

**TOWN OF BAYFIELD
BAYFIELD COUNTY, WISCONSIN**

**AMENDMENT TO
ORDINANCE: 2019-01
AN ORDINANCE CREATING LICENSING OF SHORT-TERM RENTALS**

WHEREAS, the Town of Bayfield (the "Town") has determined it is in the best interest of the residents of the Town that owners of Short-Term Rentals (defined below) located in the Town are required to obtain a permit from the Town,

WHEREAS, the Town has carefully considered the terms of this Amendment;

WHEREAS, this Amendment is specifically designed to address local concerns;

WHEREAS, the Town has determined that this Amendment sufficiently balances the interests of various stakeholders, including preserving residential property rights, while also preserving local interests in protecting the public health, safety, and welfare of all residents, and

WHEREAS, this Amendment complies with the provisions of Wis. Stat. §66.1014.

NOW THEREFORE,

THE TOWN BOARD OF THE TOWN OF BAYFIELD DOES ORDAIN THIS ORDINANCE CONCERNING LICENSING OF SHORT-TERM RENTALS.

I. Purpose.

The purpose of this ordinance is to ensure that a Short-Term Rental (defined below) operating in a residential dwelling within the Town is adequate for protecting public health, safety and general welfare, including establishing minimum standards for human occupancy necessary for the health, welfare and safety of persons occupying or using the buildings, and for the health, welfare and safety of all residents of the Town. The purpose of this ordinance is not to prohibit any Short-Term Rental agreements, but to address the concerns associated with Short-Term Rentals, while complying with state law.

II. Definitions.

A. Short-Term Rental ("STR"): A residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

B. Residential Dwelling: 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 a common household, to the exclusion of all others.

C. STR Permit: The STR Permit issued hereunder.

D. Owner: The owner of an STR property.

III. Operation of Short-Term Rentals.

A. Anyone who maintains, manages, or operates an STR is required to obtain a tourist rooming house license from the Wisconsin Department of Agriculture, Trade and Consumer Protection (hereinafter "DATCP") and to meet all of the inspection and documentation requirements set forth by the DATCP for STR's. The Bayfield County Health Department is the licensing agent for DATCP. DATCP shall make all determinations relating to health, welfare and safety issues and maximum occupancy per unit.

B. Anyone who maintains, manages, or operates an STR in the Town of Bayfield must obtain an STR Permit from the Town, subject to annual Renewal, and comply with all applicable Town, Bayfield County and State of Wisconsin ordinances and laws.

IV. Short-Term Rental Permit.

A. The Town Clerk (hereinafter the "Clerk") shall issue an STR Permit to all applicants following the approval of the application and the filing of all documents and records required in the STR Permit application form.

B. STR Permits are issued for a one (1) year period and must be renewed annually subject to Town review.

C. Transfer of a Short Term Rental Permit shall not be permitted. Should the subject property be sold or transferred, then the permit shall become void and a new Short Term Rental Permit must be issued. The Town of Bayfield is not obligated or required to issue a Short Term Rental Permit to the new property owners.

V. Short-Term Rental Permit Procedure.

A. All applications for an STR Permit shall be filed with the Clerk on forms provided. Applications must be filed by the Owner or on the Owner's behalf, authorized by letter from the Owner, to apply. No STR Permit shall be issued unless the application form is filled out completely and accompanied by payment of the required fee.

B. STR Permit holders must provide proof of general liability insurance in the amount of at least one million dollars (\$1,000,000.00) covering the rental property and its operations. If the property is listed solely through short-term rental services that provide insurance to their hosts, a Certificate of Insurance evidencing such coverage must be provided.

C. Each STR Permit shall expire May 1st and be renewed annually every year. Applications, along with the filing fee, must be submitted by March 1st of the applicable year. The Clerk may conditionally accept late applications, subject to payment of a late filing fee. Any application which does not include all of the information and documentation shall be considered incomplete. Filing fees will be prorated for new applicants only. New applicants will be those that have not held an STR Permit in the past twelve (12) months. The Town will accept applications submitted for review beginning January 1st of each year. Approvals will be issued following the April Town Board Meeting.

D. When satisfied that the application is complete and in accordance with the requirements of this Ordinance, the Clerk shall forward the initial application for an STR Permit to the appropriate Town officials. If the Clerk in consultation with the Town Board determines that the application meets the requirements of this Ordinance, the Clerk may approve the application. If the Clerk in consultation with the Town Board determines that the application does not meet the requirements of this Ordinance, the Clerk may deny the application.

E. No STR Permit shall be issued if the applicant or property that is the subject of the application has outstanding fees, taxes, forfeitures, or other amounts owed to the Town, unless arrangements for payment have been approved by the Town Board.

VI. Renewal.

A. Each application for a renewal of an STR Permit shall include updated information and payment of the applicable fee. Applications should be filed with the Clerk subject to the deadlines listed above. The Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Ordinance. The Clerk may request reports from the Bayfield County Sheriff's Department, Health Department and Zoning Administrator regarding any complaints received, calls for service, or actions taken regarding the STR property that is the subject of the renewal

application. The Clerk shall issue a renewal of the STR Permits 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 this Ordinance and/or the reports from the entities defined above.

B. If the Clerk finds that the STR Permit should not be renewed, the Clerk shall deny the renewal.

C. No STR Permit 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 State of Wisconsin, or the Bayfield County Health Department to bring the premises into compliance, unless arrangements for payment have been approved by the Town Board.

VII. Display of STR Permit.

Each STR Permit shall be displayed on the inside of the main entrance door of each Short-Term Rental.

VIII. Appeal and Permit Revocation.

A. The denial of any STR Permit application or renewal under this Ordinance 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 Board. The Town Board shall consider the application or renewal request and recommendations and may approve or deny the application or renewal.

B. An STR Permit may be revoked at any time by a majority vote of the Town Board for one or more of the following reasons. The Owner will be notified of pending revocation considerations and Town Board decisions in writing.

1. Failure to make payment on taxes or debt owed to the Town.
2. Failure to properly collect and provide to the State, County, and/or Town any taxes owed by tenants, including room taxes.
3. Justified and validated calls for police service or building inspection and health department violations during the term of the STR Permit.
4. Failure to obtain and maintain all necessary county and state permits and permits.
5. Failure to abide by maximum occupancy and health and safety issues addressed during DATCP inspections made by the Bayfield County Health Department.
6. Failure to maintain insurance as required in V.B. above.
7. If the Town Board is made aware of a problem with an STR property that is determined by the Town Board to be of a severe nature.

IX. Fees and Penalties.

A. Initial Short-Term Rental Application Fee - Three Hundred dollars (\$300.00).

B. Renewal Short-Term Rental renewal application fee - Two Hundred Fifty dollars (\$250.00).

C. Late fees - Additional One Hundred dollars (\$100.00).

D. Penalties: If the Clerk is made aware that a Short-Term Rental property is in violation of any State of Wisconsin, or Bayfield County licensing or permitting requirements or any other ordinance or law, the Clerk may request that the Town Board approve the revocation of said property's STR Permit and assess a maximum penalty of Five Hundred dollars (\$500.00) for each month that a Short-Term Rental continues to conduct business without a valid STR Permit.

X. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed.

XI. This Ordinance shall take effect upon its adoption and publication.