

Town of Nasewaupee Ordinance
ORDINANCE # 2021-08

An Ordinance Amending
Town of Nasewaupee Municipal Code
Regulating Short Term Rentals

The Town Board of Supervisors of the Town of Nasewaupee, Door County, Wisconsin, do ordain as follows:

1. **AUTHORITY/PURPOSE.** This Ordinance is based upon authority granted by Wis. Stats. § 60.20 (3). The purpose of this ordinance is to amend the Municipal Code of the Town of Nasewaupee to make additions and modifications to such code.

The purpose of this Ordinance is to balance the interests of property owners to use their property as short term rentals ["STR" or "STRs"], on the one hand, with the interests of residents who seek to protect the quality of life and the character and stability of neighborhoods, on the other hand.

Due to the fractured bedrock and karst topography of most of Door County, STRs that are rented "over capacity" for their private onsite wastewater treatment system ("POWTS") risk contamination of and, thereby, the health and quality of the potable water supply.

The Board of Supervisors of the Town is granted authority for adopting this Ordinance under § 60.10(2)(c) and § 60.22(3), Wisconsin Statutes. The Town Board adopts this Ordinance under its general village powers authority and § 66.1014 of the Wisconsin Statutes, 2017 Act 59.

2. **AMENDMENT.** Section 4.5 of the Municipal Code for the Town of Nasewaupee, Door County, Wisconsin, is hereby created as follows:

4.5 Short Term Rentals

4.5.010 Definitions

The definitions applicable to this Ordinance are set forth below:

Definitions:

- A. "DATCP" means the Wisconsin Department of Agriculture Trade and Consumer Protection.
- B. "DCTZC" means the Door County Tourism Zone Commission.
- C. "Office of Short-Term Rentals," ["OSTR"] means the Agent or agency employed by the Town to administer the regulation of STRs including, but

not limited to, permitting, collection of fees, and the reporting of instances of non-compliance for enforcement purposes.

- D. "POWTS" means Private Onsite Wastewater Treatment System.
- E. "Property Owner" ("Owner") means the person or entity who owns the Residential Dwelling that is being rented.
- F. "Property Owner's Agent" ("Agent") means a person or an entity who is not the Property Owner of record and who is authorized to act as the Agent of the Property Owner for the receipt of service of notice and remedy of municipal Ordinance violations and for service of process pursuant to this Ordinance.
- G. "Resident Agent" see "Property Owner's Agent."
- H. "Residential Dwelling" means any building, structure or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
- I. "STR" ("Short-Term Rental") means a Residential Dwelling that is offered for rent for a fee and for fewer than 30 consecutive days.

4.5.020 Short-Term Rental License

- A. No person may maintain, manage, or operate a STR more than ten (10) nights each year without a Town STR license issued pursuant to this Ordinance.
- B. License shall be issued using the following procedures:
 - 1. All applications for a STR license shall be filed with the Town Clerk, or the designee of the Town Clerk, on forms provided. Applications shall be filed by the Property Owner or authorized Agent. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.
 - 2. All applications for a STR license shall include a copy of the annual inspection report as required by Wisconsin Department of Agriculture Trade and Consumer Protection "DATCP".
 - 3. The Town Clerk shall issue a STR license to all applicants following payment of the required fee, receipt of all fully

completed documentation and information requested by the application, and application approval by the Town Board, or its designee.

4. A STR license shall be effective for one year. The annual licensing terms begins January 1st and ends December 31st the same year.
 5. A fully completed renewal application and renewal fee shall be filed with the Town Clerk at least forty-five (45) days prior to license expiration so that the Town Board or its designee, if required, has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application.
 6. Any changes in ownership of the property require a new license per Wisconsin Administrative Code §72.04(b) prior to obtaining a permit from the Town.
- C. An Owner may apply for a new license no less than 12 months after being revoked (see “Revocation” and “Revocation Process” sections below.)

4.5.030 Application and Permit Process

The Town, in collaboration with its Agent OSTR shall provide an easy, online way of getting and renewing a permit.

- A. The application shall include the following:
1. Address and tax key of the residential dwelling.
 2. Names and addresses of the applicant, Owner of the dwelling, and promoter or sponsor.
 3. Copy of current DATCP rooming house license or confirmation of DATCP application.
 4. Copy of DCTZC license.
 5. Name, address and phone number of the Owner and a designated operator for the property where such a distinction might occur.
 6. Proposed MAXIMUM occupancy for the dwelling.
 7. Proof of design capacity of POWTS to accommodate subsection D under definitions.

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

4.5.040 Operation of a Short-Term Rental

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

- A. The Property Owner and/or Registered Agent must provide the Town and the OSTR with current contact information and must be available twenty-four (24) hours a day, seven (7) days a week by telephone or email. The Town and the OSTR must be notified within twenty-four (24) hours of any change in contact information.
- B. 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.
 1. 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.
 2. To qualify as a Resident Agent, the representative must reside within Door County or be a corporate entity with offices located within Door County.
- C. 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.
- D. 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.
- E. If the property is served by a POWTS, occupancy shall be limited to the number of occupants for which the POWTS was designed.
- F. Sufficient off-street parking shall be available to accommodate all vehicles on the Short-Term Rental premises. Parking shall be consistent with Section 6.1.050 of the Municipal Code for the Town of Nasewaupee.
- G. Signage shall conform to applicable Town and Door County Ordinances.

- H. Rental dwellings shall be able to reasonably accommodate reliable telephone communications in case of emergency.
- I. From 10:00 PM to 7:00 AM Sunday through Thursday and 11:00 PM to 7:00 AM Friday and Saturday quiet hours shall be enforced. All activities shall be in compliance with applicable Town and Door County Ordinances.
- J. Outdoor events by Board permission only.
- K. No fireworks allowed.

4.5.050 Property Rules

A copy of the State of Wisconsin tourist rooming house license and the Town STR license shall be posted on the property. Property Rules shall be made available to the renters and shall include at a minimum the following information:

- A. Maximum occupancy of the property.
- B. Contact information for the designated operator.
- C. Where to park.
- D. Quiet hours of 10:00 PM to 7:00 AM Sunday through Thursday and 11:00 PM to 7:00 AM on Friday and Saturday.
- E. Property Owner's policy regarding pets, if applicable.
- F. Outdoor burning regulations.
- G. Non-emergency contact information for law enforcement and fire.
- H. How to deal with existing POWTS, if applicable (location of high-water alarms, etc.).
- I. How to deal with waste and recyclables.
- J. No fireworks.

4.5.060 Enforcement/Penalties

Any person, partnership, corporation, limited liability company, or other legal entity that fails to comply with the provisions of this ordinance shall be cited pursuant to Section 2.7.030 of the Municipal Code of the Town of Nasewaupee.

The Town, the OSTR, or its designee shall maintain a system of recording complaints of violations of Section 4.5.040 or any applicable Town or Door County Ordinance. The Town Board, at its discretion but no less than once every year, shall review the complaints. The Town Board may, at its discretion, determine that the complaints may result in revocation of the STR license. The Town Board shall follow the revocation process in Section 4.5.080 for any revocation.

4.5.070 Revocation

A license, as issued, is subject to revocation if the Owner of the property fails to comply with the requirements of this Ordinance.

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:

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

4.5.080 Revocation Process

The Town, at its discretion, shall:

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

4.5.090 Fees

Permit fee schedule. The license application fees shall be established by the Town of Nasewaupée Board of Supervisors and may from time to time be modified. The fees shall correlate with the administrative and related costs involved with compliance monitoring. A schedule of the fees shall be made available for review.

Initial STR application fee	\$250
Renewal STR application fee	\$200
Late fee	\$100
Inspections (as necessary)	\$100

4.5.100 Severability

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


3. **EFFECTIVE DATE.** This ordinance shall take effect the day after its publication.

Adopted this 14th day of October, 2021.

TOWN BOARD:

By: 
Steven Sullivan, Town Chairman

Attest:


Jill Lau, Town Clerk

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