

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 11.02 OF THE
VILLAGE OF NORTH BAY VILLAGE CODE CONCERNING VACATION
RENTAL ESTABLISHMENTS IN THE VILLAGE OF NORTH BAY

WHEREAS, on or about September 23, 2017 the State of Wisconsin adopted certain preemptions on municipal authority concerning the regulation of vacation rental property within the State Budget Bill; and

WHEREAS, Wisconsin Statutes §66.1014, created by the foregoing legislation, preserved municipal authority to restrict rental of residential dwellings to approximately six months out of each 365-day period as further defined therein; and

WHEREAS, Wisconsin Statutes §66.1014(2)(d)(b) further authorizes municipalities to require a license for conducting vacation rental establishments in some situations; and

WHEREAS, the Village of North Bay Village Board hereby intends to adopt as much authority over vacation rentals within the Village of North Bay as remains following the preemptions adopted by the State of Wisconsin.

NOW, THEREFORE, the Village Board of the Village of North Bay, Racine County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 11 of the Village of North Bay Municipal Code entitled "Regulation of Trade or Business," Section 11.02 entitled "No Operation of Businesses Within Village Limits Generally; Residential Rentals," Subsection 2 entitled "Short-Term Rentals," is hereby repealed and re-created with the title "Vacation Rental Establishment" to read as follows:

(2) Vacation Rental Establishment.

- (a) Purpose. The following vacation rental establishment licensing regulations are created, to ensure that applicable State laws are followed, to protect persons engaged in this practice either as landlord or tenant; to protect against adverse impacts of noise, odor, disturbance, adverse visual impacts, or other nuisances, that this practice could have upon neighboring properties; to preserve property values for the commercial benefit of the Village; and also to control the impacts of such operations on municipal services, including snow plowing, garbage collection, sanitation, law enforcement and fire protection.
- (b) Definition. Vacation Rental Establishment means any property that is defined or regulated by Wisconsin Statutes §§66.1014(2)(d)2 or 97.01(15k), as a tourist rooming house.
- (c) License Required. No vacation rental establishment may operate in the Village unless a vacation rental establishment license for such operation is granted by the Village, and only in full compliance with such license. A separate license is required for each rental of the vacation rental establishment.

(d) Application. Application for license shall be made by the property owner in writing to the Village President upon forms provided by the Village. Such application must be filed with the Village President no later than 48 hours prior to the proposed vacation rental period of use. The Village President is authorized to issue the vacation rental permit if the Village President finds that the application meets all requirements of this Ordinance, and the Village President may include such conditions as the Village President deems to be necessary or appropriate to ensure compliance with this Ordinance. The application must include all of the following:

1. Address of vacation rental establishment.
2. Name (include full legal name with middle initial), address, telephone number and email address of vacation rental establishment owner.
3. Name (include full legal name with middle initial), address, telephone number and email address of vacation rental establishment operator, if different from the owner or if owner is a trust or entity other than an individual.
4. If the owner resides more than 20 miles from the vacation rental establishment, name (include full legal name with middle initial), address, telephone number and email address of owner's agent who is located within 20 miles of the vacation rental establishment.
5. Name (include full legal name with middle initial), address, telephone number and email address of person renting the vacation rental establishment, and of all persons occupying the unit 18 years of age or older.
6. Starting date of the 180-day annual rental period.
7. A copy of the State Tourist Rooming House License for the vacation rental establishment.
8. Proof that the vacation rental establishment complies with the Wisconsin Commercial Building Code as required by Wisconsin Administrative Code Section ATCP 72.14.
9. Proof of property and liability insurance covering the vacation rental establishment property and use.
10. A list of all property that may be used by the vacation rental establishment tenants including for example whether tenants are permitted to use the house, any guest house, any boathouse, any garage, any dock, any boats, golf carts, or particular amenities of the vacation rental establishment property.
11. The total square footage of the principal structure used as a vacation rental establishment.
12. The total number of bedrooms, and total number of beds used for the vacation rental establishment.

- (e) Fees. The applicant shall pay such fee as may be established from time to time by the Village Board by separate resolution, for each vacation rental establishment license application.

The applicant shall, on demand, reimburse the Village of North Bay for all costs and expenses of any type incurred by the Village of North Bay in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village of North Bay for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce this ordinance due to a violation of the ordinance. Additionally, any unpaid bills owed to the Village of North Bay by the applicant, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Village of North Bay must be paid on demand and prior to issuance of any license and shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Village of North Bay, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this ordinance that is subject to all remedies available to the Village of North Bay, including possible cause for termination of the license.

- (f) Minimum Standards. A license shall not be granted for a vacation rental establishment unless all of the following conditions are met:
1. Transfer of a license because of transfer or sale of property is not permissible. Should such property be sold, then the license shall become void.
 2. All vacation rental establishments shall be subject to and comply with Wisconsin Statutes Chapter 97 including maintaining a tourist rooming house annual license as required by Wisconsin Statutes Section 97.605(1)(a), which sections are incorporated herein by reference.
 3. All vacation rental establishments shall be subject to and comply with Wisconsin Administrative Code Section ATCP 72 which is hereby incorporated by reference.
 4. Each vacation rental establishment shall be required to keep a register and require all guests to sign such register using their actual legal names including middle initial and address before being assigned quarters. A copy of Village Ordinances shall be provided.
 5. Every vacation rental establishment shall be properly addressed with numbers on the street side of the structure, a minimum of 5" high and of contrasting color so as to be visible from the street.
 6. The Village Board shall consider the potential impact to the surrounding neighborhood and proximity to any existing vacation rental establishment when reviewing a request for a vacation rental establishment license. If a new owner obtains approval of a Tourist Rooming House License, the previously established annual 180-day period shall remain applicable.

7. Whenever the property changes ownership, a new license is required to ensure compliance with all State and local regulations and ordinances.
 8. All refuse containers shall be screened from view.
 9. If the Village finds that any statement made on the license application is incorrect, at any time, the Village may immediately and summarily revoke the license.
 10. Sleeping quarters related to a vacation rental establishment use shall only be located within the principal structure on the lot. Accessory buildings, even legal non-conforming guest houses, cannot be used for sleeping quarters.
 11. Property that is used for a vacation rental establishment must have clearly delineated property lines, by approved fences, vegetation or other means to the satisfaction of the Village President. Such clear delineation must be maintained for the duration of the license, to ensure that all users of the property are clearly aware of the boundaries of the property and confine their use to the applicable parcel.
 12. Unless the property is connected to a municipal sewer system, the applicant must provide to the Village President, proof that is satisfactory to the Village President that the septic system is properly sized for purposes of the proposed use. Such septic system must be properly maintained at all times for the duration of the license.
 13. The vacation rental establishment occupancy limits shall not exceed the lesser of the following occupant limitations at any time: (a) the number of occupants allowed by Wisconsin Administrative Code Section ATCP 72.14(2)(b) per bedroom; (b) 8 occupants per 1,000 square feet of living area within the principal structure; (c) the number of occupants for which there are beds available within the proposed vacation rental establishment structure provided that the beds do not include temporary beds (cots, air beds, fold-out beds, or futon couches) and each bed shall count for one occupant except each queen and king sized bed shall count for 2 occupants; (d) twenty (20) occupants.
 14. The parcel cannot have more people on site than the higher of 20 people or the maximum number of people allowed under Wisconsin Administrative Code Section ATCP 72.14(2)(b).
 15. The applicant must provide a copy of this section and a copy of the license, to all parties using the property for vacation rental purposes, prior to commencement of each such use.
- (g) Annual Limit. If a vacation rental establishment is rented for periods of more than 6, but fewer than 30 consecutive days the vacation rental establishment shall not operate outside of the 180 consecutive day period that begins on the date of the first such rental, for a 365 day period. The owner of the vacation rental establishment shall notify the Village President in writing when the first 365 day period begins, and all subsequent 365 day periods shall be measured from that date. This limitation shall be interpreted in compliance with Wisconsin Statutes Section 66.1014(2)(d) 1.

- (h) Prohibition. Rental of a residential dwelling for 6 consecutive days or fewer is prohibited. For purposes of this subsection “rental” includes any real property that is subject to any verbal or written contract, lease, sublease, rental agreement, easement, instrument or other device (the “Agreement”), if all of the following circumstances apply: (i) the Agreement or Agreements create a right to occupy said property; (ii) such rights of occupancy have an actual duration of less than 7 consecutive days; and (iii) the Agreement requires payment or other remuneration or barter, for the benefit of the property owner.
- (i) Penalties. Owners and operators of a vacation rental establishment shall ensure that the property is in compliance with this Ordinance at all times and all other applicable Village ordinances and laws, and shall be liable for all violations, jointly and severally. Violation of this ordinance is subject to the Village of North Bay standard penalties ordinance, Section 19.04 of the Village of North Bay Municipal Code entitled, “Penalty Provisions,” including such amendments as may be made thereto from time to time, which are hereby incorporated herein by reference. Citations for violation of this Ordinance shall be written as “must appear.”

SECTION 2: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2023.

VILLAGE OF NORTH BAY

Mark J. Schall, Village President

ATTEST:

Dori A. Panthofer, Village Clerk