

**VILLAGE OF EPHRAIM
ORDINANCE NO. 04-2022
AN ORDINANCE CREATING SECTION 12.08 OF THE
EPHRAIM CODE OF ORDINANCES REGULATING
SHORT TERM RENTALS**

The Village Board of the Village of Ephraim do ordain as follows:

SECTION 1: Chapter 12 of the Ephraim Code of Ordinances, Licenses, and Permits, is hereby amended by the creation of Section 12.08, Short-Term Rental Licenses and Regulations as follows:

12.08 SHORT-TERM RENTAL LICENSE AND REGULATIONS

(1) DEFINITIONS.

- (a) **Residential Dwelling.** Any building, structure, or part of the building or structure, that is primarily used as a home, residence, or sleeping place by one (1) person or by two (2) or more persons maintaining a common household, to the exclusion of all others.
- (b) **Short-Term Rental (STR).** A residential dwelling that is offered for rent for a fee for periods of fewer than thirty (30) consecutive days. Short-Term Rental does not include private boarding houses or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wis. Ad. Code Chapter ATCP 73. This type of residential dwelling is issued a Tourist Rooming House License by the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection "DATCP".
- (c) **Designated Agent.** A person or entity who is not the property owner and is authorized to act as the agent of the owner as a local contact person regarding compliance with this ordinance during periods of operation.
- (d) **Owner.** The person or entity who owns the Residential Dwelling being used as an STR.
- (e) **STR License.** The annual license issued by the Village to operate an STR. The term of an STR license shall be from January 1 to December 31 of each year.
- (f) **Occupant.** Any person, over one (1) year of age, living, sleeping, cooking, or having actual possession of an STR.
- (g) **Remote Seller.** An out-of-state seller that has no physical presence or activities in Wisconsin other than making sales. Examples include VRBO and Airbnb.

(2) LICENSE REQUIRED. No Owner shall allow property under their ownership or control to be used as an STR without obtaining and maintaining a license under this ordinance.

- (a) Application. Prior to issuance or renewal of an STR license, the Owner intending to operate an STR shall complete an application form provided by the Village which shall include:
 - i. The Owner's name, mailing address, parcel number, and phone number; and the Designated Agent's (if any) name, address, and phone number if different than from the Property Owner.

- ii. A sketch of the current Floor Plan and Site Plan for the Short-Term Rental to include the following information:
 - a) A current floor plan showing all floors with information on square footage and rooms labeled with a bedroom count; and
 - b) A Site Plan showing: Onsite parking spots, designated fire pit area (if any), and trash storage areas.
 - ii. For properties served by a septic system, a copy of the sanitary permit showing proof of design capacity for the Private Onsite Wastewater Treatment System (POWTS) from the Door County Sanitarian.
 - iii. A State of Wisconsin Department of Agriculture Trade and Consumer Protection (DATCP) License dated within one (1) year of the date of issuance or renewal.
 - iv. Seller's Permit issued by the Wisconsin Department of Revenue unless all rentals of the property are exempt from such permit requirements per state statute.
 - v. A Door County lodging permit issued by the Door County Tourism Zone Commission (DCTZC) unless the Owner is exempt from such permit by state law.
 - vi. An administrative fee payment set by Village Board by resolution, to cover the costs to the Village of administering the above including inspections and enforcement deemed necessary by the Village to enforce this provision.
 - vii. Registration with the Wisconsin Department of Revenue for the collection of Premier Resort Area Tax (PRAT) unless rentals of the property are exempt from such taxation requirements per state law.
 - viii. Where the Owner exclusively uses a Remote Seller to facilitate STR rentals, the name of the Remote Seller and online listing ID#. The Village of Ephraim permit number shall be posted on the marketing page.
 - ix. Stated maximum occupancy for the property as advertised.
- (b) Issuance. An STR License shall only be issued upon the completion of the application and satisfaction of all requirements specified above.
- (c) License Duration. The initial license shall be valid from the date of issuance until midnight of December 31 of the year of application. Thereafter renewed licenses shall be valid for 1 year commencing January 1 of each year.
- (d) Property Management Requirements: Each Short-Term Rental shall be managed consistent with the following requirements:
- i. Sanitary Infrastructure:
 - a) For properties served by a septic system, the maximum number of occupants shall not exceed the greater of two (2) per bedroom or the design maximum of any Private Onsite Wastewater Treatment System (POWTS) permitted by the Door County Sanitarian Office.

- b) Properties served by the Village of Ephraim sanitary sewer could be subject to a Residential Equivalency Unit (REU) review.
 - c) Properties served by an existing holding tank may continue to discharge domestic wastewater and operate with the appropriate use of a holding tank system under Ch. 383 Wisconsin Department of Safety and Professional Services (DSPS) regulations and Chapter 21 of the Door County Code.
 - A Short-Term Rental operating with a holding tank must have an alarm system indicating when the tank requires pumping occupants should be directed to contact the Owner or Designated Agent to arrange for a pump out.
 - ii. The Owner or Designated Agent shall be responsible for ensuring that day to day operations of the STR are in full compliance with this ordinance.
 - a) The Owner's and Designated Agent's names, addresses, and twenty-four (24) hour phone numbers shall be provided in the Village of Ephraim's Short-Term Rental Application and shall be updated within twenty-four (24) hours upon any change in contact information.
 - b) The Owner or Designated Agent must reside within, or have their residence located within Door County.
 - c) Either the Owner or Designated Agent must be available by phone twenty-four (24) hours per day, seven (7) days a week, during the period of STR operation.
- (e) Property Operational Requirements. Each Short-Term Rental shall be operated per the following requirements:
- i. The following items must always be posted in a conspicuous area within the property:
 - a) Village Short-Term Rental License;
 - b) State of Wisconsin Department of Agriculture Trade and Consumer Protection (DATCP) License;
 - c) Property occupancy maximums;
 - d) List of Village requirements as outlined in the Good Neighbor Best Practices;
 - e) Emergency contact information including Property Owner and/or Designated Agent must always be posted in a conspicuous area within the property; and
 - f) A Site Plan for the residential dwelling unit and the lot it is in, clearly depicting guest parking spaces, designated fire pit area (if any), and trash storage area.
 - ii. Refuse Collection Requirements:
 - a) Properties shall provide information on who will be responsible for refuse and recycling disposal.

- iii. Occupants and their guests may only park their vehicles and trailers on-site.
- iv. Site Appearance Requirements.
 - a) Outdoor signage will be limited to two (2) sq. feet subject to Chapter 17 of the Ephraim Code of Ordinances.
 - b) No outdoor storage related to the Short-Term Rental land use is permitted, except for typical residential recreational equipment, seating, and outdoor cooking facilities.
 - c) No recreational vehicle, camper, tent, or other temporary lodging arrangements shall be used to accommodate guests.
- v. Neighborhood Impact Requirements.
 - a) The Owner and/or Designated Agent must provide the following information to neighboring property owners located in residentially zoned areas in the Village within a three hundred-foot (300 ft) radius of the Short-Term Rental property in all directions no later than thirty (30) days from the date the Short-Term Rental License is issued or any time the Property Owner/Designated Agent contact information changes:
 - 1. Telephone and email address to enable neighboring property owners in residentially zoned areas in the Village or Village personnel to contact the Property Owner or Designated agent twenty-four (24) hours a day, seven (7) days a week regarding disturbances or issues arising in connection with the rental of a Residential Dwelling.
 - 2. Provide a copy of property rules/Good Neighbor policy that is provided to renters.
 - 3. Provide their State of Wisconsin Department of Agriculture Trade and Consumer Protection (DATCP) License number.
 - 4. Stated maximum occupancy for the property as advertised.
 - b) Quiet hours must be respected from 10:00 p.m. to 7:00 a.m. as outlined in Chapter 9 Nuisances and Chapter 10 Peace and Order of the Ephraim Code of Ordinances.
 - c) At all times, no noise, lighting, odor, or other impacts from the subject property shall be detectable at the property line at levels exceeding the requirements of Chapters 9 and 10 of the Ephraim Code of Ordinances.
 - d) Outdoor fires are allowed outside only in a fire pit area shown on the site plan for the subject property. Owners, occupants, and guests at the STR are prohibited from bringing firewood from locations further than ten (10) miles away per NR 45.045 (2)(a).
 - e) Fireworks are strictly prohibited.
 - f) The discharge of firearms is prohibited in the Village of Ephraim as outlined in Chapter 10.04 of the Ephraim Code of Ordinances.

(f) Access and Inspections.

- i. The Village Administrator or designee shall be authorized at all times upon notice to the Owner deemed reasonable at the discretion of the Administrator or designee, or with either the owner's consent, to enter and examine any building, structure, or premises used for the STR, for the purpose of inspecting the property for compliance with public health and safety and this ordinance. If the Owner declines to consent to an inspection without a warrant, the Village may not conduct an inspection under this section without first obtaining a special inspection warrant under Sec. 66.0119, Wis. Stats., and as provided in Sec. 66.0119(2), Wis. Stats. An unreasonable refusal of the Owner Agent or STR renter shall be a violation of this section.
- ii. A Knox Box may be installed and maintained with keys that will allow access to the Short-Term Rental in emergency situations.

(3) RENEWAL AND REVOCATION PROCESS AND PENALTIES.

(a) **Renewal.** The Licensee may renew a license issued under this ordinance by applying for renewal on or before November 30 of each year.

- i. The renewal fee shall be set by Village Board resolution. The renewed license shall be valid from January 1 (or the date of issuance if later) to December 31 unless revoked or suspended.
 - ii. The application shall be the same as the original application except that the Owner may reference the original application if there have been no changes in the materials submitted with the first application. If the Owner references information in prior applications, the Owner shall certify current compliance with this ordinance.
 - iii. The Owner shall make the premises available upon reasonable notice for a renewal inspection.
 - iv. If the Village believes the licensed premises are out of compliance with this ordinance or applicable building and health codes, the Village may issue orders for compliance. If the licensee disagrees with the order, they may request in writing a hearing as provided in (d) below. The request for a hearing must include the order objected to and the reasons the order is not valid.
 - v. If the renewal for the license is not applied for on or before November 30; if the licensee fails to allow the Village to inspect the premises upon reasonable notice, such that the renewal process is not completed; or if there are outstanding orders or taxes payable to the village at the time of expiration the prior license, the license shall lapse until the renewal process is completed. STR rentals shall not be permitted until a current, valid license is issued.
- (b) A Short-Term Rental License, as issued, is subject to revocation or nonrenewal if the Owner, Designated Agent or STR Renter(s) (on a repeated basis) fails to comply with the requirements of this ordinance.

(c) The Village Board has the authority to suspend, revoke, reject, or non-renew an STR License if the Village Board determines that the licensee, Designated Agent or STR Renter(s):

- i. Failed to comply with or allowed the STR premises to fall out of compliance with any of the requirements of this ordinance.
- ii. Failed to adhere to Village and/or County ordinances.
- iii. Has three (3) or more excessive noise or calls for police or building inspection service complaints within a twelve (12) month period.
- iv. Has been convicted or whose Designated Agent or STR renters have been convicted of engaging in illegal activity while on STR premises.
- v. Has outstanding fees, taxes, or forfeitures owed to the Village.
- vi. Whose Tourist Rooming House License has been revoked by the Department of Agriculture, Trade and Consumer Protection (DATCP) or other permit or license required by this ordinance.
- vii. Has violated local, county, or state laws which, based upon their number, frequency, and/or severity that substantially harms or adversely impacts the public peace, use, and nature in the surrounding neighborhood.

(d) Revocation Process:

- i. The Administrator or designee shall notify the Owner of non-compliance and issue a letter requiring compliance within a time designated by the Administrator at their discretion.
- ii. If the Owner has remedied the violation (where possible) the Administrator may decline to take the revocation process any further.
- iii. If the violation has not been remedied, or the non-compliance is of a nature that in the discretion of the Administrator merits revocation even after compliance, the Administrator shall serve upon the Owner and file a copy with the Village Clerk, a complaint requesting that the STR license be revoked or non-renewed together with a notice scheduling the matter for a Village Board meeting to set the date for a hearing before the Village Board to consider the revocation or nonrenewal.
- iv. The Village Board meeting shall be scheduled not less than ten (10) business days from the date of the complaint.
- v. At the hearing, the Owner shall have the right to be represented by legal counsel of their choice at their cost and to call and cross-examine witnesses under oath.
- vi. the Village Board shall provide notification to property owners within three hundred (300) feet of the property of any revocation or non-renewal hearing.
- vii. The Administrator shall have the burden of showing the license should be revoked or non-renewed to a preponderance of the evidence.

- viii. The Administrator and Owner or their representatives shall have the right to present evidence and to subpoena and call witnesses at the hearing before the Village Board.
- ix. After receiving testimony and argument the Village Board shall determine whether the Short-Term Rental Licenses shall be revoked or nonrenewed and may attach conditions to any renewal.
- x. The decision of the Village Board may be made after deliberation in closed session and such decision shall be pronounced in open session. The Village Board shall direct the Administrator to provide notice of any decision in writing to the Owner.

(e) Penalties. The Owner, that fails to comply with provisions of this ordinance shall, upon conviction or admission, pay a forfeiture as provided in Section 25.04 of this code.

(f) Enforcement. The provision of this ordinance shall be administered and enforced by the Village Administrator or designee. It shall be the duty of the Village Administrator or designee to process applications, conduct inspections, and investigate complaints of violations of this ordinance and/or the existence of a nuisance. Actions to compel compliance with this ordinance may be commenced at the direction of the Administrator by Village Attorney.

(4) TRANSFER. A license issued under this section is not transferable to another Owner or location.

SECTION 2: If any section, subsection, paragraph, or sentence of this ordinance is for any reason deemed unconstitutional or otherwise unenforceable by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance.

SECTION 3: To the extent that any ordinance or resolution that may be read to be contrary to this ordinance the contrary portion is hereby repealed.

SECTION 4: This ordinance shall become effective after its passage and publication according to law and will be first implemented on January 1, 2023.

Passed and approved by the Village Board of Trustees at its regular meeting on the 9th day of August, 2022.

VILLAGE OF EPHRAIM

By:

Michael McCutcheon, Village President

Attest:

Andrea Collak, Clerk

Published this _____ day of _____ 2022.

Andrea Collak, Clerk

Date _____

Kim Roberts, Deputy Clerk

- x Village offices
- x Visitors' Center
- x Post Office