

**TOWN OF BAYFIELD  
BAYFIELD COUNTY, WISCONSIN  
ORDINANCE: 2018-01  
AN ORDINANCE CREATING LICENSING OF  
SHORT TERM RENTALS AND AGENTS**

**WHEREAS**, Section 66.1014 of the Wisconsin Statutes was created prohibiting political subdivisions from enacting ordinances limiting rental of residential dwellings to less than twenty-nine (29) consecutive days;

**WHEREAS**, the Town of Bayfield has determined it is in the interest of residents and property Owners of the Town that rentals of single family dwellings located in the Town be regulated;

**WHEREAS**, the regulations enacted hereby are intended to protect and enhance the full enjoyment of the properties located in the Town by Owners who do not wish to engage in Short Term Rentals of their properties;

**WHEREAS**, it is also the intent of this Ordinance to limit negative impacts and potential conflicts between Short Term Rentals and exclusive Owner-occupied dwellings within the Town.

**THE TOWN BOARD OF THE TOWN OF BAYFIELD DOES ORDAIN THIS  
ORDINANCE CONCERNING LICENSING OF SHORT-TERM RENTALS  
AND AGENTS**

**I. Purpose.**

The purpose of this Ordinance is to ensure that the quality of Short Term Rentals operating within the Town is adequate for protecting public health, safety, and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of Owners, operators, and Property Managers offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially residential areas, within the Town of Bayfield; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

**II. Definitions.**

A. For the purpose of administering and enforcing this Article, the terms or words used herein shall be interpreted as follows:

1. Words used in the present tense include the future.
2. Words in the singular number include the plural number.
3. Words in the plural number include the singular number.

B. The following definitions and conditions apply unless specifically modified:

1. **Clerk.** The Town Clerk of the Town of Bayfield, or designee.
2. **Corporate Entity.** A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.
3. **Dwelling Unit.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family. Dwelling Units include residential, tourist rooming house, and seasonal employee housing.
4. **License.** The Short Term Rental License issued under Section IV.
5. **Owner.** The Owner of a Short Term Rental property.
6. **Person.** Shall include a corporation, firm, partnership, association, organization, and any other group acting as a unit as well as individuals, including a personal representative, receiver, or other representative appointed according to law.  
Whenever the word “person” is used in any section of this Article prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents, or members thereof who are responsible for any violation of such section.
7. **Resident Agent.** An Owner, or any person appointed by the Owner, of a Short Term Rental to act as agent on behalf of the Owner.
8. **Property Manager.** Any person providing professional property management services to at least three (3) Short Term Rentals, or an Owner managing up to two (2) of his or her own Short Term Rentals.
9. **Renter.** Any person or people renting a Short Term Rental.
10. **Short Term Rental.** A single family residential dwelling unit that is offered for rent for a fee and for fewer than twenty-nine (29) consecutive days, as defined in Wis. Stat. Sec. 66.0615(1)(dk).
11. **State.** The State of Wisconsin Department of Health, or its designee.

### III. **Application and Supremacy of Ordinance**

A. This Ordinance shall apply only to rentals of single family residential dwelling units, as defined by Wis. Stat. Sec. 66.0615(1)(di): “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.”

B. This Ordinance shall supercede any current special use or conditional use zoning permits issued for short term rental use of single family dwellings.

### IV. **Operation of Short Term Rentals.**

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 Resident Agent or Property Manager.

B. Each Short Term Rental is required to have the following licenses and permits, and related inspections if required:

1. A State of Wisconsin Tourist Rooming House License.
2. A Seller's permit issued by the Wisconsin Department of Revenue.
3. An Administrative Review permit issued by the Bayfield County Zoning Department, if necessary.
4. A permit or license issued pursuant to the provisions of this Article.
5. A Room Tax permit.
6. A Bayfield County Health Department permit.
7. Documented building and fire code inspection reports.

C. Each Short Term Rental shall comply with all of the following:

1. Rentals must be to the same one Renter per seven (7) day period. The Renter can rent for one (1) day or up to all seven (7) days or more, but if the rental is for less than all seven (7) days, no other rental can occur for the remainder of that seven (7) day period.
2. No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.
3. There shall not be excessive noise, fumes, glare, or vibrations generated during the use.
4. Name plates or other signage shall not exceed one (1) square foot. No other signage advertising the Short Term Rental is permitted on site or any adjoining lake or water body. Off-site advertising in media channels relating to the availability of the rental may take place only after all Town, County, and State permits and licenses have been obtained.
5. The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable County and Town housing regulations based upon the number of legally recognized bedrooms in each unit.
6. No recreational vehicle (RV), 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.
7. Any outdoor activities at the Short Term Rental shall occur only between the hours of 9:00 a.m. and 9:00 p.m. Any activities shall be in compliance with other noise regulations of the Town and/or County.
8. Compliance with all state, county, and local regulations is required.
9. The Owner shall provide proof that the sanitary disposal system for the property is in full compliance with all applicable ordinances.
10. If using a Property Manager, a local property management contact must be on file with the Town at the time of application for an Administrative Review permit. The local Property Manager must be

located within fifteen (15) miles of the Short Term Rental property and must be available twenty-four (24) hours a day. The Owner must notify the Town within twenty-four (24) hours of a change in management contact information for the Short Term Rental.

11. A short-term rental license will not be issued until all requirements have been successfully completed.

12. The Owner of the Short Term Rental shall have appropriate property insurance for the home that is used as the Short Term Rental, and provide proof of insurance with the license application and renewal.

13. Parking spaces compliant with County Zoning standards shall be available and shown.

V. **Short Term Rental License.**

A. The Clerk shall issue a Short Term Rental license to all applicants following the approval of an application and the filing of all documents and records required under this Article. The application shall contain the following information:

1. Identify the property Owner and contact information for Owner.
2. Identify the Resident Agent/Property Manager with contact information.
3. The maximum occupancy for the premises.
4. The license term.
5. State Seller's permit number, if any.
6. Contact information for the Town.

B. The Clerk shall issue a Property Manager license to all applicants following the approval of the application and the filing of all documents and records required under this Article.

C. The Resident Agent must be authorized to allow Town employees, officers, and their designees to enter the Owner's property for purposes of inspection and enforcement of this ordinance and the general code of ordinances for the Town of Bayfield.

D. No person may act as a Property Manager for a Short Term Rental without a Property Manager license issued in accordance with the provisions of this Article. The Property Manager license shall apply to all Short Term Rentals for which the Property Manager has exclusive rights for the rental of the property. The Property Manager must certify to the Town that each Short Term Rental operated by the Property Manager license complies with the terms of this Ordinance.

E. Short Term Rental licenses are issued for a one (1) year period and must be renewed annually subject to Town review.

**VI. Short Term Rental License Procedure.**

A. All applications for a Short Term Rental license shall be filed with the Clerk on forms provided. Applications must be filed by the Owner or on the Owner's behalf by the Property Manager. No permit shall be issued unless the completed application form is accompanied by payment of the required fee.

B. Each application shall include the following information and documentation for each Short Term Rental unit:

1. State of Wisconsin license for a Tourist Rooming House license issued under Wis. Stat. Sec. 97.605.
2. A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal.
3. Proof of Insurance.
4. Seller's permit from the department, if any.
5. Floor plan and requested maximum occupancy.
6. Site plan including available onsite parking.
7. Property Management Agreement and/or Authorization form.
8. Designation of the Resident Agent.
9. Certification from the Owner or licensee that the property meets the requirement of this Article.

C. Terms and filing date. Each permit and license shall expire June 30, except if issued April 1 through June 30, these will expire the following year. All applications must be filed on or before May 1, 2019 and by May 1 of each subsequent year. The filing fee shall be paid upon filing of the application. The Clerk may conditionally accept late applications, subject to payment of the late filing fee. Any application which does not include all of the information and documentation shall not be considered as complete.

D. Application Review Procedure. When satisfied that the application is complete, the Clerk shall forward initial applications for permits and licenses to the appropriate Town officials. If the Clerk in consultation with Town staff determines that the application meets the requirements of this Article, they may approve the application. If the Clerk in consultation with Town staff determines that the application does not meet the requirements of this Article, they may deny the application.

E. No permit or license shall be issued or renewed if the applicant or property has outstanding fees, taxes, forfeitures, or other amounts owed to the Town, unless arrangements for payment have been approved by the Town Board.

**VII. Renewal.**

A. Each application for a renewal of a permit or license shall include updated information for the documentation of file with the Clerk and payment of the applicable fee. The Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirement of this

Article. The Clerk may request reports from the Public Safety Department, Fire Department, and the Zoning Administrator regarding any complaints received, calls for service, or actions taken regarding the Short Term Rental properties. The Clerk shall issue renewal licenses 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 Article and/or the reports from the Police Department, Fire Department, and the Zoning Administration indicate that there are complaints or actions involving the property.

B. If the Clerk finds that the license or permit should not be renewed, the Clerk shall deny the renewal.

C. No permit or license shall be issued or renewed unless there is filed with the Clerk a completed Fire Inspection Report by the Town Fire Inspector and a report prepared by the County Department of Health Inspector dated within one (1) year of the issue date.

D. No permit or license 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 Building Inspector, or his designee, to bring the premises into compliance with Town ordinances, unless arrangements for payment have been approved by the Town Board.

**VIII. Resident Agent; Property Manager.**

A. All short-term rentals are required to appoint a Resident Agent, as defined in Section II.B.7. of this Ordinance, for the receipt of notice of violation of this Ordinance's provisions and for service of process pursuant to this Ordinance. Such a designation shall be made by the Owner and shall accompany each application form. The applicant shall immediately notify the Clerk of any change in residence or information regarding the Resident Agent.

B. To qualify as a Resident Agent the following requirements must be met:

1. The Resident Agent is a natural person residing in or within fifteen (15) miles of the Town of Bayfield or a corporate entity with offices located within fifteen (15) miles of the Town.
2. The Resident Agent does not have pending any criminal charge and has not been convicted of a felony or misdemeanor of an offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, as amended.
3. The Resident Agent is authorized by Owner to accept service of process for all Town communications, citations and orders.

C. Resident Agent Permit. Application for a Resident Agent permit, and payment of the application fee, shall be filed with the Clerk, who shall issue the permit to all qualified applicants. Each Resident Agent permit shall be for

a period of one (1) year. No Resident Agent permit fee is required for the Owner of a Short Term Rental who is serving as a qualified Resident Agent.

D. In addition to a Resident Agent, all short-term rentals are to also have a Property Manager, as defined in Section II.B.8 of this Ordinance.

E. Property Manager Qualifications. To qualify as a Property Manager the applicant must meet the following requirements:

1. Comply with all requirements for a Resident Agent as set forth in section B above.
2. Shall be managing not less than three (3) short-term rentals operating in the Town of Bayfield.
3. Shall hold the following licenses and permits in its name:
  - a. a Seller's permit issued by the Wisconsin Department of Revenue.
  - b. a Room Tax permit issued by the Town of Bayfield.
  - c. an employer identification number issued by the Internal Revenue Service.

This subsection does not apply to an Owner acting as Property Manager for up to two (2) of his or her Short Term Rental properties.

F. Property Manager Permit. No person may act as a Property Manager for a Short Term Rental without a Property Manager permit issued in accordance with the provisions of this Article. The Property Manager permit shall apply to all Short Term Rentals for which the Property Manager shall serve as the Resident Agent for the property Owner. The Property Manager must certify to the Town that each Short Term Rental operating under the Short Term Rental license complies with the standards of this Ordinance.

G. Each Resident Agent and Property Manager shall be authorized by the property Owner to act as the agent for the Owner for the receipt of service of notice of violation of this Article's provisions and for service of process pursuant to this Article, and shall be authorized by the Owner to allow Town employees, officers and their designees, to enter the Owner's property for purposes of inspection and enforcement of this Article and/or the Town Municipal Code.

H. The Owner, Resident Agent, or Property Manager shall notify the Renter immediately if the fire danger level in the surrounding geographical area is at a high level or higher per the Wisconsin Department of Natural Resources.

#### **IX. Standards for Short Term Rentals.**

A. Each Short Term Rental shall comply with this Ordinance's requirements or any other applicable Town ordinance. Each Short Term Rental shall comply with the following minimum requirements:

1. Not less than one (1) bathroom for the first four (4) occupants.

2. Maximum occupancy is based on the sanitary system that serves the rental structure, with a computation of a maximum of two (2) people per bedroom plus two (2). For example, if the rental home has a sanitary permit designed for three (3) bedrooms, maximum occupancy would be eight (8) people: (2 people x 3 bedrooms) + 2 = 8. If the structure does not have a sanitary permit on file with Bayfield County, the sanitary system must be evaluated by Bayfield County to determine if it is code compliant.
3. Not less than one hundred (100) square feet of floor space for the first occupant thereof and a least an additional fifty (50) square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room area. Floor space is determined using interior measurements of each room. Floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people.
4. Each Short Term Rental shall have a Resident Agent and Property Manager.
5. Not less than one (1) onsite off-street parking space for every four (4) occupants based upon maximum occupancy.
6. A safe, unobstructed means of egress leading to safe, open space at ground level.
7. Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code.
8. Shall not have an accessible indoor wood burning fireplace unless the Owner provides a certificate from a licensed commercial building inspector, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with national Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.
9. Shall not have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose on any balcony, deck, or under any overhanging structure or within ten (10) feet of any structure. The fuel source for those devices shall not be stored in the dwelling.
10. All professional Property Managers shall carry casualty and liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than three hundred thousand (\$300,000) dollars per individual and

one hundred thousand (\$100,000) dollars aggregate. This subsection does not apply to an Owner acting as Property Manager for up to two (2) of his or her Short Term Rental properties.

11. Certification of compliance. As a condition of issuance of license under this Article, the Property Manager shall certify that each managed property is in compliance with the terms and conditions of the license and this Article.
12. No outdoor recreational fires will be allowed if the fire danger conditions are such that the Wisconsin Department of Natural Resources has proclaimed that burning permits are required, even if the Owner or Renter has obtained a burning permit in this situation.

**X. Display of Permit.**

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

**XI. Appeal and License Revocation.**

A. The denial of any license or permit application or renewal under this Article 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. A license may be revoked by the Town Board for one or more of the following reasons:

1. Failure to make payment on taxes or debt owed to the Town.
2. Three (3) or more justified and validated calls for police service, building inspection, health department, or fire inspector for nuisance activities or other law violations in a twelve (12) month period.
3. Failure to obtain all necessary county and state permits and licenses within twelve (12) months of obtaining the Town license.
4. Failure to comply with annual Town building inspection requirements.
5. Failure to maintain all required local, county, and state licensing requirements.
6. Any violation of local, county, or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

**XII. Penalties and Fees.**

A. A violation of Section III shall be punishable by a forfeiture of not less than five hundred (\$500) dollars, nor more than one thousand (\$1000) dollars, for each violation committed hereunder. In addition, the property Owner and/or the property shall be ineligible to operate as a tourist rooming house for a period of twelve (12) months from the date of entry of judgment.

B. Any other violation of any provision of this Ordinance shall be punishable by a forfeiture of not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars, for each violation committed hereunder.

C. Each day a violation exists after receiving the violation notice and which becomes the building inspector's order shall constitute a separate violation of this Ordinance.

D. In addition to the penalties set forth above, failure to permit the inspection of the premises subject to this Ordinance by the Town designee, Building Inspector or Fire Inspector, or their designee, may result in the suspension of a permit or license.

E. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement, or costs whether existing under this Chapter or otherwise.

F. **Enforcement.** The provisions of this Ordinance shall be enforced by the Town Chairman and/or the Town Fire Chief or the County Building Inspector, or their designee. It shall be the duty of the Clerk or the Clerk's designee to process applications, conduct inspections, and investigate complaints of violations of this Ordinance and/or the existence of a nuisance.

XIII. **Fees.**

Initial Short Term Rental application fee – five hundred dollars (\$500).

Renewal Short Term Rental renewal application fee – one hundred dollars (\$100).

New units added under a Property Management License – fifty dollars (\$50).

Late fees – one hundred dollars (\$100).

Inspections – one hundred dollars (\$100).

Property Manager (if not the Owner) – one hundred dollars (\$100).

Resident Agent (if not the Owner) – fifty dollars (\$50).

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

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_, Town Chairman

ATTEST:

\_\_\_\_\_, Town Clerk

DATE OF PUBLICATION:

\_\_\_\_\_

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