

TOWN OF GIBRALTAR
ORDINANCE 2021-07
OPERATING A SHORT-TERM RENTAL

The Town Board of Gibraltar, in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose

The purpose of this ordinance is to protect the quality of life, the character, and stability of neighborhoods, and to create an understanding with property owners who seek to use their properties as short-term rentals ["STR" or" STRs"]

Because of fractured bedrock and Karst topography that encompasses 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.

State Statutes Adopted – Authority

The Board of Supervisors of the Town of Gibraltar 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.

Definitions

1. "STR ("Short Term Rental")" means a Residential Dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.
2. "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.
3. "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.
4. "Property Owner ("Owner")" means the person or entity who owns the Residential Dwelling that is being rented.
5. "Resident Agent" see "Property Owner's Agent."
6. "POWTS" means Private Onsite Wastewater Treatment System.
7. "Office of Short-Term Rentals ("OSTR")" means the agent or any agency that may be 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.
8. "DCTZC" means the Door County Tourism Zone Commission.
9. "DATCP" means the Wisconsin Department of Agriculture Trade and Consumer Protection.

Short -Term Rental License

No person shall maintain, manage, or operate an STR more than fifteen (15) nights each year without an STR Business license issued by the town of Gibraltar pursuant to this Ordinance

Licenses shall be issued using the following procedures:

1. All applicants for an STR business 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 an STR business license shall include a copy of any inspection reports as required by Wisconsin Department of Agriculture Trade and Consumer Protection "DATCP".
3. The Town Clerk shall issue an STR business license to all applicants following payment of the required fee, receipt of fully completed documentation and information requested by the application, and application approval by the Town of Gibraltar Town Board.
4. An STR business license shall be effective for one year. The annual licensing term 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 by November 1st so that the Town Board 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 the ownership of the property require a new application per Wisconsin Administrative Code 72.04(b) prior to obtaining a license from the Town.

An Owner may apply for a new license no less than 12 months after being revoked. (See "Revocation" and "Revocation Process" sections below.)

Application and Permit Process

The town, or in collaboration with its agent OSTR shall provide an online manner of applying for and renewing a permit.

- A. The application shall include the following:
 - Address and tax key of the residential dwelling.
 - Names and addresses of the applicant, Owner of the dwelling, and promoter or sponsor.
 - Copy of the current DATCP rooming house license or confirmation of DATCP application
 - Copy of DCTZC permit.
 - Name, address and phone number of the Owner or designated operator for the property where such a distinction might occur.

- Proposed MAXIMUM occupancy for the dwelling.
- Proof of design capacity of POWTS to accommodate subsection 6 under definitions.
- Copy of Town Good Neighbor standards (consider DCTZC & other hosts Good Neighbor Standards) permit process
- 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.
- Proof of licensed refuse collection services or a written agreement with a cleaning agency that provides this service

Operation of a Short-Term Rental

No person, partnership, corporation, limited liability company, or other legal entity may operate a business or STR in the town of Gibraltar without a valid up to date license. Failure to comply will result in assessed penalties and or a STR, business cessation order issued.

Each Short-term rental shall comply with the following requirements:

- The property owner or resident agent shall be accessible either directly or through the OSTR
- No recreational vehicle, camper or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
- 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.
- If the property is served by a POWTS, occupancy shall be limited to the number of occupants for which the POWTS was designed.
- Sufficient off-street parking shall be available to accommodate all vehicles on the Short-term Rental premises. Off street parking shall be in compliance with Door County Comprehensive Zoning Ordinance, Chapter 7, and all parking regulations under Town of Gibraltar Parking Ordinances.
- Signage shall conform to applicable Town of Gibraltar and Door County Ordinances.
- Rental dwellings shall be able to reasonably accommodate reliable telephone communication in case of emergency, this includes a key holder or contact that can respond to the property within (45) minutes of an emergency call.
- Outdoor events including but not limited to, weddings, graduations, reunions and the like are limited to ten (10) in a calendar year per Door County Zoning 2.07(1)(a).

Property Rules

A copy of the State of Wisconsin tourist rooming house license and the Town of Gibraltar STR business 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:

- Maximum occupancy for the property.
- Contact information for the key holder or designated operator
- Parking locations
- Quiet hours of 10:00P.M. to 7:00 A.M.
- Outdoor burning regulations and contact information for the Town of Gibraltar fire department.
- Non-emergency contact information for law enforcement
- A set of instructions on dealing with POWTS if applicable (location of high-water alarms, etc.).
- How, where, and when waste and recyclables are disposed of properly.
- Control and oversight of any pets

Revocation/Suspension

A license, as issued, is subject to revocation or suspension if the Owner of the property fails to comply with the requirements of this Ordinance under the Town of Gibraltar STR business license policy as set forth in the enforcement section.

The Town Board has the authority to suspend, revoke, reject or non-renew an STR business license or license application if the Board determines that the licensee:

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

Revocation/Suspension Process

The Town of Gibraltar at its discretion, shall:

Review all complaints, notifications, forfeitures and non-compliance issues through its established licensing committee. The committee will notify the Owners in writing any decisions made by the licensing committee.

Notify the Owner of the property of any noncompliance.

Determines whether the Owner of the STR property has remedied the violation and shall schedule a license revocation/suspension hearing in front of the Town of Gibraltar Board if the violations are not remedied in a timely manner.

Notify the Owner and attempt to notify all property owners located within 300 feet of the property of the hearing date at least two weeks prior to the hearing before the Town of Gibraltar Board.

Hear written or verbal testimony from other affected parties at the time of the hearing before the Town of Gibraltar Board.

Provide a decision made by the Town Board of Gibraltar in writing to the Owner.

Failure to comply penalties

The Town of Gibraltar reserves the right to charge penalties for late STR, and Business Licenses. STR, businesses operators are required to file and obtain a license to operate by March 1 of the same year of business. Any person, partnership, corporation, limited liability company or other legal entity that fails to comply with the provisions of this ordinance, upon conviction, pay a forfeiture of not less than \$100.00 first notification of noncompliance. (30 days to comply), not more than \$500.00 second notification of noncompliance. (30 days to comply). Together with the costs of prosecution and in rueful default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 60 days. In the event a business or STR is operating beyond the second notification a third notification of noncompliance shall be sent ceasing all STR and business operations until the license requirements have been satisfied. Continued noncompliance will be referred under the revocation and suspension section of this ordinance. New businesses will be allowed 30 days to bring their business or STR to license compliance.

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.

Any violations of any of the sub-sections of this ordinance may stipulate guilt or no contest and may pay the Town Clerk. Such payment will make it unnecessary for the subject charged to appear in court and will act as a basis for the court to enter judgement and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin Statutes, Section 66.12

Fees

Permit fee schedule. The license application fees established by the Town of Gibraltar Board of Supervisors 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 business application fee.....\$45 Subject to Town fee Schedule
- Renewal STR application fee.....\$45 Subject to Town Fee schedule
- Late fee.....\$100.00 1st \$500.00 2nd
- Inspections (If necessary)\$100

Enforcement

The Town of Gibraltar police department, or a designated outside provider, shall be the established enforcement structure for issuance of any warnings, notifications or forfeitures.

The Town of Gibraltar has an established licensing committee that reviews complaints, notifications and forfeitures that have been issued against an STR Owner. The licensing committee is granted authority to review and notify the STR Owner of any decision the committee will make against an Owner of an STR. The licensing committee will make recommendations to the Town Board whether a suspension or revocation hearing is necessary. The Town of Gibraltar licensing committee will provide testimony if any hearings are scheduled.

The goal is to incentivize compliance with the appropriate fees and fines, but not be so overburdensome that it prevents users from participating in the enforcement and regulatory process.

The enforcement structure includes but is not limited to the positing of and adhering to the “good neighbor” policy. Also, the enforcement structure includes but is not limited to the Town of Gibraltar STR compliance policy which prohibits an Owner from using the property as an STR if the Owner is out of compliance in an annual permitting cycle.

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.

Adopted by the Town Board of the Town of Gibraltar this 1st day of September, 2021, amended on the 1st day of December, 2021, and amended on July 6, 2022

Approved:

Steve Sohns, Town Chairman

Attest:

Kelly Murre, Town Clerk