter. The application shall also contain the following information:
- (1) Identify the Property Owner with contact information including mailing address, physical address, and 24 hour phone number;
  - (2) Identify the Property Manager with contact information including mailing address, physical address, and 24 hour phone number;
  - (3) The maximum days of occupancy for the premises for individual rentals;
  - (4) The license term; and
  - (5) State lodging license number, if any.

#### **Sec. 7-11-5 Short Term Rental License Procedure**

- (a) All applications for short-term rental license shall be filed with the Clerk on forms provided. Applications must be filed by the Property Owner. No permit shall be issued unless the completed application for is accompanied by payment of the required fee.
- (b) Each application shall include the following information and documentation for each short-term rental unit:
- (1) A copy of State of Wisconsin license (Public Health Madison and Dane County) for a Tourist Rooming House License issued under Wis. Stat. Sec. 254.64;
  - (2) A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal;

Sample



- (3) Proof of Insurance;
  - (4) A copy of the Seller's Permit form the Department, if any;
  - (5) Floor plan and requested maximum occupancy;
  - (6) Site plan including available onsite parking;
  - (7) Property Management Agreement (if applicable);
  - (8) Designation of the Property Manager;
  - (9) Certification from the property owner that the property meets the requirements of this Chapter;
  - (10) A room Tax Permit issued by the Town of Westport; and
  - (11) An employer identification number issued by the Internal Revenue Service.
- (c) Terms and Filing date. Each permit and license shall run during a calendar year expiring June 30 (license year July 1 to June 30). The filing fee shall be paid upon filing of the application. The Clerk may conditionally accept late applications, subject to payment of the late filing fee. Any application which does not include all of the information and documentation shall not be considered as complete.
- (d) Application Review Procedure. When satisfied that the application is complete, the Clerk shall forward initial applications for permits and licenses to the appropriate Town Departments for review. If the Clerk in consultation with the Town staff determines that the application meets the requirements of this Chapter, they may submit the application for the public hearing process provided below and review by the Town Board. If the Clerk in consultation with the Town staff determines that the application does not meet the requirements of this Chapter, they may deny the application.
- (e) Town Board Approval; Public Hearing Requirement. The Town Board shall review the application and clerk/staff determinations, and either approve or deny the license based on that information and testimony provided at a public hearing held prior to that determination. The public hearing shall take place and be noticed as required for preliminary plats at section 10-3-32(b), Town Code, with the applicant responsible for the notice requirement.
- (f) No permit or license shall be issued or renewed unless there is filed with the Clerk a completed Fire Inspection Report dated not more than one (1) year before the date of the issuance or renewal.
- (g) No permit or license shall be issued or renewed, if the applicant or property has outstanding fees, taxes or forfeitures owed to the Town, unless arrangements for payment have been approved by the Clerk.

## **Sec. 7-11-6      Renewal**

- (a) Each application for a renewal of a permit or license shall include updated information for the documentation on file with the Clerk and payment of the applicable fee. The Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Chapter. The Clerk shall request reports from the Public Safety Department and the Zoning Administrator regarding any complaints received, calls for service or actions taken regarding the short-term rental properties. The Clerk shall



issue renewal licenses within thirty (30) days of the filing of the application unless the information provided is incomplete or otherwise not in compliance with the requirements of the Chapter and/or the reports from the policing authorities or the Zoning Administrator indicate that there are complaints or actions involving the property.

- (b) If the Clerk finds that the license or permit should not be renewed, the Clerk shall deny the renewal.
- (c) No permit or license shall be issued or renewed unless there is filed with the Clerk a completed Fire Inspection Report by the Town fire inspector dated within one (1) year of the issue date.
- (d) No permit or license shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the Town, or is under an order issued by the Building Inspector, or his designee, to bring the premises into compliance with Town ordinances, unless arrangements for payment have been approved by the Clerk.

### **Sec. 7-11-7 Property Manager**

- (a) **Property Manager Permit.** No person may act as a Property Manager for a short-term rental without a Property Manager Permit issued in accordance with the provisions of this Chapter. The Property Manager Permit shall apply to all short-term rentals for which the Property Manager has exclusive rights for the rental of the property. The Property Manager must certify to the Town that each short-term rental operating under the short-term rental license complies with the standards of this Chapter.
- (b) **Property Manager Qualifications.** To qualify as a Property Manager the applicant must meet the following requirements:
  - (1) Be a natural person residing in or within twenty-five (25) miles of the Town of Westport or a corporate entity with offices located within twenty-five (25) miles of the Town of Westport.
  - (2) The applicant does not have pending any criminal charge and has not been convicted of a felony or misdemeanor of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another.
- (c) Each Property Manager shall be authorized by the Property Owner to act as the agent for the owner for the receipt of service of notice of violation of this Chapter's provisions and for service of process pursuant to this Chapter and shall be authorized by the owner to allow Town employees, officers and their designees, to enter the owner's property for purposes of inspection and enforcement of this Chapter and/or the Town Code.

### **Sec. 7-11-8 Standards for Short-term Rentals**

- (a) Each short-term rental shall comply with this Chapter's requirements or any other applicable Town ordinance. Each short-term rental shall comply with the following minimum requirements:
  - (1) One (1) internal bathroom for every (4) occupants;

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REGULATIONS AND LICENSING OF SHORT-TERM RENTALS

- (2) Not less one hundred fifty (150) square feet of floor space for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room area. Floor space is determined using interior measurements of each room. Floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people;
- (3) Not less than one (1) onsite off-street parking space for every four (4) occupants based upon maximum capacity;
- (4) A safe, unobstructed means of egress from the short-term rental leading to safe, open space at ground level;
- (5) Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 321 of the Wisconsin Administrative Code;
- (6) Shall not have an accessible wood burning fireplace unless the property owner provides a certification from a properly licensed inspector, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances;
- (7) Shall not have hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking or any other purpose on any balcony, deck, or under any overhanging structure or within ten (10) feet of any structure;
- (8) Shall not have a fire pit or other similar device used for heating or any other purpose on any balcony, deck or under any overhanging structure or within twenty-five (25) feet of any structure;
- (9) There shall be no outdoor storage by the tourist or transient;
- (10) Pets must be restricted to the property;
- (11) Use of any pool, hot-tub, sauna or similar device shall not be allowed unless built to commercial standards, licensed, and meets all standard testing as required for use in a commercial hotel;
- (12) All Property Managers shall carry casualty and liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than \$300,000 per individual and \$1,000,000 aggregate; and
- (13) Certification of compliance. As a condition of issuance of a license under this Chapter, the Property Manager shall certify that each managed property is in compliance with the terms and conditions of the license and this Chapter.

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**Sec. 7-11-9 Room Tax**

- (a) Each short-term rental shall comply with the room tax reporting requirements of the Town Code Chapter 7-12.
- (b) Each Property Manager Licensee shall file room tax returns for the managed short-term rentals.
- (c) All tax returns and supporting documentation filed with the Clerk are confidential and subject to the protections provided under Town Code 7-12, and Sections 66.0615(3) and 77.61, Wis. Stats.

**Sec. 7-11-10 Display of Permit**

Each License or permit shall be displayed on the inside of the main entrance door of each short-term rental.

**Sec. 7-11-11 Appeal and License Revocation**

- (a) The denial of any license or permit application or renewal under this Chapter may be appealed by filing a written appeal request with the Clerk within ten (10) days of the Town's notice of denial. The appeal shall be heard by the Town Plan Commission, which shall make a recommendation to the Town Board. The Town Board shall then reconsider the application or renewal and recommendations and may approve or deny the application or renewal.
- (b) A license may be revoked by the Town Board for one or more of the following reasons:
  - (1) Failure to make payment on taxes or debt owed to the Town;
  - (2) Failure to make payment on room tax;
  - (3) Three (3) or more legitimate calls for police service, building inspection or the health department for nuisance activities or other law violations in a twelve (12) month period;
  - (4) Failure to comply with annual Town building inspection requirements;
  - (5) Failure to maintain all required local, county, and state licensing requirements;
  - (6) Failure to use the property as a short-term rental within twelve (12) months of obtaining the Town license;
  - (7) Failure to comply with any requirements cited within this Chapter;
  - (8) Any violation of an applicable zoning regulation or other state or local land use or property maintenance regulation; and
  - (9) Any violation of local, county, or state laws that substantially harm or adversely impact the predominately residential uses and nature of the surrounding neighborhood.

## **Sec. 7-11-12 Penalties**

- (a) Any person who shall violate any provision of this Chapter shall be subject to a penalty as follows: The greater of (i) \$ 1,000.00 per day of violation for each violation, or (ii) 150% of the daily rental amount (prorated as necessary) paid by the tenant or renter for each day of violation incurred; and also including the Town's actual and reasonable attorney fees incurred in enforcing the terms of this Chapter.
- (b) Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Chapter or otherwise.

## **Sec. 7-11-13 Fees**

Initial and Renewal Short Term Rental application fees - \$1,000  
Each additional units added under a Short-Term Rental License - \$500  
Renewals - \$500  
Re-Inspections - \$100  
Property Manager Permit - \$100

## **Sec. 7-11-14 Severability**

If any provision of this Chapter and its ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this Chapter or its ordinances. It is hereby declared to be the intention of the Town of Westport that all provisions of this Chapter and its ordinances therein are separable. This Chapter shall not invalidate or interfere with any lawful private or other lawful public covenant or restriction on property which prohibits or restricts to a greater extent the uses described and licensed herein.

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## Chapter 12

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### Collection of Tax on Overnight Lodging

|         |                                                                                                                                                |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 7-12-1  | Definitions                                                                                                                                    |
| 7-12-2  | Imposition of Room Tax                                                                                                                         |
| 7-12-3  | Distribution of Room Tax Collected                                                                                                             |
| 7-12-4  | Creation and Duties of Tourism Commission                                                                                                      |
| 7-12-5  | Tracking and Reporting Room Tax Revenue Expenditures                                                                                           |
| 7-12-6  | Collection of Tax                                                                                                                              |
| 7-12-7  | Sale or Conveyance of Business                                                                                                                 |
| 7-12-8  | Determination of Tax by Audit                                                                                                                  |
| 7-12-9  | Failure to File Room Tax Return                                                                                                                |
| 7-12-10 | Forfeiture Relating to Failing to Comply with a Request to Inspect and Audit the Person's Financial Records and Failing to File Returns Timely |
| 7-12-11 | Record Keeping Requirements                                                                                                                    |
| 7-12-12 | Confidentiality of Tax Returns                                                                                                                 |
| 7-12-13 | Exemptions                                                                                                                                     |

#### Sec. 7-12-1 Definitions

In this chapter the following shall apply:

*Gross Receipts* means the total amount of the sale, lease, or rental price, as the case may be, from sales at retail of tangible personal property, or taxable services, valued in money, whether received in money or otherwise.

*Hotel and Motel* have the meaning as defined in Sec. 77.52(2)(a)1., Wis. Stats.

*Lodging Marketplace* means an entity that provides a platform through which an unaffiliated third party offers to rent a short-term rental to an occupant and collects consideration for the rental from the occupant.

*Municipality* means the Town of Westport.

*Occupant* means a person who rents a short-term rental through a lodging marketplace.

*Owner* means the person who owns the residential dwelling that has been rented.

*Payor* means the person or entity who owes that tax imposed by this ordinance.

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COLLECTION OF TAX ON OVERNIGHT LODGING

*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 person or by 2 or more persons maintaining common household, to the exclusion of others.

*Room Tax* means the tax imposed by this ordinance.

*Short-term Rental* means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

*Tourism* has the meaning as defined in Sec. 77.52(2)(e), Wis. Stats.

*Transient* has the meaning as defined in Sec. 77.52(2)(a)1, Wis. Stats.

*Tourism Entity* means a nonprofit organization that spends at least 51 percent of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality.

*Tourism Promotion and Development* has the meaning defined in Sec. 66.0615(1)(fm), Wis. Stats.

## **Sec. 7-12-2      Imposition of Room Tax**

Pursuant to Sec. 66.0615, Wis. Stats., a tax is hereby imposed on the privilege and services of furnishings, at retail, except sales for resale, rooms or lodging to transients by hotel keepers, motel operators, lodging marketplaces, owners of short-term rentals, and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. The tax shall be at the rate of 5 percent of the gross receipts from such retail furnishings of rooms or lodgings. The tax shall not be subject to the selective sales tax imposed by Sec. 77.55(2)(a)1, Wis. Stat. The tax may not be imposed upon sales to the federal government and persons listed under Sec. 77.54(9a), Wis. Stats.

## **Sec. 7-12-3      Distribution of Room Taxes Collected**

Upon receipt of the room taxes that are collected, the municipality shall distribute 88 percent of the room taxes to the Tourism Commission.

## **Sec. 7-12-4      Creation and Duties of Tourism Commission**

- (a) The Tourism Commission shall consist of 5 members, one of which shall be a Town Board member, who shall be appointed by the Town Board Chair with approval of the Town Board. The Tourism Commission shall have at least one owner and/or operator representative of the

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local lodging industry. Each member's term shall be for a one year period and each member may serve multiple terms. The Tourism Entity shall appoint a representative to serve as an ex-officio member. This ex-officio member will not be counted towards purposes of determining a quorum.

- (b) Annually the Tourism Commission shall elect a chairperson from its members to serve a one-year term. The Tourism Commission shall meet as needed as determined by the Commission Chair and should meet no less than 4 times a year.
- (c) The Tourism Commission shall report annually to the municipality providing the room tax revenue and the purposes for which the revenues were spent.
- (d) The Tourism Commission shall contract with a Tourism Entity which develops the marketing plan including budgets for room tax revenues for promotion and development.
- (e) The Tourism Commission shall give broad direction to the Tourism Entity on the development of the marketing budget.
- (f) The Tourism Entity shall submit meeting minutes after each meeting and a room tax marketing plan to the Tourism Commission for review and approval annually.
- (g) The Tourism Commission and Entity with whom it contracts shall not use any of the room tax revenue to construct or develop a lodging facility.

### **Sec. 7-12-5 Tracking and Reporting Room Tax Revenue Expenditures**

- (a) The Tourism Entity shall track the use of room tax revenue expenditures and state its impact on generating paid overnight stays in the community.
- (b) The Tourism Entity shall permit and shall allow inspections of its records pertaining to the use of the room tax funds upon request of the Tourism Commission at reasonable times.
- (c) The Tourism Entity shall provide a written report as determined by the Tourist Commission, no less than annually, and such report shall be available to the municipality and general public upon request.

### **Sec. 7-12-6 Collection of Tax**

- (a) The Collection of tax imposed by this Chapter shall be administered by the Town Treasurer. The tax imposed is due and payable on the last day of the month next succeeding the calendar quarters for which imposed. A return shall be filed with the Town Treasurer, by those furnishing at retail such rooms and lodging, on or before the same date on which the tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarters from such retail furnishings of rooms or lodging, the amount of taxes imposed for such period, and such other non-confidential information the Town Treasurer deems reasonably necessary. Annual returns shall be filed on a calendar year basis. Such annual return shall be filed within 90 days of the close of each calendar year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall be made on forms as prescribed by the Town Treasurer. All such returns shall be signed by the person required to file a return or his/her duly authorized agent, but need not



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COLLECTION OF TAX ON OVERNIGHT LODGING

be verified by oath. The Town Treasurer may, for good cause, extend the time for any return, but in no event longer than one month from the filing date.

- (b) The correct amount of tax shall accompany each quarterly tax return and be made payable to the municipality.

### **Sec. 7-12-7      Sale or Conveyance of Business**

If any person liable for any amount of tax under this section sells out their business or stock of goods or quits the business, their successors or assigns shall withhold sufficient funds from the purchase price to cover such amount until the former owner produces a receipt from the Town Treasurer that it has been paid or a certificate stating that no amount is due. If any person subject to the tax imposed by this section fails to withhold such amount of tax from the purchase price as required, they shall become personally liable for payment of the amount required to be withheld by them to the extent the price of the accommodations valued in money.

### **Sec. 7-12-8      Determination of Tax by Audit**

- (a) The Town Treasurer may, by office audit, determine the tax required to be paid to the municipality or the refund due to any person under this Chapter. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the Town Treasurer's possession. One or more such office audit determinations may be made out of the amount due for anyone or for more than one period.
- (b) The Town Treasurer may, by field audit, determine the tax required to be paid to the municipality or the refund due to any person under this Chapter. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the Town Treasurer's possession. Whenever the Town Treasurer has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, the Town Treasurer is authorized to examine and inspect the financial records pertaining to the furnishing of accommodations at the establishment in question in order to verify the tax liability of that person or of another person.

### **Sec. 7-12-9      Failure to File Room Tax Return**

If any person fails to file a return by this chapter, the Town Treasurer shall make an estimate to the amount of the gross receipts under section 7-12-6. Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the Town Treasurer's possession or may come into his/her possession. On the basis of this estimate, the Town Treasurer shall compute and determine the amount required to be paid to the municipality. One or more such determinations may be made for one or more than one period of time.

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**Sec. 7-12-10 Forfeiture Relating to Failing to Comply with a Request to Inspect and Audit the Person's Financial Records and Failing to File Returns Timely**

- (a) A forfeiture, not to exceed 5 percent of the room tax, may be imposed on a person who fails to comply with a request to inspect and audit the person's financial records.
- (b) Require the person who is subject to pay an amount that is due to pay said tax plus interest at the rate of one percent per month on the unpaid balance. No refund or modification of the payment determined may be granted until the person files a correct room tax return, and permits the municipality to inspect and audit his or her financial records.
- (c) A forfeiture, not to exceed 25 percent of the room tax due for previous year or \$3,000 whichever is less, of the tax, may be imposed in the event that the room tax is not paid.

**Sec. 7-12-11 Record Keeping Requirements**

Every person liable for the tax imposed by this ordinance shall keep or cause to be kept such records, receipts, invoices and other pertinent papers to the payment of room taxes in such form as the Town Treasurer requires.

**Sec. 7-12-12 Confidentiality**

- (a) All tax returns, schedules, exhibits, writings, or audit reports relating to such returns, on file with the Town Treasurer are deemed to be confidential, except the Town Treasurer may divulge their contents to the following and no others:
  - (1) The person who filed the return.
  - (2) The Town Treasurer or other persons for use in the discharge of the duties of their office (unless otherwise prohibited by law), or by order of a court.
- (b) No persons having an administrative duty under this section shall make known in any manner the business affairs, operations, or information obtained by an investigation of records or any person on whom a tax is imposed by this chapter, or the amount of source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as otherwise provided in this chapter.

**Sec. 7-12-13 Exemptions**

For the tax year (current year), any person or business otherwise required to file a return and make payment to the municipality under this chapter will be allowed an exemption from the requirement to collect and pay room tax for any signed contract dated prior to the adoption of this chapter in which the contract guarantees the lodging rates. This exemption shall expire on August 31, 2019.