

**Town of Bagley  
County of Oconto  
State of Wisconsin**  
**Short Term Rental Ordinance 120723**

**Section I: Purpose**

The purpose of this ordinance is to ensure that the quality and nature of the short-term rentals operating within the Town of Bagley are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the town.

**Section II: Authority**

The Town Board of Bagley has been authorized to exercise village powers pursuant to §60.10(2)(c) and §60.22(3), Wis. Stat. and in accordance with this village power and §66.1014, the Town Board adopts this ordinance.

**Section III: Definitions**

“Property Owner” means the person who owns the residential dwelling that is being rented.

“Property Manager” means a person who is not the property owner and who provides property management services for one or more short-term rentals and who is authorized to function as the agent of the property owner for the receipt of service of notices of municipal ordinance violations and for service of process pursuant to this ordinance.

“Residential dwelling” means any building, structure or part of the building or structure that is used or intended to be used as a home, residence, or sleeping places by one or more persons maintaining a common household, to the exclusion of all others.

“Short-term rental” means a residential dwelling that is offered for rent for a fee and for fewer than twenty-nine (29) consecutive days.

**Section IV: Short-Term License**

- A) No person may maintain, manage, or operate a short-term rental more than ten (10) nights each year without a town short-term rental license issued pursuant to this ordinance.
- B) Licenses shall be issued using the following procedures:
  - 1) All applications for a short-term rental license shall be filed with the Town Clerk or Designee on forms provided. Applications must be filed by the Property Owner. No license shall be issued unless the complete application form is accompanied by the payment of the required application fee.
  - 2) Each application shall include the following information and documentation:
    - i. The name of the Property Owner with mailing address, email address and telephone number.
    - ii. The name of the Property Manager (within 35 miles of the rental property) with mailing address, email address and telephone number.
    - iii. Copy of State of Wisconsin Tourist Rooming House License.
    - iv. Most recent copy of the lodging inspection report for the property.
    - v. Copy of Wisconsin Department of Revenue issued seller's permit.
  - 3) The Town Clerk or Designee shall issue a short-term rental license to all applicants following payment of the required fee, receipt of all information and documentation requested by the application, and Town Board approval of the application.

- 4) A short-term rental license shall be effective for up to one year from the date of issuance until the end of year renewal date and may be renewed for additional one-year periods. A renewal application and renewal fee must be filed with the Town at least 45 days prior to license expiration so that the Town Board has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. An existing license becomes void and new application is required any time the ownership of the residential dwelling license for short-term rentals changes.
- 5) The Town Board may suspend, revoke, or non-renew a short-term rental license following a due process hearing if the Board determines that the licensee:
  - i. Failed to comply with any of the requirements of this ordinance;
  - ii. Violated the local, county or state laws or regulations which, based on the number, frequency and/or severity and their relation to the short-term rental property, its owner(s), tenant(s), occupant(s) or visitor(s), substantially harm or adversely impact the predominately residential uses and nature of the surrounding neighborhoods;
  - iii. Has been convicted of engaging in illegal activity while on the short-term rental premises on two (2) or more separate occasions within the past twelve (12) months; or
  - iv. Has outstanding fees, taxes, or forfeitures owed to the town.
- 6) Any resident or owner of property within the Town may file a written complaint with the Town Clerk alleging one or more of the reasons set forth in this ordinance 120723 as grounds for revocation or suspension of a short-term rental license issued under this chapter. Upon receiving such complaint, the Town Clerk will notify the Property Owner of the short-term rental by mail and place the complaint before the Town Board during a publically noticed meeting not less than 10 days and not more than 45 days from the date that the complaint was received.

C) Short-Term Rental License

- 1) The Town Clerk shall issue a rental license, upon Town Board approval, if an applicant demonstrates compliance with the provisions of this ordinance. The license shall contain the following information:
  - i. Name of the Property Owner and their contact information, including telephone number.
  - ii. Name of the Property Manager and their contact information, including telephone number.
  - iii. The expiration date of the short-term rental license.
  - iv. The short-term rental license number.
- 2) Short-term Rental licenses shall be displayed in the main entrance of the property.
- 3) A rate card for the short-term rental shall be displayed in the main entrance of the property.

## Section V: Operation of a Short-Term Rental

Each short-term rental shall comply with all the following requirements:

- A) If a residential dwelling is rented for periods of fewer than twenty-nine (29) consecutive days, the total number of days with any consecutive 365-day period that the dwelling may be rented shall not exceed one hundred eighty (180) days.
- B) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for guests or other invitees.
- C) Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 8:00 am and 10:00 pm. At minimum, a seven consecutive day interval

must occur between outdoor events held at the short-term rental. Any activities occurring at the short-term rental shall comply with the other applicable noise regulations and nuisance ordinance as stated in (101023) of the Town of Bagley's Code of Ordinances.

- D) The Property Owner and/or Property Manager must provide the Town Clerk or Designee with current contact information and must be available 24 hours a day, 7 days a week by telephone. The Town Clerk or Designee must be notified within 72 hours of any change in contact information.
- E) Each short-term rental Property Owner and/or Property Manager shall maintain a register and require all guests to register with their actual names and addresses. The register shall be kept by the Property Owner or Property Manager for at least one year and made available upon the request of the Town Clerk or Town Board. The register shall also include the time period for the rental and monetary amount or consideration paid for the rental.
- F) Each short-term rental shall hold a valid State of Wisconsin Tourist Rooming House License and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications.
- G) Each Property Owner of a short-term rental shall hold and keep current a seller's permit issued by the Wisconsin Department of Revenue, unless all rentals of the property are exempt from such permit requirements per state regulations.
- H) All rentals shall be subject to the Town of Bagley Accommodations Tax Ordinance.

#### Section VI: Occupancy

- A) Maximum occupancy for a tourist rooming house served by a Private Onsite Wastewater Treatment System (POWTS) is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house license, whichever is less.
- B) Maximum occupancy for a tourist rooming house served by a public sewage facility is limited to the number of occupants authorized by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Wisconsin Administrative Code ATCP 72.
- C) Special Refuse Authorization Cards must be presented to the attendants disposing of garbage and recyclables at the town waste facility. New cards will be issued with renewal permits.
- D) Parking on the street in front and around the short-term rental is prohibited.
- E) Camp fires if permitted by the owner shall be attended by renting party until properly extinguished.

#### Section VII: Penalties

Any person, partnership, corporation, 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 or more than \$500, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues, constitutes a separate offense under this ordinance. 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.

#### Section VIII: Fees

Any person applying for an initial short-term rental license or renewing a license pursuant to this chapter shall be subject to the fees as established by the Town Board.

#### Section IX: Severability

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction such as a decision shall not affect the validity of any other provision of this ordinance.

**Section X: Effective Date and Publication**

This ordinance shall become effective upon adoption and publication as required under §60.80 Wis. Stat.

Originally Dated the 13 Day of Dec 2023

Motion made by Dave Leisner, Second by Mike Fischer. Motion Carried.

3-0 Town Board

Dave Leisner

Chairperson:

Dave Leisner

Supervisor

Michael Fischer

Supervisor

Attest: Clay A. Shetler

Clerk -

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