

**TOWN OF NAMAKAGON
RENTAL ORDINANCE
41E-23**

**STATE OF WISCONSIN
Town of Namakagon
Bayfield County**

The Town of Namakagon does repeal and recreate the following:

SECTION I - TITLE AND PURPOSE

The title of this Ordinance is the "Town of Namakagon Rental Ordinance." The purpose of this ordinance is to ensure that a Short-Term Rental operating in a residential dwelling within the town is adequate for protecting public health, safety and general welfare, including establishing minimum standards for human occupancy necessary for the health, welfare and safety of all residents of the town. The purpose of this ordinance is not to prohibit any Short-Term Rental agreements, but to address the concerns associated with Short-Term Rentals, while complying with state law.

SECTION II - AUTHORITY

The Town Board of the Town of Namakagon has the specific authority under WI Stats. §157.50 (2), and general authority under its village powers under WI Stats. §60.22, to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of rental properties in the town.

SECTION IV - DEFINITIONS

- A. Condominium: Any property subject to a condominium declaration established under WI Stats. Ch. 703. For the purposes of this ordinance, the requirements that apply to condominiums shall be the same as those which would apply to a physically identical development under a different form of ownership.
- B. Duplex: A structure consisting of two (2) dwelling units. For the purpose of this ordinance, a duplex shall not be construed as a multiple unit dwelling; provided, however, that thirty thousand (30,000) square feet of open space shall be provided for each duplex unit.
- C. Dwelling Unit: A unit that is designed for independent human habitation, which includes sanitary and food preparation facilities.
- D. Short-Term Rental ("STR"): A residential dwelling, including a building or buildings located on condominium property and a duplex, that is offered for rent for a fee and for fewer than 29 consecutive days.
- E. Residential Dwelling: 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 two or more persons maintaining a common household, to the exclusion of all others.

- F. Property Owner: The owner of an STR property.
- G. Town: The Town of Namakagon, Bayfield, County, Wisconsin.
- H. Town Board: The board of supervisors for the Town of Namakagon, Bayfield County, Wisconsin, and includes designees of the board authorized to act for the board.
- I. Town Clerk: The clerk of the Town of Namakagon, Bayfield County, Wisconsin.
- J. WI Stats.: The Wisconsin Statutes, including successor provisions to cited statute.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI - OPERATION OF SHORT-TERM RENTALS

- A. Any property owner that maintains, manages, or operates a STR is required to have the following licenses and permits:
 - 1. A tourist rooming house license from the Wisconsin Department of Agriculture, Trade and Consumer Protection (hereinafter "DATCP"), as defined in WI Stats. §97.01(15k), and to meet all of the inspection and documentation requirements set forth by the DATCP for STR's. The Bayfield County Health Department is the licensing agent for DATCP. DATCP shall make all determinations relating to health, welfare and safety issues.
 - 2. An STR Permit from the town, subject to annual renewal, and compliance with all applicable town, Bayfield County and State of Wisconsin ordinances and laws.
 - 3. Town of Namakagon Accomodation Tax Permit.
 - 4. Bayfield County Zoning Permit.
- B. STR Permit holders must provide proof of general liability insurance covering the rental property and its operations.
- C. Each STR is required to comply with all of the following stipulations:
 - 1. Compliance with all state, county and local codes/ordinances.
 - 2. The number of occupants in any residential dwelling shall not exceed the limits set forth by the county.
 - 3. No recreational vehicles (RV's), campers, house boats, tents, or other temporary lodging arrangements shall be permitted on site as a means of providing additional accomodations for paying occupants and/or guests or other invitees.

4. All vehicle and trailer parking must be contained on the property owner's private driveway, not on the road.
5. Trash and recycling materials should be properly disposed of on a daily basis. Trash and recycling materials shall not be left stored in public view except in proper containers for the purpose of collection by the authorized waste hauler on scheduled trash days.
6. All camp fires must be attended and extinguished by 11pm.
7. Quiet hours are from 11pm to 7am.

SECTION VII - SHORT-TERM RENTAL PROCEDURES

- A. All applications for an STR Permit shall be filed with the Town Clerk on forms provided. All applications must be filed by the owner or on the owner's behalf, authorized by a letter from the owner, to apply. No STR Permit shall be issued unless the application form is filled out completely and accompanied by payment of the required fee.
- B. When satisfied that the application is complete and in accordance with the requirements of this ordinance, the Town Clerk shall forward the initial application for an STR permit to the Town Board. At a regular Town Board monthly meeting, the Town Board may either approve or deny the application based on the requirements of this ordinance. If the Town Board approves the application, the Town Clerk will issue the permit.
- C. No STR Permit shall be issued or 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 Bayfield County to bring the premises into compliance, unless arrangements for payment have been approved by the Town Board.
- D. Transfer of a town STR Permit shall not be permitted. should the subject property be sold or transferred, then the permit shall become void, and a new STR Permit must be issued. The Town of Namakagon is not obligated or required to issue a STR Permit to the new property owners.
- E. Each application shall include the following information and documentation for each STR unit in order to demonstrate compliance with all requirements under this ordinance.
 1. The name of the property owner, property manager/local contact and person/property manager responsible for filing quarterly and annual reports, if applicable, with contact information, including mailing addresses, telephone numbers and email addresses. The property manager/local contact must be within ten (10) miles of the rental unit.
 2. A list of owned STR's in the Town of Namakagon and the State of Wisconsin including the property manager, if applicable.
 3. State of WI Tourist Rooming House License and Inspection as defined in WI Stats. §97.01(15k) issued by the Bayfield County Health Department.
 4. Proof of homeowner's general liability insurance as required in this ordinance.
 5. Floor plans for all units.
 6. Site plans with on-site parking plans.

7. Bayfield County Zoning Permit.
8. Current Fire Inspection, renewal every five years.
9. A Property Management Agreement, if applicable, with the designation of a property manager with contact information including mailing address, telephone number and email address at which the property manager is available, and an affirmative statement that the property manager is authorized to act as agent and as the local contact person for the property owner with respect to operation of the STR, including taking remedial action and promptly responding to any violation of this ordinance relating to license premises, and receiving service of notice of violation of this ordinance.
10. Written certification by the property owner that the STR meets all the requirements of this ordinance and applicable state and county laws, ordinances and regulations.

SECTION VIII - RENEWAL OF LICENSE

- A. STR Permits are issued for a one (1) year period, from April 1st of the current year to March 31st, and must be renewed annually subject to town review. Applications, along with the filing fee, must be submitted by the last day in February of the applicable year. The Town Clerk may conditionally accept late applications, subject to payment of a late filing fee. Any application which does not include all of the information and documentation shall be considered incomplete. The town will accept applications submitted for review beginning January 1st of each year. Approvals will be issued following the March Town Board meeting.
- B. Each application of a renewal of an STR Permit shall include information and payment of the applicable fee. Applications should be filed with the Town Clerk subject to the the deadlines listed above. The Town Clerk shall verify the information provided on the renewal application is complete and in accordance with the requirements of this ordinance. The Town Clerk may request reports from the Bayfield County Sheriff's Department, Health Department and Zoning Administrator regarding any complaints received, calls for service, or actions taken regarding the STR property that is the subject of the renewal application. The Town Clerk shall issue a renewal of the STR Permit 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 ordinance and/or reports from the entities above.
- C. If the Town Board finds that the STR permit should not be renewed based on the regulations within this ordinance, the Town Board shall deny the renewal.

SECTION IX - APPEAL AND PERMIT REVOCATION/SUSPENSION

- A. The denial of any STR Permit application or renewal under this ordinance may be appealed by filing a written appeal request with the Town 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 of renewal request and

- recommendations and may approve or deny the application or renewal.
- B. An STR Permit may be revoked at any time by a majority vote of the Town Board for one or more of the following reasons. The owner will be notified of pending revocation considerations and Town Board decisions in writing.
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 or building inspection and health department violations and/or nuisance activities or any local ordinance violations during the term of the STR permit.
 4. Failure to obtain and maintain all required local, county and state licensing requirements.
 5. Failure to abide by health and safety issues addressed during DATCP inspections made by Bayfield County Health Department.
 6. Failure to maintain insurance as required in this ordinance.
 7. Failure to have the property owner or property manager/local contact within ten (10) miles of rental unit.
 8. Failure to abide by maximum occupancy set by Bayfield County Zoning Department.

SECTION X - DISPLAY OF LICENSE

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

SECTION XI – FEES & PENALTIES

- A. Fee for initial and renewal license will be \$100. The rate will not be pro-rated.
- B. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall be warned one time. A second offense for the same noncompliance, upon conviction, shall have their rental permit suspended. Third and subsequent violations will cause the revocation of the STR permit.
- C. Upon revocation, this permit will not be reinstated until a new license is applied for and the property owner complies with all stipulations of the Bayfield County and Town of Namakagon regulations. All expenses incurred will be the obligation of the property owner and must be paid before the permit is reinstated.
- D. Any person, partnership, or corporation that fails to obtain a permit from the Town of Namakagon shall be sent a written warning with notice to stop renting the property. If the person, partnership, or corporation continues to rent the property after the notice was given and a two week period has elapsed, the property owner will be fined as follows: \$50 per day until renting ceases or permits are obtained, plus late fees.
- E. If a property fails the fire inspection, the owner has 30 days to correct the problem and schedule a follow-up inspection. Failure to repair the problems within 30 days will result in suspension of the STR Permit.
- F. Late Application Filing Fee, including renewals, will be an additional \$100.

SECTION XII – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

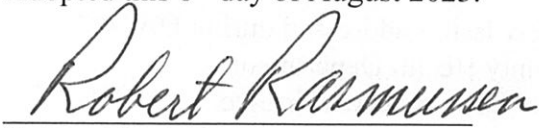
SECTION XIII - EFFECTIVE DATE

This ordinance is effective on publication or posting.

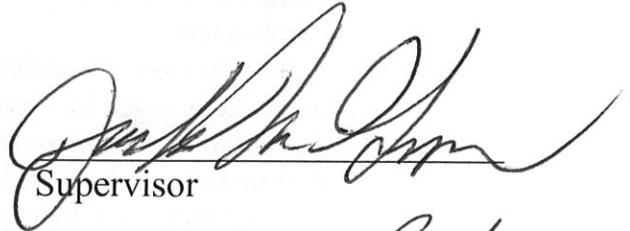
The town clerk shall properly post or publish this ordinance, as required under WI Stats.

§60.80.

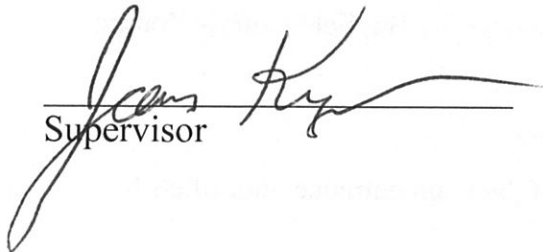
Adopted this 8th day of August 2023.



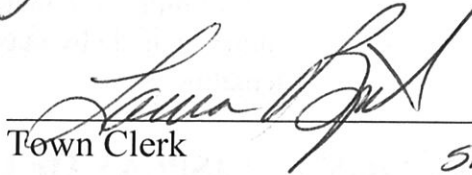
Town Chairman



Supervisor



Supervisor



Town Clerk

signed 8/14/23
posted 8/15/23