

DRAFT
TOWN OF BAYFIELD
BAYFIELD COUNTY, WISCONSIN

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

WHEREAS, the Town of Bayfield (the “Town”) has determined it is in the interest of the residents of the Town that owners of residential dwellings, located in the Town, and rented on a short-term basis are required to obtain a license from the Town, and

WHEREAS, the license enacted hereby is intended to protect and enhance the full enjoyment of the properties located in the Town by Owners (as defined below) who do not wish to engage in Short-Term Rentals (as defined below) of their properties;

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 allow the Town the opportunity to monitor and assess the growth and potential impact of Short-Term Rentals in the Town and insure the collection of applicable room taxes.

II. Definitions.

A. Short-Term Rental: All lodging places, other than hotels, motels and Bed and Breakfast establishments (B&Bs) in which sleeping accommodations are offered for pay for a period less than (29) consecutive days to a person(s) who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.

Common examples of short-term lodging places include homes, cabins, cottages, condos, yurts and rental rooms located above a business.

III. Operation of Short-Term Rentals.

A. Anyone who maintains, manages, or operates a Short-Term Rental 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 short term rentals. The Bayfield County Health Department is the licensing agent for DATCP. DATCP shall make all determinations relating to life-safety issues and maximum occupancy per unit.

B. Anyone who maintains, manages, or operates a Short-Term Rental in the Town of Bayfield must obtain an annual license (a “STR License”) from the Town and comply with all applicable Town Ordinances.

IV. Short-Term Rental License

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

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

V. Short-Term Rental License Procedure.

A. All applications for a STR License 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 License shall be issued unless the application form is filled out completely and accompanied by payment of the required fee.

B. STL license holders must provide proof of general liability insurance in the amount of one million dollars (\$1,000,000.00). If the property is listed solely through short-term rental services that provide insurance to their hosts, a copy of that policy must be provided. If an STL licensee rents their property through other services or directly to consumers, the licensee must provide a copy of their Certificate of Insurance with their application.

C. Terms and filing date. Each license shall expire March 1st and be renewed annually. Applications, along with the filing fee must be submitted by January 15th. The Clerk may conditionally accept late applications when feasible, subject to payment of the 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 a license in the past twelve (12) months.

D. Application Review Procedure. When satisfied that the application is complete, the Clerk shall forward the initial application for an STR License 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 License 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 License shall include updated information and payment of the applicable fee. Applications should be filed with the Clerk. 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 Public Safety Department, Health Department and the County Zoning Administrator regarding any complaints received, calls for service, or actions taken regarding the Short-Term Rental property that is the subject of the renewal application. The Clerk shall issue a renewal of the STR Licenses within thirty (45) 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 License should not be renewed, the Clerk shall deny the renewal

C. No STR 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 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 License.

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

VIII. Appeal and License Revocation.

A. The denial of any STR License 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 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. Failure to properly collect and provide to the State, County, and/or Town any taxes owed by tenants, including room taxes.
3. Three (3) or more justified and validated calls for police service, building inspection, or health department in a twelve (12) month period.
4. Failure to obtain all necessary county and state permits and licenses within twelve (12) months of obtaining the Town license.

5. Failure to abide by maximum occupancy and life/safety issues addressed during DATCP inspections made by the Bayfield County Health Department.

5. Failure to maintain insurance as required in V.B, above.

IX. Fees and Penalties

A. Initial Short-Term Rental Application Fee – One Hundred Ten dollars (\$110.00).

B. Renewal Short Term Rental renewal application fee – One Hundred dollars (\$100.00).

C. Late fees – 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 the Clerk may request that the Town Board approve the revocation of said property’s Town STR License and assess a minimum penalty of Five Hundred dollars (\$500.00) or a maximum penalty of One Thousand dollars (\$1,000.00). The penalty will be assessed for each month that a Short-Term Rental does not have a valid STR License.

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

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

Adopted this _____ day of _____ in the year 2019 by roll call vote;
Gordon- _____, Erickson- _____, Boutin - _____, Hoopman - _____, Meierotto- _____.
The motion carried _____.

Thomas J. Gordon, Chair

Fred Erickson, Supervisor

Karen Boutin, Supervisor

Craig Hoopman, Supervisor

Robert Meierotto, Supervisor

THIS IS TO CERTIFY THAT the foregoing is a true and correct copy of a ordinance duly and legally adopted by the TOWN OF BAYFIELD at a Regular Town Board Meeting on the _____ day of _____ in the year 2019.

Kelly N. Faye, Clerk

DATE OF PUBLICATION:
