

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

**TOWN OF SEVASTOPOL**  
Door County, Wisconsin

ORDINANCE NO. 01 - 2023

**AMENDMENT**  
**SHORT-TERM RENTAL OF RESIDENTIAL DWELLINGS ORDINANCE**  
**OF THE TOWN OF SEVASTOPOL**  
**DOOR COUNTY, WISCONSIN**

**WHEREAS**, the Town of Sevastopol has previously adopted Ordinance 01-2021 on July 19, 2021, regulating the operation of short-term rental of residential dwellings; and,

**WHEREAS**, the Town of Sevastopol is desirous of amending said ordinance;

**NOW THEREFORE**, the Town of Sevastopol does hereby ordain as follows:

**1. Title**

This ordinance shall be entitled "The Short-term Rental of Residential Dwellings Ordinance of the Town of Sevastopol, Door County, Wisconsin" and shall hereby amend and restate Ordinance No. 01-2021.

**2. Purpose**

The purpose of this ordinance is to ensure that the quality and nature of the Short-term Rentals operating in a Residential Dwelling within the Town of Sevastopol ("Town") is adequate for protecting public health, safety, and general welfare, including establishing minimum standards for human occupancy, and for an adequate level of maintenance; determining the responsibilities of owners, agents and property managers offering properties for tourists and transient occupants; to provide minimum standards for the health and safety of persons occupying or using buildings, structures or premises in the Town; to protect the character and stability of neighborhoods within the Town, while ensuring adequate workforce housing for year-round residents; and provisions for the administration and enforcement thereof.

**3. State Statutes Adopted - Authority**

The Board of Supervisors of the Town is granted authority for adopting this ordinance under s. 60.10(2)(c) and s. 60.22(3), Wisconsin Statutes. The Town Board adopts this ordinance under its general village powers authority and s. 66.1014 of the Wisconsin Statutes.

**4. Definitions**

- A. "Property Owner" means the person or entity who owns the residential dwelling that is being rented.
- B. "Resident Agent" means a person who is not the Property Owner and who is authorized to act as the agent of the Property Owner for the receipt of service

47 of notice and remedy of municipal ordinance violations and for service of  
48 process pursuant to this ordinance.

49 C. "Residential Dwelling" means any building, structure, or part of the building or  
50 structure, that is used or intended to be used as a home, residence, or sleeping  
51 place by one or more persons maintaining a common household, to the  
52 exclusion of all others.

53 D. "Short-term Rental" means a Residential Dwelling that is offered for rent for a  
54 fee and for fewer than 29 consecutive days.

55 E. "Owner-Occupied" means the Property Owner permanently resides at the  
56 premises that is considered their Primary Residence and remains at the Short-  
57 term Rental through the night and does not reside elsewhere when transient  
58 guests have reserved the Short-term Rental.

59 F. "Primary Residence" means a Residential Dwelling that serves as an  
60 individual's true, fixed and permanent home for at least 183 days in a calendar  
61 year and to which, whenever absent from, that individual intends to return.  
62 Additional characteristics of a Primary Residence include, but are not limited to,  
63 where an individual receives mail, claims residence for purposes of voter  
64 registration, pays for utilities, and lists as their address on state issued  
65 identification cards. An individual can have only one primary residence.

66 G. "Change in Ownership" means the transfer by a Property Owner of all or a  
67 percentage of the ownership of the Residential Dwelling to a person who is not:  
68 (1) the spouse of the Property Owner, (2) the Issue of the Property Owner, (3)  
69 a trust created for the benefit of the Property Owner, or (4) an entity of which  
70 the Property Owner holds at least fifty-one percent (51%) of the voting interest.  
71 For purpose of this Ordinance, "Issue" means children, grandchildren, great-  
72 grandchildren, and lineal descendants of more remote degrees.

73

74 **5. Short-term Rental License**

75 A. No person may maintain, manage, or operate a Short-term Rental more than  
76 ten (10) nights each year without a Town Short-term Rental license issued  
77 pursuant to this ordinance.

78 B. Licenses shall be issued using the following procedures:

79 1. All applications for a Short-term Rental license shall be filed with the Town  
80 clerk on forms provided. Applications must be filed by the Property Owner or  
81 authorized Resident Agent. No license shall be issued unless the completed  
82 application form is accompanied by the payment of the required application fee.

83 2. The Town clerk shall issue a Short-term Rental license to all applicants  
84 following payment of the required fee, receipt of all fully completed  
85 documentation and information requested by the application, and application  
86 approval by Town board or its designee.

87 3. A Short-term Rental license shall be effective for one year and may be renewed  
88 for additional one-year periods. The annual licensing term begins July 1st and  
89 ends June 30th the following year. A fully completed renewal application and  
90 renewal fee must be filed with the Town clerk at least forty-five (45) days prior  
91 to license expiration so that the Town board or its designee, if required, has  
92 adequate time to consider the application. The renewal application shall

- 93 include any updated information since the filing of the original application. An  
94 existing license becomes void and a new application is required any time a  
95 Change of Ownership occurs.  
96 4. For all Short-term Rental licenses issued on or after July 1, 2023, if the rental  
97 of a Residential Dwelling is to include rentals of less than seven (7) consecutive  
98 days the Short-Term Rental must be Owner-Occupied. All Short-term Rental  
99 licensees of record and in good standing prior to July 1, 2023, shall be exempt  
100 from the Owner-Occupied requirement as long as they renew and maintain  
101 their existing Short-term Rental license in good standing.  
102 5. The Town board may suspend, revoke, reject or non-renew a Short-term Rental  
103 license or license application following a due process hearing if the board  
104 determines that the licensee: a) failed to comply with any of the requirements  
105 of this ordinance; b) has been convicted or whose Resident Agent or renters  
106 have been convicted of engaging in illegal activity while on the Short-term  
107 Rental premises on two (2) or more separate occasions within the past twelve  
108 (12) months; or c) has outstanding fees, taxes, or forfeitures owed to the Town  
109 in violation of Town Ordinances.  
110

## 111 **6. Operation of a Short-Term Rental**

112 Each Short-term Rental shall comply with all of the following requirements:

- 113 A. No person may maintain, manage, or operate a Short-term Rental more than  
114 ten (10) nights each year without a Short-term Rental license. Every Short-term  
115 Rental shall be operated by a Property Owner or a Resident Agent.  
116 B. Each Short-term Rental shall hold a valid State of Wisconsin Tourist Rooming  
117 House License issued by the Department of Agriculture, Trade and Consumer  
118 Protection (DATCP), and shall provide proof of such license by attaching a copy  
119 to the initial license application and all subsequent renewal applications.  
120 C. Each Short-term Rental shall be licensed by the Door County Tourism Zone  
121 Commission (DCTZC), and shall provide proof of such license by attaching a  
122 copy to the initial license application and all subsequent renewal applications.  
123 D. Each Short-term Rental shall comply with all of the following requirements:  
124 (1) If the rental of a Residential Dwelling is less than seven (7) consecutive days,  
125 the first day of a subsequent rental of less than seven (7) consecutive days  
126 may not begin until the sixth (6<sup>th</sup>) day after the first (1<sup>st</sup>) day of the immediately  
127 preceding rental. The rental of a Residential Dwelling for seven (7) days or  
128 more is not subject to this restriction. This subparagraph is effective for rentals  
129 beginning on or after July 1, 2022.  
130 (2) No recreational vehicle, camper, tent, or other temporary lodging arrangement  
131 shall be permitted on site as a means of providing additional accommodations  
132 for paying guests or other invitees.  
133 (3) If the property is not served by a public sanitary sewer, a private onsite  
134 wastewater treatment system (POWTS) in full compliance with Chapter 21 of  
135 the Door County ("County") Code must serve the property. Maximum POWTS  
136 capacity is determined by taking the number of bedrooms identified in the  
137 building or sanitary permit multiplied by two.

- 138 (4) If the property is serviced by public sanitary sewer, occupancy is limited to the  
139 number of occupants authorized by the tourist rooming house license issued  
140 by DATCP. If the property is served by a POWTS, occupancy is limited to the  
141 number of occupants for which the POWTS was designed, or the occupancy  
142 granted by the State tourist rooming license, whichever is less.
- 143 (5) Parking shall be consistent with Town Ordinance No. 05-2016 and the County  
144 Comprehensive Zoning, Chapter 7. Sufficient off-street parking shall be  
145 available on the premises to accommodate all vehicles.
- 146 (6) Pets that accompany a renter are subject to Town Ordinance No. 01-2012, with  
147 the following additional requirements:
- 148 (a) Pets must be under the control of their owner and on a leash when  
149 outside the dwelling. Pets may be tethered securely to a leash or pulley-  
150 run on the premises, provided that the tethered pet is at least ten (10)  
151 feet inside the premises lot line.
- 152 (b) Pet owners must adhere to minimizing pet noise, independent of whether  
153 the pet is inside or outside the dwelling.
- 154 (c) Unattended pets are subject to impoundment under Town Ordinance No  
155 01-2012.
- 156 (7) Signage shall conform to applicable Town and County ordinances.
- 157 (8) Rental dwellings must be able to accommodate reliable telephone  
158 communications in case of emergency.
- 159 (9) From 10PM to 7AM quiet hours shall be enforced. All activities shall be in  
160 compliance with the Town noise ordinance and other applicable Town and  
161 County ordinances.
- 162 (10) Fireworks are strictly prohibited independent of time or place, pursuant to  
163 Wis. Stats., Section 167.10.
- 164 (11) Campfires or firepits shall comply with applicable Town and County  
165 ordinances.
- 166 (12) Garbage and recycling containers and receptacles shall be returned to the  
167 designated location on the premises and shall not be allowed to remain at the  
168 curb, roadside or within the road right-of-way in excess of 24 hours after  
169 scheduled collection.
- 170 (13) Any Short-term Rental that is subject to Americans with Disabilities Act  
171 (ADA) must be in compliance.
- 172 (14) Usage of a Short-term Rental for activities other than for the sole, expressed  
173 use of the registered overnight guests is subject to County Comprehensive  
174 Zoning Ordinances and Town Ordinances. In addition, the Property Owner  
175 shall comply with all marketing platforms, such as Airbnb and VRBO, policies  
176 prohibiting disruptive parties and events for properties listed on their platforms.
- 177 E. The Property Owner must reside within seventy-five road (75) miles of the  
178 Short-term Rental during periods in which the Short-term Rental is rented.
- 179 (a) This requirement may be waived if there is a valid Resident Agent (point of  
180 contact) located in the County, in such a case, the Property Owner shall  
181 provide a copy of the Resident Agent contract to the Town and notify the  
182 Town within thirty (30) days of termination of any such contract.

- 183 (b) To qualify as a Resident Agent the representative must reside within the  
184 County or be a corporate entity with offices located within the County during  
185 periods in which the Short-term Rental is rented.
- 186 (c) Property Owners subject to Section 5.B.4 shall reside at the Short-term  
187 Rental during the nights when it is being rented.
- 188 F. The Property Owner and/or Resident Agent must provide the Town with current  
189 contact information and must be available twenty-four (24) hours a day, seven  
190 (7) days a week by telephone. The Town must be notified within twenty-four  
191 (24) hours of any change in contact information.
- 192 G. A list of property rules must be posted at the Short-term Rental property,  
193 provided to the guests, and a copy submitted with the application for a license.  
194 Property rules must contain the minimum information:
- 195 (a) The maximum number of overnight occupants  
196 (b) The name, phone number and address of the Property Owner or Resident  
197 Agent  
198 (c) A diagram of the property identifying the property lines and the location of  
199 off-street parking, including the maximum number of off-street parking  
200 spaces provided for renters  
201 (d) Quiet hours of 10PM to 7AM; Fireworks strictly prohibited  
202 (e) Pet Policy: Leash requirements, and minimize noise  
203 (f) The trash pick-up day and applicable rules and regulations pertaining to  
204 leaving or storing trash or refuse on the exterior of the property.  
205 (g) Outdoor burning regulations  
206 (h) Notification that the occupant may be cited or fined by the Town or  
207 immediately evicted by the Property Owner or Resident Agent, in addition to  
208 any other remedies available at law, for violating any other provisions of this  
209 ordinance  
210 (i) Notification that failure to conform to the occupancy requirements of the  
211 tourist rooming house is a violation of this ordinance.
- 212 ~~H. The Property Owner and/or Resident Agent must provide the following~~  
213 ~~information to neighboring residential property owners located within 400 feet of~~  
214 ~~the Short-term Rental dwelling property in all directions no later than seven (7)~~  
215 ~~days from the date rental dwelling permit is issued or any time the Property~~  
216 ~~Owner/Resident Agent contact information changes:~~
- 217 (a) Telephone contact information to enable neighboring residential property  
218 owner or Town personnel to contact the Property Owner or Resident Agent  
219 twenty-four (24) hours a day, seven (7) days a week regarding disturbances  
220 or issues arising in connection with the rental of a Residential Dwelling.
- 221 (b) Provide copy of property rules that is provided to renters  
222 (c) Provide their DATCP license number.
- 223 I. The Property Owner shall include the following Property Rules information in  
224 the online web listing house rules or equivalent page for their rental property:
- 225 a. Maximum overnight occupancy  
226 b. Quiet Hours: 10PM to 7AM; Fireworks strictly prohibited  
227 c. Pets leashed and minimize noise  
228 d. Maximum off-street parking spaces

229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274

- J. The Property Owner shall have and maintain homeowner’s liability or business liability insurance for the premises that are used for short term rental and shall provide written evidence of such insurance with the initial license application and all subsequent renewal applications.
- K. The Property Owner or Resident Agent of each Short-term Rental shall provide a guest register and require all guests to register their true names and addresses and rental time period(s) before being assigned sleeping quarters. The guest register shall be kept by the Property Owner or Resident Agent and available for inspection for at least one (1) year, as required by the Wisconsin Administrative Code, ATCP Section 72.16. If the Property Owner or Resident Agent does not consent to inspection of the guest register, the register shall be subject to disclosure to an authorized official pursuant only to a proper search warrant, administrative subpoena, or other lawful procedure to compel the production of records that affords the Property Owner or Resident Agent an opportunity for pre-compliance review by a neutral decisionmaker.

**7. Compliance Requirements**

- A. The Property Owner or the Resident Agent will be responsible for promptly responding to or causing a prompt response to any complaints arising out of the occupancy or use of the Short-term Rental by tenants, their visitors, or their guests. For the purposes of this Section, a return telephone call to a complainant within 45 minutes of the notification of the initial complaint shall be deemed "prompt."
- B. The Property Owner or the Resident Agent is responsible for the timely corrective action to remedy the conditions that caused the complaint.
  - (1) For the purposes of this ordinance, "timely corrective action" shall include, at a minimum, a telephone call to the primary adult occupant of the Short-term Rental within 30 minutes of notification of the initial complaint.
  - (2) The Property Owner or the Resident Agent shall take any and all reasonable actions to timely resolve the complaint and confirm the resolution with the complainant.
- C. Where applicable, the marketing platform associated with the Short-term Rental may be notified of each complaint.

**8. Enforcement & Penalties**

- A. Any person, partnership, corporation, limited liability company, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$1000.00, plus the applicable surcharges, assessments and costs, including actual attorney’s fees, for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.
- B. 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.

275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315

**9. Fees**

License fees shall be established by the Town Board in a fee schedule and may, from time to time, be modified. The fees shall be related to costs involved in processing license applications, reviewing plans, conducting inspections, ordinance compliance and documentation. Fees are nonrefundable and shall not be prorated. A schedule of the fees shall be available for review on the Town website.

**10. 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.

**11. Effective Date and Publication**

This ordinance shall become effective upon adoption and publication as required under s. 60.80, Wis. Stats.

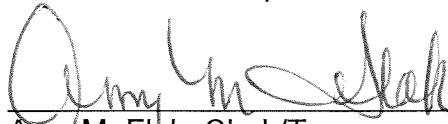
**ADOPTED** this 17<sup>th</sup> day of April, 2023.

**TOWN OF SEVASTOPOL**

Roll Call Board Members	Aye	Nay	Exc.
Derek Denil	✓		
Jeanne Vogel	✓		
Mark Haen	✓		
Dan Woelfel	✓		
Linda Wait	✓		

**Certification:**

I, Amy M. Flok, Clerk/Treasurer for the Town of Sevastopol, Door County, Wisconsin, hereby certify that the above is a true and correct copy of an ordinance that was adopted on the 17<sup>th</sup> day of April, 2023, by the Town Board of Supervisors.

  
\_\_\_\_\_  
Amy M. Flok, Clerk/Treasurer