

**TOWN OF BELL**

**BAYFIELD COUNTY, WISCONSIN**

**An Ordinance Providing for the Regulation of Short-Term Rentals  
Ordinance #2023-01**

**SECTION 1: PURPOSE**

The purpose of this ordinance is to ensure that the nature of short-term rental properties operating within the Town of Bell comports with basic requirements of public health, safety, and general welfare; to offset negative externalities to Town infrastructure caused, in part, by the growth of the short-term rental market; and to implement public policy in line with the Town's Comprehensive Plan, particularly as it relates to issues of housing and preservation of the Town's rural character.

**SECTION 2: AUTHORITY**

The Town Board of the Town of Bell is inherently authorized to enact ordinances and licensing mechanisms pursuant to Wisconsin Statutes § 60.10(2), 60.22(3), and 61.34(1). It may enact this ordinance as explicitly authorized by Wisconsin Statute § 66.1014.

**SECTION 3: DEFINITIONS**

1. For the purposes of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:
  - a. Words used in the present tense include the future.
  - b. Words in the singular include the plural, and vice versa.
2. The following definitions apply unless specifically modified:
  - a. "Property Owner" means the person, natural or otherwise, who owns the residential dwelling that is being rented.
  - b. "Renter" means any person or people, natural or otherwise, who purchase the use of a short-term rental property.
  - c. "Resident Agent" means a person, natural or otherwise, who is not the property owner, provides property management services for one or more short-term rentals, and may be authorized to act as the agent of the property owner for the purposes of compliance with this ordinance's proximity and contact-response requirements, and for receipt of service of notice of violations and process elements pursuant to this ordinance.

- d. "Residential Dwelling" means any building, structure, or part of a 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.
- e. "Short-Term Rental (STR)" means a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days.

#### **SECTION 4: OPERATION OF SHORT-TERM RENTALS**

1. This ordinance does not apply to hotels, motels and bed and breakfasts within the Town as defined by the State of Wisconsin's Department of Agriculture, Trade, and Consumer Protection.
2. This ordinance incorporates by reference all regulatory requirements applied by the State of Wisconsin's Tourist Rooming House license and the Bayfield County Planning and Zoning Department's short-term rental permit processes.
3. Short-term rental reservations shall be limited to a maximum availability of 240 days per year per property, and the days of availability shall run consecutively.
4. A property owner or resident agent shall reside within 30 minutes travel-time from the STR property they own or manage. They must be available for contact via telephone or text message at any time during which their STR property is being rented, and shall respond to any contact from the Town or its designated representative regarding issues involving their STR property within 15 minutes.
5. Short-term rental properties shall provide off-street parking adequate to accommodate all renters and comply with the requirements of the Town's ordinances regulating the stopping, standing, or parking of vehicles (19-03-02) and driveways (07-01).
6. A copy of an STR property's house rules shall be provided on-premises to renters.
7. STR properties shall post a copy of the Town's STR license on-premises, and include clear reference to the license in any online marketing or promotional activities, including those involving self-developed and third-party reservation platforms.
8. No recreational vehicle, 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
9. All STR properties shall abide by quiet hours between 10:00 PM and 7:00 AM.
10. Objects or devices used for outdoor cooking or heating shall not be located on any balcony, deck, or under any overhanging structure or within 10 feet of any structure on a short-term rental property. STR owners and/or resident agents shall prohibit renters from generating open flames during any red flag warning issued by the National Weather Service or when the appropriate burning restrictions are imposed by the Wisconsin Department of Natural Resources.

11. Signage advertising an STR property is allowed on-premises but can be no larger than 4 square feet in dimension, and shall comply with all other non-dimensional location, lighting, and functional signage requirements as specified by the Town's ordinance on signs and billboards (97).

12. Trash generated by an STR property shall be secured in such a manner as to deter disturbance by local wildlife and shall be removed from the property by legally appropriate means on a regular basis.

## **SECTION 5: LICENSES REQUIRED FOR SHORT-TERM RENTAL ACTIVITY**

1. Short-Term Rental Property License. Each STR property shall obtain a short-term rental property license from the Town. Licenses are valid for one year, defined as beginning on May 1 and ending on April 30, and may be renewed.

- a. Short-term rental property licenses are not transferable: in the event that an STR property is sold or ownership otherwise transferred, the license for that property owner is nullified and the new owner shall apply for a new STR property license within 30 days of sale or transfer if the property will continue to be used for short-term rental purposes.
- b. Initial STR property licenses may be applied for at any time during the year, but renewal applications shall be tendered no later than 45 days before the current license expires. Initial license applications shall be tendered by the property owner, but renewals may be tendered by the property owner or a resident agent. The Town commits to processing all complete license applications within 45 days of being received by the Town Clerk.
- c. All applications for an initial STR property license shall include the following elements:
  1. A fully completed Town license application form with non-refundable payment;
  2. Proof of a valid Tourist Rooming House License from the Wisconsin Department of Agriculture, Trade, and Consumer Protection;
  3. Proof of a valid Seller's Permit from the Wisconsin Department of Revenue;
  4. Proof of a valid Bayfield County Short-Term Rental Permit;
  5. Proof of valid liability insurance appropriate for STR renters and guests;

6. A floor plan for the STR property, which may be hand-drawn but must be to scale;
  7. Proof that this ordinance's contiguous property notification requirements have been met as described in Section 5(1)(e);
  8. A copy of the STR property's house rules; and
  9. If operating on behalf of a corporation in the State of Wisconsin, proof of active and organized corporate status.
- d. All applications for an STR property license renewal shall include all of the elements from the previous subsection (c), minus the floor plan and house rules, unless they have been substantially modified.
- e. All properties contiguous to an STR property that contain residential dwellings shall be notified in writing by the STR property owner or resident agent of every STR property license application and renewal, which must include the following information:
1. The full name, primary address, primary telephone number, and primary email address of every property owner and resident agent responsible for STR operations at that location;
  2. Contact information for relevant Town and County authorities in the event of any complaints;
  3. The maximum occupancy allowed on the STR property; and
  4. A copy of the STR property's house rules.
- f. If any of the information in the previous subsection (e) changes at any point during the license term, contiguous properties shall be provided updated information in writing within 15 days of these changes.
- g. An inspection is required of each STR property upon the tendering of an initial license application for its compliance with the Town's driveway and parking ordinances. This inspection shall be carried out by the Town or its designated representative. In the event that deficiencies are found, the license application shall be held in abeyance until corrective actions have been completed.
- h. No STR property license shall be granted to an applicant found to have a record of criminal conviction for sex crimes, domestic violence, or fraud. An STR property owner who is convicted of such crimes while holding a property license shall forfeit it upon conviction.

2. Short-Term Rental Resident Agent License. Any resident agent operating in the Town shall obtain a short-term rental resident agent license from the Town. Licenses are valid for one year, defined as beginning on May 1 and ending on April 30, and may be renewed.

- a. Initial STR resident agent licenses may be applied for at any time during the year, but renewal applications shall be tendered no later than 45 days before the current license expires. The Town commits to processing all complete license applications within 45 days of being received by the Town Clerk.
- b. All applications for any STR resident agent license shall include the following elements:
  1. A fully completed Town license application form with non-refundable payment; and
  2. If working on behalf of a corporation in the State of Wisconsin, proof of active and organized corporate status.
- c. No STR resident agent license shall be granted to an applicant found to have a record of criminal conviction for sex crimes, domestic violence, or fraud. An STR resident agent who is convicted of such crimes while holding a resident agent license shall forfeit it upon conviction.

## **SECTION 6: LICENSE ADMINISTRATION AND ENFORCEMENT**

1. The fee for a Town short-term rental property or resident agent license is \$500. This fee shall be paid in full at the time of license application and renewal, and will not be prorated.
2. Upon review and verification of information, the Town Board shall approve all properly-completed license applications and renewals. Final approval of applications and renewals shall occur at a regular meeting in open session by majority vote, after which the Town Clerk shall issue the appropriate license.
3. The Town or its designated representative shall monitor the short-term rental market in the Town and its licensees on a regular basis for compliance with this ordinance.
4. License Suspension or Revocation: Criteria and Protocol. In addition to the assessment of appropriate forfeitures as outlined by Section 6(5) of this ordinance, any short-term rental property owner or resident agent which violates this ordinance shall be notified that repeated violations may jeopardize their ability to retain licensure.
  - a. Three law enforcement or health department response-calls, verified complaints, or violations of this ordinance logged to an STR property or resident agent within any 12-month period shall require the Town to determine whether or not the short-term rental property or resident agent license should be suspended or revoked.

- b. The Town or its designated representative shall notify short-term rental owner/operators and resident agents in writing about the number and nature of violations that have led to the determination that the potential for license suspension or revocation exists. This notification shall also be provided to the Bayfield County Departments of Health and Planning and Zoning, and the Wisconsin Department of Revenue.
  - c. The Town Board shall conduct an investigatory proceeding into any potential STR property or resident agent license suspension or revocation. This proceeding shall occur in open session at its regular meeting immediately following delivery of the notification of violations, pursuant to state public meeting notification requirements.
  - d. The Town Board shall be the final arbiter of all license suspensions or revocations, and shall make any such decision in open session by majority vote.
  - e. Short-term rental property or resident agent license holders have the right to appeal a suspension or revocation within 30 days of the requisite Town Board action by providing written notification to the Town Clerk. The Town Board shall conduct an appeals hearing in open session, and any appeal decision shall be made by majority vote.
  - f. License suspensions shall be effective for a term of 12 months, while license revocations shall be permanent.
5. Ordinance Forfeitures. Forfeitures shall be assessed following the protocols provided in the Town's citation ordinance (2016-01) for the following violations.
- a. Unlicensed operation: \$500 per violation. Forfeiture may be compounded daily if the violation is ongoing.
  - b. Violation of any element of Section 4 of this ordinance: \$100 per violation. Forfeiture may be compounded daily if the violation is ongoing.
  - c. Late-filed license renewal application: \$250 per violation.
6. No license shall be issued to any party with outstanding tax or other obligations to the Town.

#### **SECTION 7: SEVERABILITY**

Should 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.

**SECTION 8: EFFECTIVE DATE AND PUBLICATION**

This ordinance shall become effective upon adoption and publication as required under Wisconsin Statute § 60.80.

Adopted by the Town Board of Supervisors for the Town of Bell on the 14<sup>th</sup> day of November 2023.

By: *Matt Lazorik*  
Matt Lazorik, Chairperson

Date Published: 11/17/23

Attest: *MaryBeth Tillmans*  
MaryBeth Tillmans, Clerk