

TOWN OF SEVASTOPOL
Door County, Wisconsin

ORDINANCE NO. 01-2021

**SHORT-TERM RENTAL OF RESIDENTIAL DWELLINGS ORDINANCE
OF THE TOWN OF SEVASTOPOL
DOOR COUNTY, WISCONSIN**

1. Title

This ordinance shall be entitled “The Short-term Rental of Residential Dwellings Ordinance of the Town of Sevastopol, Door County, Wisconsin”.

2. Purpose

The purpose of this ordinance is to ensure that the quality and nature of the Short-term Rentals operating in a Residential Dwelling within the Town of Sevastopol (“Town”) is adequate for protecting public health, safety, and general welfare, including establishing minimum standards for human occupancy, and for an adequate level of maintenance; determining the responsibilities of owners, agents and property managers offering properties for tourists and transient occupants; to provide minimum standards for the health and safety of persons occupying or using buildings, structures or premises in the town; to protect the character and stability of neighborhoods within the town; and provisions for the administration and enforcement thereof.

3. State Statutes Adopted - Authority

The Board of Supervisors of the Town is granted authority for adopting this ordinance under s. 60.10(2)(c) and s. 60.22(3), Wisconsin Statutes. The Town Board adopts this ordinance under its general village powers authority and s. 66.1014 of the Wisconsin Statutes.

4. Definitions

- A. “Property Owner” means the person or entity who owns the residential dwelling that is being rented.
- B. “Resident Agent” means a person who is not the Property Owner and who is authorized to act as the agent of the Property Owner for the receipt of service of notice and remedy of municipal ordinance violations and for service of process pursuant to this ordinance.
- C. “Residential Dwelling” means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
- D. “Short-term Rental” means a Residential Dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

5. Short-term Rental License

- A. No person may maintain, manage, or operate a Short-term Rental more than ten (10) nights each year without a Town Short-term Rental license issued pursuant to this ordinance.
- B. Licenses shall be issued using the following procedures:

1. All applications for a Short-term Rental license shall be filed with the town clerk on forms provided. Applications must be filed by the Property Owner or authorized Resident Agent. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.
2. The town clerk shall issue a Short-term Rental license to all applicants following payment of the required fee, receipt of all fully completed documentation and information requested by the application, and application approval by town board or its designee.
3. A Short-term Rental license shall be effective for one year and may be renewed for additional one-year periods. The annual licensing term begins July 1st and ends June 30th the following year. A fully completed renewal application and renewal fee must be filed with the town clerk at least forty-five (45) days prior to license expiration so that the town board or its designee, if required, has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. An existing license becomes void and a new application is required any time the ownership of a residential dwelling licensed for Short-term Rentals changes.
4. The town board may suspend, revoke, reject or non-renew a Short-term Rental license or license application following a due process hearing if the board determines that the licensee:
 - a) failed to comply with any of the requirements of this ordinance;
 - b) has been convicted or whose Resident Agent or renters have been convicted of engaging in illegal activity while on the Short-term Rental premises on two (2) or more separate occasions within the past twelve (12) months; or
 - c) has outstanding fees, taxes, or forfeitures owed to the town in violation of Town Ordinances.

6. Operation of a Short-Term Rental

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

- A. No person may maintain, manage, or operate a Short-term Rental more than ten (10) nights each year without a Short-term Rental license. Every Short-term Rental shall be operated by a Property Owner or a Resident Agent.
- B. Each Short-term Rental shall hold a valid State of Wisconsin Tourist Rooming House License issued by the Department of Agriculture, Trade and Consumer Protection (DATCP), and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications.
- C. Each Short-term Rental shall be licensed by the Door County Tourism Zone Commission (DCTZC), and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications.
- D. Each Short-term Rental shall comply with all of the following requirements:
 - (1) If the rental of a Residential Dwelling is less than seven (7) consecutive days, the first day of a subsequent rental of less than seven (7) consecutive days may not begin until the sixth (6th) day after the first (1st) day of the immediately preceding rental. The rental of a Residential Dwelling for seven (7) days or more is not subject to this restriction. This subparagraph is effective for rentals beginning on or after July 1, 2022.
 - (2) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
 - (3) If the property is not served by a public sanitary sewer, a private onsite wastewater treatment system (POWTS) in full compliance with Chapter 21 of the Door County Code must serve the property.
 - (4) If the property is serviced by public sanitary sewer, occupancy is limited to the number of occupants authorized by the tourist rooming house license issued by DATCP. If the property is served by a POWTS, occupancy is limited to the number of occupants for which the POWTS

- was designed, or the occupancy granted by the State tourist rooming license, whichever is less.
- (5) Parking shall be consistent with Town Ordinance No. 05-2016.
 - (6) Pets that accompany a renter are subject to Town Ordinance No. 01-2012, with the following additional requirements:
 - (a) Pets must be under the control of their owner and on a leash when outside the dwelling. Pets may be tethered securely to a leash or pulley-run on the premises, provided that the tethered pet is at least ten (10) feet inside the premises lot line.
 - (b) Pet owners must adhere to minimizing pet noise, independent of whether the pet is inside or outside the dwelling.
 - (c) Unattended pets are subject to impoundment under Town Ordinance No 01-2012.
 - (7) Signage shall conform to applicable Town and Door County ordinances.
 - (8) Rental dwellings must be able to accommodate reliable telephone communications in case of emergency.
 - (9) From 10PM to 7AM quiet hours shall be enforced. All activities shall be in compliance with the Town noise ordinance and other applicable Town and Door County ordinances.
- E. The Property Owner must reside within seventy-five (75) miles of the Short-term Rental during periods in which the Short-term Rental is rented.
- (a) This requirement may be waived if there is a valid Resident Agent (point of contact) located in Door County, in such a case, the Property Owner shall provide a copy of the Resident Agent contract to the Town and notify the Town within thirty (30) days of termination of any such contract.
 - (b) To qualify as a Resident Agent the representative must reside within Door County or be a corporate entity with offices located within Door County.
- F. The Property Owner and/or Resident Agent must provide the town with current contact information and must be available twenty-four (24) hours a day, seven (7) days a week by telephone during a rental. The town must be notified within twenty-four (24) hours of any change in contact information.
- G. A list of property rules must be posted at the Short-term Rental property, provided to the guests, and a copy submitted with the application for a license. Property rules must contain the minimum information:
- (a) The maximum number of overnight occupants
 - (b) The name, phone number and address of the Property Owner or Resident Agent
 - (c) A diagram of the property identifying the property lines and the location of off-street parking, including the maximum number of off-street parking spaces provided for renters
 - (d) Quiet hours of 10PM to 7AM; Fireworks strictly prohibited
 - (e) Pet Policy: Leash requirements, and minimize noise
 - (f) The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property.
 - (g) Outdoor burning regulations
 - (h) Notification that the occupant may be cited or fined by the Town or immediately evicted by the property owner or resident agent, in addition to any other remedies available at law, for violating any other provisions of this ordinance
 - (i) Notification that failure to conform to the occupancy requirements of the tourist rooming house is a violation of this ordinance.
- H. The Property Owner and/or Resident Agent must provide the following information to neighboring residential property owners located within 200-feet of the Short-term Rental dwelling property in all directions no later than seven (7) days from the date rental dwelling permit is issued or any time the Property Owner/Resident Agent contact information changes:
- (a) Telephone contact information to enable neighboring residential property owner or Town personnel to contact the Property Owner or Resident Agent twenty-four (24) hours a day, seven (7) days a week regarding disturbances or issues arising in connection with the rental of a Residential Dwelling.
 - (b) Provide copy of property rules that is provided to renters
 - (c) Provide their DATCP license number.

- I. The Property Owner shall include the following Property Rules information in the online web listing house rules or equivalent page for their rental property:
 - a. Maximum overnight occupancy
 - b. Quiet Hours: 10PM to 7AM; Fireworks strictly prohibited
 - c. Pets leashed and minimize noise
 - d. Maximum off-street parking spaces
- J. The Property Owner shall have and maintain homeowner's liability or business liability insurance for the premises that are used for short term rental and shall provide written evidence of such insurance with the initial license application and all subsequent renewal applications.
- K. The Property Owner or Resident Agent of each Short-term Rental shall provide a guest register and require all guests to register their true names and addresses and rental time period(s) before being assigned sleeping quarters. The guest register shall be kept by the Property Owner or Resident Agent and available for inspection for at least one (1) year, as required by the Wisconsin Administrative Code, ATCP Section 72.16. If the Property Owner or Resident Agent does not consent to inspection of the guest register, the register shall be subject to disclosure to an authorized official pursuant only to a proper search warrant, administrative subpoena, or other lawful procedure to compel the production of records that affords the Property Owner or Resident Agent an opportunity for pre-compliance review by a neutral decisionmaker.

7. Penalties

- A. Any person, partnership, corporation, limited liability company, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$1000.00, plus the applicable surcharges, assessments and costs, including actual attorney's fees, for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.
- B. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this ordinance or otherwise.

8. Fees

License fees shall be established by the Town Board in a fee schedule and may, from time to time, be modified. The fees shall be related to costs involved in processing license applications, reviewing plans, conducting inspections, ordinance compliance and documentation. Fees are nonrefundable and shall not be prorated. A schedule of the fees shall be available for review on the town website.

9. Severability

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

10. Effective Date and Publication

This ordinance shall become effective upon adoption and publication as required under s. 60.80, Wis. Stat.

Roll Call Board Members	Aye	Nay	Exc.
Derek Denil	x		
Jeanne Vogel	x		
Mark Haen	x		
Dan Woelfel	x		
Linda Wait	x		

Certification

I, Amy M. Flok, Clerk/Treasurer of Sevastopol,
 hereby certify that the above is a true and correct
 copy of an ordinance that was adopted on the
 19th day of July 2021, by the
 Town Board of Supervisors.

s/_____

Amy M. Flok, Clerk/Treasurer
 Town of Sevastopol