

# Town of Clay Banks Short-Term Rental Ordinance

## Ordinance 24-02-01

**Section I – Authority.** This Ordinance is based upon our Town’s authority granted by Wis. State Stats under 60.10(2)(c) and 60.22(3). The Town Board adopts this Ordinance under its general village powers authority granted by State Statutes 66.1014.

**Section II – 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 Clay Banks (“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, while ensuring adequate workforce housing for year-round residents; and provisions for the administration and enforcement thereof.

### Section III – Definitions

**Change in Ownership** means the transfer by a Property Owner of all or a percentage of the ownership of a Residential Dwelling to a person who is not:

- (A) The spouse of the Property Owner
- (B) The Issue of the Property Owner. For purpose of the Ordinance “Issue” means children, grandchildren, great-grandchildren, and lineal descendants of more remote degrees.
- (C) A trust created for the benefit of the Property Owner
- (D) An entity of which the Property Owner holds at least fifty-one percent (51%) of the voting interest

**DATCP** means Wisconsin Department of Agriculture, Trade and Consumer Protection.

**DCTZC** means Door County Tourism Zone Commission.

**Owner-Occupied** means the Property Owner permanently resides at the premises that is considered their Primary Residence and remains at the Short-Term Rental through the night and does not reside elsewhere when transient guests have reserved the Short-term Rental.

**POWTS** means Private On-Site Wastewater Treatment System.

**Primary Residence** means a Residential Dwelling that serves as an individual’s true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent from, that individual intends to return. Additional characteristics of a Primary Residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities and lists their addresses on state issued identification cards. An individual can only have one primary residence.

**Property Owner/Operator is the owner of a residential dwelling licensed as a Short-Term Rental, the person to which a Short-Term Rental License is issued, the person responsible for the property and the actions thereon, and the only person who may designate a Registered Agent to assist with the day-to-day reservation of and maintenance of the Short-Term Rental.**

**Quiet Hours** means a period of time within a day where plainly audible noise shall be held to a minimum due to people relaxing, sleeping, or meditating. For purposes of this Article, Quiet Hours are those hours between 10:00 PM and 7:00 AM.

**Registered 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. The Registered Agent must reside within Door County or be a corporate entity with offices located within Door County during periods in which the Short-term Rental is rented or, who lives within 10 (ten) miles of the property licensed as a short-term rental; and, who is authorized to act on behalf of the Short- Term Rental Operator for purposes of the day-to-day management of the Short-Term Rental in absence of the Operator. The extent of responsibility of the Agent shall be determined by the Operator but as a minimum shall include being available as an emergency contact for the Short-Term Rental property or guests.

**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.

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

**Un-hosted** means the owners of the property are not on the premises during the rental.

**Violation** means an infraction by the Operator, Agent or renter, whether during a rental period or not, that does not comply with this Ordinance.

## **Section IV – Application and License Process for Short-Term Rental**

### **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) Each Short-term Rental shall be permitted by the Door County Tourism Zone Commission (DCTZC), and shall provide proof of such permit by attaching a copy to the initial permit application and all subsequent renewal applications.
- (3) A STR license shall be effective for one year. The annual license fee begins July 1<sup>st</sup> and ends June 30<sup>th</sup> the following year. The license fee shall not be prorated and there shall be no refund of license fees paid.
- (4) A fully completed renewal application and renewal fee shall be filed with the Town Clerk at least forty-five (45) days prior to license expiration so that the Town Board or its designee, if required, has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application.
- (5) Any changes in ownership of the property require a new license per Wisconsin Administrative Code 72.04 (b) prior to obtaining a permit from the Town.
- (6) An Owner may apply for a new license no less than 12 months after being revoked (see “revocation” and “Revocation Process” sections below.)

## **Section V - Application and License Process**

(A) The application shall include the following:

- (1) Address and tax Key/Parcel Number of residential building. A diagram of the property lines showing driveways and the location of off-street parking, including the maximum number of off-street parking spaces for renters, and where located, including prohibited vehicles and parking areas.
- (2) Names and addresses of the applicant, Owner of the dwelling, and promoter or sponsor.
- (3) Copy of current DATCP Wisconsin rooming house license.
- (4) All applications for a STR license shall include a copy of the inspection report required by the Wisconsin Department of Agriculture Trade and Consumer Protection ‘DATCP’
- (5) Copy of DCTZC permit.
- (6) Name, address and phone number of the Registered Agent of the property where such distinction might occur.
- (7) Proof of a contract for refuse and recycling collection and disposal services.
- (8) Proof of design capacity of POWTS to accommodate maximum capacity for the dwelling, under the Uniform Dwelling Code.
- (9) Copy of Property Rules.

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

(B) Permitting

- (1) 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.
- (2) 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 30<sup>th</sup> the following year.
- (3) 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 a Change of Ownership occurs.
- (4) 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.
- (5) 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.

**Section VI – Short-Term Rental License.** Each Short-term Rental shall comply with all of the following requirements:

- (1) 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. The Town must be notified within twenty-four (24) hours of any change in contact information.
- (2) 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 10 miles of Door County.
- (3) 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.
  - (4) 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.
  - (5) If the property is not served by a public sanitary sewer, a private onsite wastewater treatment system (POWTS) in full compliance with this Ordinance and in accordance with Chapter 21 of the Door County Code shall serve the property.
  - (6) If the property is served by a POWTS, occupancy shall be limited to the number of occupants for which the POWTS was designed.
  - (7) Sufficient off-street parking shall be available to accommodate all vehicles on the Short-Term Rental premises. Street parking would be a violation of this permit
  - (8) Pets that accompany a renter are subject to 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 and County Ordinances.
  - (9) From 10 PM to 7AM quiet hours shall be enforced. All activities shall be in compliance with applicable Town and County Ordinances.
  - (10) Signage shall conform to applicable Town and Door County Ordinances.
  - (11) Rental dwellings shall be able to reasonably accommodate reliable telephone communications in case of emergency.
  - (12) Outdoor events by Board permission only.
  - (13) Fireworks are strictly prohibited independent of time or place, pursuant to Wis. Stats., Section 167.10.
  - (14) Campfires or firepits shall comply with applicable Town and County ordinances.

- (15) Garbage and recycling containers and receptacles shall be returned to the designated location on the premises and shall not be allowed to remain at the curb, roadside or within the road right-of-way in excess of 24 hours after scheduled collection.
- (16) Any Short-term Rental that is subject to Americans with Disabilities Act (ADA), must be in compliance with such Act.
- (17) Usage of a Short-term Rental for activities other than for the sole, expressed use of the registered overnight guests is subject to County Comprehensive Zoning Ordinances and Town Ordinances.

**Section VII - Property Rules** – A copy of the State of Wisconsin tourist rooming house license and the Town STR license shall be posted on the property. Property Rules shall be made available to the renters and to adjacent property owners. The Property Owner shall include the Property Rules information in the online web listing house rules or equivalent page for their rental property. The Occupancy Rules shall include at a minimum the following information:

- (1) The maximum number of overnight occupants.
- (2) Contact information for the designated operator.
- (3) 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.
- (4) Quiet hours of 10:00 PM to 7:00 AM.
- (5) Provide policy regarding pets, leash requirements and noise.
- (6) Non-emergency contact information for law enforcement and fire.
- (7) How to deal with existing POWTS, if applicable (location of high-water alarms, etc.).
- (8) The trash & recycle pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property.
- (9) Outdoor burning regulations.
- (10) No fireworks.
- (11) 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.

- (12) Notification that failure to conform to the occupancy requirements of the tourist rooming house is a violation of this ordinance.
- (13) The Property Owner and/or Resident Agent must provide the Property Rules information to neighboring residential property owners located within 400 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.
- (14) Contact information is provided to enable neighboring residential property owners 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.

### **Section VIII – Compliance Requirements**

- (1) The Property Owner or the Resident Agent will be responsible for promptly responding to or causing a prompt response to any complaints arising out of the occupancy or use of the Short-term Rental by tenants, their visitors, or their guests. For the purposes of this Section, a return telephone call to a complainant within 45 minutes of the notification of the initial complaint shall be deemed "prompt."
- (2) The Property Owner or the Resident Agent is responsible for the timely corrective action to remedy the conditions that caused the complaint.
- (3) For the purposes of this ordinance, "timely corrective action" shall include, at a minimum, a telephone call to the primary adult occupant of the Short-term Rental within 30 minutes of notification of the initial complaint.
- (4) The Property Owner or the Resident Agent shall take any and all-reasonable actions to timely resolve the complaint and confirm the resolution with the complainant.
- (5) Where applicable, the marketing platform associated with the Short-term Rental may be notified of each complaint.
- (6) 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, DATCP 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.

## **Section IX – Enforcement & Penalties**

### **Revocation**

- (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 \$500.00 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
- (C) Further, the Town Board has the authority to suspend, revoke, reject or non-renew a STR license or license application if the Board determines that the licensee:
  - (1) Has been convicted or whose Agent or renters have been convicted of engaging in illegal activity while on the STR premises; or
  - (2) Has outstanding fees, taxes, or forfeitures owed to the Town; or
  - (3) Has habitually failed to adhere to Town and/or County Ordinances.

### **Revocation Process**

The Town, at its discretion, shall:

- (1) Notify the Owner of the property of any noncompliance.
- (2) Determine whether the Owner has remedied the violation and shall schedule a license revocation hearing, before the Town Board, if the violation is not remedied immediately.
- (3) Notify the Owner and attempt to notify all property owners located within 400 feet of the property of the hearing date at least two weeks prior to the hearing before the Town Board.
- (4) Hear written or verbal testimony from other affected parties at the time of the hearing before the Town Board.
- (5) Provide its decision in writing to the Owner.



**Section X – 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.

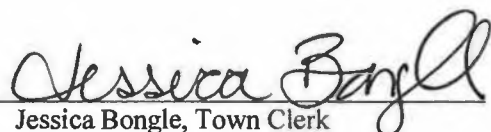
**Section XI – Severability** Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

**Section XII – Effective Date**

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Adopted the 12<sup>th</sup>, day of February, 2024.

  
Myron Johnson, Chairman

Attest:   
Jessica Bongle, Town Clerk

Date Published: Saturday, March 9<sup>th</sup>, 2024