



TOWN OF RIB MOUNTAIN

Where Nature, Family & Sport Come Together

www.townofribmountain.org

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PLAN COMMISSION

OFFICIAL NOTICE & AGENDA

A meeting of the Town of Rib Mountain Plan Commission will be held on **Wednesday, November 14th, 2018; 6:00 P.M. at the Town of Rib Mountain Municipal Center, 3700 North Mountain Road.** The Town Board may attend for purposes of gathering information. Subject matter for consideration and possible action follows:

- 1.) Call to Order
- 2.) Roll Call
- 3.) Minutes
 - a. **Approval of minutes from the 10-24-2018 Plan Commission meeting.**
- 4.) Old Business:
 - a. **Discussion on potential zoning ordinance amendments related to small-scale nonmetallic mining operations. Docket #2018-26.**
 - b. **Discussion on potential zoning ordinance amendments related to short-term rental operations. Docket #2018-07.**
- 5.) Correspondence/ Questions/ Town Board Update:
- 6.) Public Comment
- 7.) Adjourn

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
October 24, 2018

Chairperson Harlan Hebbe called the meeting of the Plan Commission to order at 6:30 pm. Other Plan Commission members present included Jay Wittman, Jim Hampton, Ryan Burnett, Tom Steele, and Laura McGucken. Also present were Community Development Director, Steve Kunst and Building Inspector / Assistant Zoning Administrator, Paul Kufahl.

MINUTES:

Paul Kufahl noted the approval of minutes from the previous meeting needed to be amended to reflect Chairperson Hebbe's abstention.

Motion by Tom Steele, second by Jay Wittman to approve the minutes of the October 10, 2018 Plan Commission meeting, as amended. Motion carried 6-0.

NEW BUSINESS:

- a. *Discussion and possible action on changing the Plan Commission meeting time.*

Community Development Director, Steve Kunst, noted an earlier meeting start time was brought up informally at the last meeting and he wanted to add it as a formal agenda item for consideration. A few Commissioners initially noted they support an earlier start time.

Jim Hampton asked the Commission if they thought an earlier start time would affect community participation in the meetings. Chairperson Hebbe noted the Town Board changed their start time to 6:00 pm as well and it has not appeared to affect participation.

Motion by Laura McGucken, second by Ryan Burnett to change the Plan Commission meeting start time to 6:00 pm. Motion Carried 6-0.

OLD BUSINESS:

- a. *Discussion on updates to the Town of Rib Mountain Comprehensive Plan. Docket #2017-05.*

Kunst noted the discussion is intended to solidify the Land Use Chapter of the Comprehensive Plan and make any necessary changes to the Future Land Use Map, with the intention of having the maps and goals & objectives ready to present to residents at the upcoming election.

Commissioners discussed and/or changed the following items within the Land Use Chapter and Future Land Use Map.

- In the Ski Hill Development portion of the Land Use Issues, Commissioners felt the impact of expansion reached further than solely Town residents and wanted the statement to reflect a greater impact.
- Trillium Lane and possible County loop connection to Military Road in Rothschild prompted future land use discussions about the properties located on Trillium Lane. Commissioners decided to change those properties to Residential and leave the Commercial option available for future discussions should a County Loop ever be created.
- Jansen Sand Pit and adjacent 40 acres on Bittersweet Rd which was recently rezoned to an Agricultural District to allow for the mining operation was changed to Residential on the Future Land Use Map to keep it consistent with the Town's direction.
- Additional lands along Bittersweet Rd were discussed for a potential change to Residential as well; however, it was noted the majority of those lands were not able to be developed due to wetlands and should remain woodland. Kunst noted the woodland designation is a good way to identify those areas and to create buffers to manage overall density of development.
- Two large parcels between South Mountain Road and Blueberry Lane adjacent to Black Creek were changed to Residential from Agriculture because they are no longer used for agricultural purposes. The northernmost parcel is included in the sewer service area and its location offers an opportunity to connect the two roads and is consistent with previous discussions about large estate residential lots along South Mountain Road outside of the sanitary district boundaries.
- Commissioners discussed the areas of active agricultural uses and agreed to not change their map designations, but asked staff to review other non-active areas identified as agriculture on the Future Land Use Map and change them to Residential.
- Properties to the East and West of the approved Stone Horizon subdivision were changed to Residential as well to facilitate future development and the necessary road extension to South Mountain or Thornapple Rd.
- Current Jehovah's Witness property changed to Commercial to be consistent with others along Hummingbird Rd.
- The Dog Park and Town owned property on Martin Ave were changed to represent their current use and zoning.
- Wellington Place was changed from Multifamily to Institutional
- Current driving range was identified as a logical expansion of residential uses along North Mountain Road and thus changed to Residential on the Future Land Use Map.
- Numerous properties along North Mountain Road were changed to Residential so that expansion of those uses remained consistent between both North and South Mountain Roads.
- State Park Speedway was identified as an undesirable long-term use in a residential area, but was kept Commercial on the Future Land Use Map.
- There was some additional discussion about the expansion of sewer and water west of Rib Mountain Way and what impact that may have on existing residents and future development.
- Commercial lake access discussions identified no place for expansion
- Commissioners asked staff to review Objective 2 of Land Use Goal 1 to change the term small-lot to a density-based term.
- Commissioners asked staff to change the public parking considerations in Action 3, of Objective 3, Goal 1 to include all entrances to the State Park.

- Commissioners also asked staff to consider a change to Action 1 of Objective 2 of Goal 3 to require screening of storage containers based on the changing nature of retail.

CORRESPONDENCE / QUESTIONS / TOWN BOARD UPDATE:

- Town Board Update – Kunst noted that all recommendations from the Plan Commission were approved at the last Town Board meeting.

PUBLIC COMMENT: None

ADJOURN:

Motion by Tom Steele, second by Jim Hampton to adjourn the Plan Commission Meeting. Motion carried 6-0. Meeting adjourned at 8:03 pm.

Respectfully Submitted,

Paul Kufahl, Building Inspector / Assistant Zoning Administrator

REPORT TO PLAN COMMISSION

FROM: Steve Kunst, Community Development Director
DATE: November 9, 2017
SUBJECT: Amendments to Extraction Use Standards

APPLICANT: Town of Rib Mountain

REQUEST: Discussion on potential amendments to the Town’s Extraction standards related to small-scale operations.

NARRATIVE:

The Plan Commission has previously discussed general concepts for regulating smaller scale nonmetallic mining operations, similar to projects approved in 2017. The general idea was to regulate small-scale (5 acres or less) differently than larger scale, commercial operations like those found along Red Bud Lane. The Commission reviewed draft ordinance language in July and noted the proposed 50-foot setback to activity areas may not be adequate. Further, concerns were identified with the potential of having these operations within the Town’s Estate Residential-1 zoning district.

ITEMS FOR CLARIFICATION:

- Setbacks to activity areas
 - Large-scale
 - Small-scale
- Appropriate Zoning Districts
 - Could the Estate Residential-1 district be considered if the subject property is outside of a platted subdivision?
- Minimum lot size?
 - Or does the 25 percent of total parcel area suffice?

POSSIBLE ACTION: No formal action required. Item is for discussion purposes only.

Commissioners briefly discussed the access to Lilac Ave noting its not part of the precise implementation plan, however, any recommendation for approval of this PIP would influence the possible locations of that access.

Motion by Jay Wittman, second by Jim Hampton to recommend approval of the Precise Implementation Plan for the property addressed 4611 Rib Mountain Drive, conditioned upon appropriate erosion control measures implemented on the undeveloped lot areas, proper maintenance of the undeveloped properties, and an overall signage plan being approved at a later date.

Motion carried 5-0.

CERTIFIED SURVEY MAP REVIEW:

- a. ISG Inc., agent, requests certified survey map approval for the property addressed 4611 Rib Mountain Drive. Parcel #34.142807.006.032.00.00. Docket #2018-34.*

Kunst noted the CSM is for the property previously discussed in the General Development Plan and Precise Implementation Plan requests. He also indicated that the right-of-way dedication and revisions to the Town's Signature Block and would need to be made prior to Town Board approval.

Plan Commission had no additional discussion about this item.

Motion by Ryan Burnett, second by Tom Steele to recommend approval of the Certified Survey Map for the property addressed 4611 Rib Mountain Drive, conditioned upon a revised CSM showing the Right-of-Way dedication, as well as, necessary edits to the Town Signature Block as noted in the staff report.

Motion carried 5-0.

OLD BUSINESS:

- a. Discussion on potential zoning code amendments related to small-scale nonmetallic mining operations. Docket #2018-26.*

Paul Kufahl, Building Inspector, stated the information presented is an attempt to separate large scale commercial mining operations from small scale residential mines and address concerns related to the activity area setbacks noted in the Janssen Mine approval from a few years prior.

Kufahl indicated he is proposing a change in setback requirements from 300 feet to adjacent property lines to 50 feet to adjacent property lines and 200 feet from occupied structures, with the ability to decrease the setbacks if there is a written and recorded agreement with adjacent property owners. Kufahl also noted the differentiators for large and small-scale mines are the percentage of lot area impacted by the activity area, the total activity area, and duration of mining activities with large scale mines also requiring a greater bufferyard for the large-scale mines.

Plan Commissioners discussed the proposed changes indicating 50 feet to property lines may be too close for the large-scale mine operations. They also noted some concerns about allowing small-scale operations within the ER-1 zoning districts, indicating they may prefer to have this type of use outside of platted subdivisions or have a minimum lot size requirement and/or maximum one (1) year duration in these areas.

b. Discussion on potential zoning code amendments related to the keeping of chickens. Docket #2018-35.

This Item was tabled for discussion at a later date.

CORRESPONDENCE / QUESTIONS / TOWN BOARD UPDATE:

Rib Mountain Taphouse – Commissioners expressed frustration about the continued storage of pavers and junk on site beyond the previous approval deadline. They directed staff to take additional action to achieve compliance.

Town Board Update – SC Swiderski proposal was remanded back to Plan Commission with direction to comply with the existing MR-4 zoning standards. All other items were approved as recommended.

Countywide Addressing – Kunst noted Marathon County decided to petition the State Supreme Court to hear their appeal.

PUBLIC COMMENT: None Received

ADJOURN:

Motion by Tom Steele, second by Ryan Burnett to adjourn the Plan Commission Meeting.

Motion carried 5-0. Meeting adjourned at 8:43 pm.

Respectfully Submitted,

Paul Kufahl, Building Inspector / Assistant Zoning Administrator

DRAFT Code Language

(d) *Extraction Use, large scale.* Description: Extraction uses include any land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities **with an activity area larger than 25 percent of the total parcel area or five (5) acres, whichever is smaller, or whose activity duration exceeds five (5) years.**

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-1-35ac, RA-2-35ac}: (Am. #09-05)
 - a. Shall receive approval from Marathon County prior to action by the Town of Rib Mountain, and shall comply with all County, State and Federal regulations.
 - b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property (see [Section 17.150](#)).
 - c. All buildings, structures, and activity areas shall be located a minimum of ~~300 feet from all lot lines.~~ **50 feet from all lot lines and 200 feet from all occupied buildings.**
 - d. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Town), shall be filed with the Town by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Town for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.
 - e. Shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space per each employee on the largest work shift.
5. **Exemptions: Bufferyard and setback requirements may be decreased if there is a written and notarized agreement between adjoining property owners filed with Marathon County Land Records for each property deed.**

(e) *Extraction Use, small scale.* Description: Extraction uses include any land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities, but less than or equal to 25 percent of the total parcel area or five (5) acres of disturbed area, whichever is smaller, and whose activity duration does not exceed five (5) years.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-1-35ac, RA-2-35ac, RR, OR, CR-5, ER-1}:
 - a. Shall receive approval from Marathon County prior to action by the Town of Rib Mountain, and shall comply with all County, State and Federal regulations.
 - b. Facility shall provide a bufferyard with a minimum opacity of 0.30 along all borders of the property (see [Section 17.150](#)).

c. All buildings, structures, and activity areas shall be located a minimum of 50 feet from all lot lines and 200 feet from all occupied buildings.

d. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Town), shall be filed with the Town by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Town for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.

e. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

4. Parking Regulations: One space per each employee on the largest work shift.

5. Exemptions: Bufferyard and setback requirements may be decreased if there is a written and notarized agreement between adjoining property owners filed with Marathon County Land Records for each property deed.

Additional Notes/Options:

Do we want to include a lot size requirement for small scale extraction (5 acres)?

Current Parcel Distribution:

Parcel Size	Total Parcels	Total Acreage	# Publicly Owned Parcels	Public Acreage	# Privately Owned Parcels	Private Acreage
5+ Acres	457	12316	146	6844	311	5472
10+ Acres	349	11522	140	6103	209	5419
20+ Acres	268	10342	126	5130	142	5212
35+ Acres	205	8662	113	3824	92	4838

Typical decibel level of Extraction related equipment (non-impact) – 85db @ 50 feet

Decibel Damping based on Inverse Square Law is 5-6db when distance is doubled.

REPORT TO PLAN COMMISSION

FROM: Steve Kunst, Community Development Director
DATE: November 8, 2018
SUBJECT: Short-Term Rental Ordinance Discussion

NARRATIVE:

The Plan Commission discussed the concept of implementing an ordinance specific to short-term rentals earlier this year. At that time, the Commission recommend leaving the Town's current regulations in place, effectively prohibiting rentals of less than 30 days outside of hotels and bed and breakfasts. This recommendation was subsequently shared with the Town Board; however, the Board directed the Plan Commission to draft an ordinance regulating short-term rentals. Further, recent State legislative changes altered the way municipalities are able to regulate this use. Wisconsin Act 59 (2017) prohibits local governments from enacting ordinances prohibiting the rental of a residential dwelling for seven (7) consecutive days or longer.

The intent of this discussion is to identify a method for regulating short-term rentals within the Town zoning ordinance. Pertinent items for discussion include, but are not limited to the following:

- Whether to handle requests as permitted or conditional uses
- Appropriate zoning districts
- Parking requirements
- Maximum occupancies
- Licensing requirements (e.g. local manager, initial fee, renewal fee, insurance, etc.)
- Recreational vehicles and/or tents
- Quiet hours
- Enforcement / Penalties

To aid in the discussion, an example short-term rental ordinance from the Town of Minocqua is included in this packet.

POSSIBLE ACTION: No formal action to be taken. Item is for discussion only.

**TOWN OF MINOCQUA
ONEIDA COUNTY, WISCONSIN
ORDINANCE NO.
AN ORDINANCE CREATING LICENSING OF
SHORT-TERM RENTALS AND AGENTS**

WHEREAS, Section 66.1014 of the Wisconsin Statutes was created prohibiting political subdivisions from enacting ordinances limiting rental of residential dwellings to less than 29 consecutive days;

WHEREAS, prior to the enactment of Section 66.1014 the Oneida County Zoning Ordinance prohibited rentals of residential dwellings located in single family residential districts to periods not less than 30 consecutive days;

WHEREAS, Oneida County is precluded from enforcing that Ordinance and the Town has determined it is in the interest of residents and property owners of the Town that rentals of dwellings located in single family residential district in the Town be regulated;

WHEREAS, the regulations enacted hereby are intended to protect and enhance the full enjoyment of property located in single family residential district (District 2) who do not wish to engage in short-term rentals of their properties;

WHEREAS, it is also the intent of this Ordinance to limit negative impacts and potential conflicts between short-term rentals and exclusive owner-occupied dwellings within the Town.

THE TOWN BOARD OF THE TOWN OF MINOCQUA DOES ORDAIN THIS ORDINANCE CONCERNING LICENSING OF SHORT-TERM RENTALS AND AGENTS

I. Purpose.

The purpose of this Ordinance is to ensure that the quality of short-term rentals operating within the Town is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators and property managers offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially residential areas, within the Town of Minocqua; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

II. Definitions.

A. For the purpose of administering and enforcing this Article, the terms or words used herein shall be interpreted as follows:

1. Words used in the present tense include the future.
2. Words in the singular number include the plural number.
3. Words in the plural number include the singular number.

B. The following definitions and conditions apply unless specifically modified:

Clerk. The Town Clerk of the Town of Minocqua or designee.

Corporate Entity. A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.

Dwelling Unit. One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family. Dwelling Units include residential, tourist rooming house, seasonal employee housing and dormitory units.

License. The Short-Term Rental License issued under Section IV

Owner. The owner of a short-term rental.

Person. Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law.

Whenever the word person is used in any section of this Article prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

Resident Agent. Any person appointed by the owner of a short-term rental to act as agent on behalf of the owner.

Property Manager. Any person providing property management services to at least three (3) short-term rentals.

Short Term Rental. A residential dwelling unit, located in Single Family Residential District that is offered for rent for a fee and for fewer than 29 consecutive days, as defined in Wis. Stat. Sec. 66.0615 (1)(dk).

State. The State of Wisconsin Department of Health, or its designee.

III. This Ordinance shall apply exclusively to properties located in Single Family Residential District (District 2) Zoning classification, according to the Oneida County Zoning Ordinance.

IV. **Operation of Short-Term Rentals.**

A. No person may maintain, manage, or operate a short-term rental more than 10 nights each year without a short-term rental license. Every short-term rental shall be operated by a Property Owner and a Resident Agent or Property Manager.

B. Each short-term rental is required to have the following licenses and permits:

1. A State of Wisconsin Tourist Rooming House License;
2. A seller's permit issued by the Wisconsin Department of Revenue;
3. An Administrative Review Permit issued by Oneida County Zoning Department, if necessary;
4. A permit or license issued pursuant to the provisions of this Article;
5. A room tax permit.

C. Each short-term rental shall comply with all of the following:

1. No person may maintain or operate a short-term rental for less than seven (7) consecutive days. Such use is expressly prohibited.

2. No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.
3. There shall not be excessive noise, fumes, glare, vibrations generated during the use.
4. Name plates or other signage shall not exceed one square foot. No other signage advertising the short-term rental is permitted on site or any adjoining lake or water body. Off-site advertising in media channels relating to the availability of the rental may take place only after all Town, County and State permits and licenses have been obtained.
5. The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable county and Town housing regulations based upon the number of bedrooms in each unit.
6. No recreational vehicles (RVs), 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.
7. Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 10:00 a.m. and 9:00 p.m. Any activities shall be in compliance with other noise regulations of the Town.
8. Compliance with all state, county, and local regulations is required.
9. The Owner shall provide proof that the sanitary disposal system for the property is in full compliance with all applicable ordinances.
10. A local property management contact must be on file with the Town at the time of application for an Administrative Review Permit. The local property manager must be located within twenty-five (25) miles of the short-term rental property and must be available 24 hours a day. The owner must notify the Town within twenty-four (24) hours of a change in management contact information for the short-term rental.
11. A short-term rental license will not be issued until the following contingencies have been met:
 - a. County health department inspection completed;
 - b. License from the County received;
 - c. General building and fire code inspection completed by the Town and no outstanding orders remain.
12. Short-term rental licenses are issued for one year period and must be renewed annually subject to Town approval or denial.
13. The owner of the short-term rental shall have appropriate insurance for the home that is used for short-term rental and provide proof of insurance with the license application and renewal.
14. Parking spaces compliant with County Zoning standards shall be available and shown.

V. **Short-Term Rental License.**

A. The Clerk shall issue a short-term rental license to all applicants following the approval of an application and the filing of all documents and records required under this Article. The application shall contain the following information:

1. Identify the Property Owner and contact information for Owner;
2. Identify the Resident Agent/Property Manager with contact information;
3. The maximum occupancy for the premises;
4. The license term;
5. State Seller's Permit number, if any; and

6. Contact information for the Town.

B. The Clerk shall issue a property manager license to all applicants following the approval of the application and the filing of all documents and records required under this Article.

C. The resident agent must be authorized to allow Town employees, officers and their designees, to enter the owner's property for purposes of inspection and enforcement of this Ordinance and the General Code of Ordinances for the Town of Minocqua, Wisconsin.

D. No person may act as a property manager for a short-term rental without a property manager license issued in accordance with the provisions of this Article. The property manager license shall apply to all short-term rentals for which the property manager has exclusive rights for the rental of the property. The property manager must certify to the Town that each short-term rental operated by the property manager license complies with the terms of this Ordinance.

VI. **Short-Term Rental License Procedure.**

A. All applications for a short-term rental license shall be filed with the Clerk on forms provided. Applications must be filed by the property owner or on the owner's behalf by the Property Manager. No permit shall be issued unless the completed application form is accompanied by payment of the required fee.

B. Each application shall include the following information and documentation for each short-term rental unit:

1. State of Wisconsin License for a Tourist Rooming House License issued under Wis. Stat. Sec. _____;
2. A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal;
3. Proof of Insurance;
4. Seller's Permit from the Department, if any;
5. Floor plan and requested maximum occupancy;
6. Site plan including available onsite parking;
7. Property Management Agreement (if applicable);
8. Designation of the Resident Agent;
9. Certification from the owner or licensee that the property meets the requirements of this Article;

C. Terms and Filing date. Each permit and license shall run from July 1 to June 30 of the following year. All applications must be filed on or before May 1, 2018 and by May 1 of each subsequent year. The filing fee shall be paid upon filing of the application. The Clerk may conditionally accept late applications, subject to payment of the late filing fee. Any application which does not include all of the information and documentation shall not be considered as complete.

D. Application Review Procedure. When satisfied that the application is complete, the Clerk shall forward initial applications for permits and licenses to the appropriate Town Officials. If the Clerk in consultation with Town staff determines that the application meets the requirements of this Article, they may approve the application. If the Clerk in consultation with Town staff determines that the application does not meet the requirements of this Article, they may deny the application.

E. No permit or license shall be issued or renewed, if the applicant or property has outstanding fees, taxes, forfeitures or other amounts owed to the Town, unless arrangements for payment have been approved by the Town Board.

VII. **Renewal.**

A. Each application for a renewal of a permit or license shall include updated information for the documentation on file with the Clerk and payment of the applicable fee. The Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Article. The Clerk may request reports from the Public Safety Department and the Zoning Administrator regarding any complaints received, calls for service or actions taken regarding the short-term rental properties. The Clerk shall issue renewal licenses 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 Article and/or the reports from the Police Department and the Zoning Administrator indicate that there are complaints or actions involving the property.

B. If the Clerk finds that the license or permit should not be renewed, the Clerk shall deny the renewal.

C. No permit or license shall be issued or renewed unless there is filed with the Clerk a completed Fire Inspection Report by the Town Fire Inspector or equivalent reported prepared by the County Department of Health Inspector dated within one (1) year of the issue date.

D. No permit or license shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the Town, or is under an order issued by the Building Inspector, or his designee, to bring the premises into compliance with Town ordinances, unless arrangements for payment have been approved by the Town Board.

VIII. **Resident Agent; Property Manager.**

A. All short-term rentals are required to appoint a Resident Agent for the receipt of notice of violation of this Ordinance's provisions and for service of process pursuant to this Ordinance. Such a designation shall be made by the owner and shall accompany each application form. The applicant shall immediately notify the Clerk of any change in residence or information regarding the Resident Agent.

B. To qualify as a Resident Agent the person must meet the following requirements:
1. Be a natural person residing in or within twenty-five (25) miles of the Town of Minocqua or a corporate entity with offices located within twenty-five (25) miles of the Town.

2. The applicant does not have pending any criminal charge and has not been convicted of a felony or misdemeanor of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, as amended.

3. The applicant is authorized by owner to accept service of process for all Town communications, citations and orders.

C. Resident Agent Permit. Application for a Resident Agent permit, and payment of the application fee, shall be filed with the Clerk, who shall issue the permit to all qualified applicants. Each Resident Agent permit shall be for a period of one (1) year. No fee is required for the owner of a short-term rental residing within twenty-five (25) miles of the Town of Minocqua who is serving as Resident Agent.

D. Property Manager Permit. No person may act as a Property Manager for a short-term rental without a Property Manager Permit issued in accordance with the provisions of this Article. The Property Manager Permit shall apply to all short-term rentals for which the Property Manager has exclusive rights for the rental the property. The Property Manager shall serve as the Resident Agent for the property owner. The Property Manager must certify to the Town that each short-term rental operating under the short-term rental license complies with the standards of this Ordinance.

E. Property Manager Qualifications. To qualify as a Property Manager the applicant must meet the following requirements:

1. Comply with all requirements for a Resident Agent as set forth in section B above.
2. Shall be managing not less than three (3) short-term rentals operating in the Town of Minocqua.
3. Shall hold the following licenses and permits in its name:
 - a. a Seller's Permit issued by the Wisconsin Department of Revenue;
 - b. a Room Tax Permit issued by the Town of Minocqua;
 - c. an employer identification number issued by the Internal Revenue Service;

F. Each Resident Agent and Property Manager shall be authorized by the property owner to act as the agent for the owner for the receipt of service of notice of violation of this Article's provisions and for service of process pursuant to this Article and shall be authorized by the owner to allow Town employees, officers and their designees, to enter the owner's property for purposes of inspection and enforcement of this Article and/or the Town Municipal Code.

IX. **Standards for Short-term Rentals.**

A. Each short-term rental shall comply with this Ordinance's requirements or any other applicable Town ordinance. Each short-term rental shall comply with the following minimum requirements:

1. Not less than one (1) bathroom for every six (6) occupants;
2. Not less than one hundred (100) square feet of floor space for the first occupant thereof and at least an additional fifty (50) square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room area. Floor space is determined using interior measurements of each

- room. Floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people;
3. Each short-term rental shall have a Property Manager;
 4. Not less than one and one quarter (1 ¼) onsite off-street parking spaces for every four (4) occupants based upon maximum occupancy;
 5. A safe, unobstructed means of egress leading to safe, open space at ground level;
 6. Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code;
 7. Shall not have an accessible wood burning fireplace unless the property owner provides a certificate from a licensed commercial building inspector, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances;
 8. Shall not have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose on any balcony, deck or under any overhanging structure or within ten (10) feet of any structure;
 9. All Property Managers shall carry casualty and liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than \$300,000 per individual and \$1,000,000 aggregate;
 10. Certification of compliance. As a condition of issuance of a license under this Article, the Property Manager shall certify that each managed property is in compliance with the terms and conditions of the license and this Article

X. **Display of Permit.**

Each permit shall be displayed on the inside of the main entrance door of each short-term rental.

XI. **Appeal and License Revocation.**

A. The denial of any license or permit application or renewal under this Article may be appealed by filing a written appeal request with the 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 or renewal and recommendations and may approve or deny the application or renewal.

B. A license may be revoked by the Town Board for one or more of the following reasons:

1. Failure to make payment on taxes or debt owed to the Town;
2. Three (3) or more calls for police service, building inspection or the health department for nuisance activities or other law violations in a twelve (12) month period;
3. Failure to obtain all necessary county and state permits and licenses within twelve (12) months of obtaining the Town license;
4. Failure to comply with annual Town building inspection requirements;

- 5. Failure to maintain all required local, county, and state licensing requirements;
- 6. Any violation of local, county, or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

XII. **Penalties and Fees.**

A. A violation of S. III shall be punishable by a forfeiture of not less than Five Hundred Dollars (\$500), nor more than One thousand Dollars (\$1,000) for each violation committed hereunder. In addition, the property owner and/or the property shall be ineligible to operate as a tourist rooming house for a period of twelve (12) months from the date of entry of judgment.

B. Any other violation of any provision of this Ordinance shall be punishable by a forfeiture of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) for each violation committed hereunder.

C. Each day a violation exists after receiving the violation notice and which becomes the building inspector's order shall constitute a separate violation of this Ordinance.

D. In addition to the penalties set forth above, failure to permit the inspection of a premises subject to this Ordinance by the Town designee, Building Inspector or Fire Inspector, or their designee, may result in the suspension of a permit or license.

E. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Chapter or otherwise.

F. **Enforcement.** The provisions of this Ordinance shall be enforced by the Town Chairman and/or the Town Fire Chief or the Town Building Inspector, or their designee. It shall be the duty of the Clerk and the Clerk's designee to process applications, conduct inspections and investigate complaints of violations of this Ordinance and/or the existence of a nuisance.

XII. **Fees.**

- Initial Short-Term Rental application fee \$500
- Renewal Short-Term Rental renewal application fee \$100
- New units added under a Property Management License _____
- Late fees – \$100
- Inspections - \$100
- Property Manager - \$100
- Resident Agent - \$50

XIII. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

XIV. This ordinance shall take effect upon its adoption and publication.