

415 N. MILWAUKEE ST.  
WATERFORD, WI 53185  
WATERFORD TOWN HALL

TOWN BOARD AGENDA

JANUARY 9, 2023 @ immediately  
commencing after the 5:00 pm Planning Commission meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/82349246736?pwd=czZveTU3VjZVb3h3VG1MUmg4eUZsZz09>

Meeting ID: 823 4924 6736

Passcode: 565732

1. CALL MEETING TO ORDER
  2. PLEDGE OF ALLEGIANCE
  3. APPROVAL OF TOWN BOARD MINUTES DATED DECEMBER 12, 2022 & SPECIAL MINUTES DATED DECEMBER 29, 2022 AS PRINTED.
  4. APPROVAL TO PAY CLAIMS AS PRESENTED/TREASURER REPORT
  5. CORRESPONDENCE-
  6. DEPARTMENT/COMMITTEE REPORTS:
    - (a) Police Dept.
    - (b) Tichigan Fire Co.
      - Tom Greil, 4901 Big Bend Rd.- burning violation concerns
    - (c) Waterford Fire & Rescue
    - (d) Waterford Waterway Management District
    - (e) Park
    - (f) Road Dept.
      - Discussion & possible action relating to road bonds
    - (g) Board of Health
    - (h) Town Planning Commission Recommendations (See January PC Agenda)
  7. OLD BUSINESS:
    - (a) Discussion & possible action regarding 6721 Spruce Ln.- Condition of the property and neighbor concerns
    - (b) Discussion and possible action on a resolution authorizing a Referendum to allow the Town to exceed the state-imposed levy limit for hiring an additional Full Time Police Officer beginning with the 2023 Levy (collected in 2024) and on an ongoing basis.
    - (c) Discussion & possible action re: Ordinance repealing & recreating Short-Term Rental and Ordinance 1-14-19
  8. NEW BUSINESS:
- FORTH COMING EVENTS-

“Requests from persons with disabilities who need to participate in this meeting or hearing should be made to the Town Chairperson Office at 534-1871 with as much notice as possible”

**TOWN BOARD MEETING FOR WATERFORD  
415 N. MILWAUKEE ST.  
UNAPPROVED/UNOFFICIAL MINUTES FOR DECEMBER 12, 2022**

1. Town Board meeting was called to order at 5:30 PM by Chairman Hincz. Present: Supervisors Nicolai, Schwartz, Gauerke, Szeklinski, Attorney Dubis, Police Chief Johnson, Lieutenant John Nelson, DPW Director, Ken Hinz, TVFC Chief Bill Miller, Waterford Chief Haefman and AC Rozina and residents of the Town. Chairman Hincz was present via speaker phone.
2. Chairman Hincz led the Pledge of Allegiance.
3. Printed Minutes: **Supervisor Schwartz motioned to approve the Town Board meeting minutes dated November 14, 2022 and Special Town Board meeting minutes dated November 9<sup>th</sup> and November 21<sup>st</sup> as presented, seconded by Supervisor Szeklinski. Vote taken: 5-0. Motion carried.** Discussion & possible action of road bonds will be on next months agenda as well as discussion and possible action re: 6721 Spruce Ln. This property is currently listed as uninhabitable per the CRCHD. Citations have been issued to the owner by the Building Inspector.
4. Treasurer Report/Payment of Claims- Supervisor Szeklinski read the Treasurer's report. **Supervisor Nicolai motioned to approve the Treasurer's report and pay the claims, seconded by Supervisor Schwartz. Vote taken: 5-0. Motion carried.**
5. Correspondence: None
6. Committee Reports:
  - a) Police Dept. Report- Lt. Nelson reported 218 calls for November. No notable events reported from the Christmas Parade. Snow trail markers are out.
    - Request to use ARPA funds for additional security cameras- Supervisor Nicolai asked Chief the reason and of there was a particular area he would like to add. Chief Johnson requested the funds to upgrade the camera in the "Family Safe Zone". In addition, they are looking into 2 additional led lights to the parking lot lights. One would be on the south side of the main building (the area outside the main hallway). The other light would be near the southwest corner of the Public Works building. Chief doesn't have a quote yet but based on the two other lights that were installed the cost would be about \$1100.00. Supervisor Szeklinski indicated that there was approx. \$14,000 left in police capital expenditures and Chief is to use the money in his budget.
  - b) Tichigan Vol. Fire Co-Chief Miller reported 48 calls for November; 30 EMS, 18 Fire (3 with mutual aid). Chief Miller reported they completing their ISO audit. There are currently 4 personnel completing fire courses. TVFC will be hosting TRA classes as well as a DNR Snowmobile class. Some of the officers will be participating in Officer Leadership Training. Chairman Hincz noted that the ARPA money for equipment has been taken care of. Chief Miller indicated that they had retracted their request for additional ARPA funds but may request funds in the future. TVFC did receive ARPA funds for the AEDs which are on order. Vendor is looking into loaner equipment. Chairman Hincz asked Miller about the present staffing vs 6 months to a year ago. Miller reported 16 new members and staff is currently 46.

- c) Waterford Fire & Rescue- Chief Haefman and AC Rozina were in attendance. Chief gave his service report. There was a total of 15 calls for service in the Town of Waterford during the month of November.
- d) WWMD- None
- e) Park Dept.- None
- f) Road Dept.- Ken Hinz reported that there was an accident on Friday, December 9<sup>th</sup> car vs plow. Currently working with insurance companies. The truck is currently running and may be able to get by for the rest of the year.
  - Request to use ARPA funds for a back-up generator- Supervisor Schwartz met with Adams Electric. The generator will be the same as the Town and WSD #1. **Supervisor Nicoali motioned to approve the purchase of the generator using ARPA funds, seconded by Supervisor Gauerke. Vote taken: 4-1 (Szeklinski). Motion carried.**
  - Update on the one-ton pick-up- Hinz reported that the truck is a Ford 600 with GVW of 22,000 lbs. Equipment will be separate from the chassis. Town will be saving 24% by using the state bid. With the discount the truck is approx. \$57,900 and the plow/dump/salter an additional \$39,900. Supervisor Schwartz questioned Hinz if a CDL would be required for this truck and Hinz indicated it would not. **Supervisor Schwartz motioned to approve the \$57,900 for the chassis only, seconded by Supervisor Gauerke. Vote taken: 3-2 (Szeklinski and Hincz). Motion carried.**
- g) Board of Health- Supervisor Nicolai gave report. Fentanyl ODs are up. Narcan is available. Cases are dwindling in the hepatitis outbreak in children over the summer.
- h) Town Planning Recommendations-
  - Rezone- DeBack/Payne & Dolan, 7512 Northwest Hwy.- This property was the Prager pit and is now being reclaimed. **Supervisor Gauerke motioned to approve the rezone, seconded by Supervisor Szeklinski. Vote taken: 5-0 Motion carried.**

#### 7. Old Business:

- a) Discussion & possible action re: Ordinance repealing & recreating Short-term Rental and Ordinance 1-14-19- Tom Mroczkowski, 6751 N. Tichigan Rd., feels this ordinance is critical and commended the board for drafting an ordinance. Discussion followed. The 6-night minimum was removed. Supervisor Gauerke noted that this is an evolving ordinance. Draft ordinance is on the Town's website. Chairman Hincz noted that residents have until January 3<sup>rd</sup> to get their comments to the Town.
- b) Discussion & Possible Action re: Ordinance amending section 6.09(2) dealing with existing extractive operations fees- This ordinance would increase the cost of an extractive operations permit from \$4000/year to \$5000/year. **Supervisor Szeklinski motioned to approve the amended ordinance, seconded by Supervisor Nicolai. Vote taken: 5-0. Motion carried.**

#### 8. New Business:

- a) Update on the RCICC meeting- County Executive Delagrave is looking for a commitment from municipalities to participate and potentially act upon results of a third-party analysis of fire and EMS service consolidation. **Supervisor Szeklinski motioned to make this commitment to County Executive Delagrave, seconded by Supervisor Nicolai. Vote taken: 5-0. Motion carried.**

#### Forthcoming Events-

**Supervisor Szeklinski motioned to adjourn the meeting at 6:41 pm, seconded by Supervisor Nicolai. Vote taken: 5-0. Motion carried.**

Respectfully Submitted,

Heather Stratton, Deputy Clerk

**SPECIAL TOWN BOARD MEETING FOR WATERFORD  
UNAPPROVED/UNOFFICIAL MINUTES FOR DECEMBER 29, 2022  
12:30 PM AT THE TOWN HALL**

Chairman Hincz called the meeting to order at 12:30 pm. Clerk Mayer read statute 19.85 (1)(c). Present: Supervisors Nicolai, Gauerke, and Schwartz, Supervisor Szeklinski was excused. Chairman attended via phone (ended his call at 1:43 pm).

12:33 pm- Supervisor Gauerke motioned to move into closed session pursuant to Wisconsin Statute 19.85 (1) (c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, seconded by Supervisor Schwartz. Vote taken: 3-0. Motion carried.

2:10 pm- Supervisor Schwartz motioned to move into open session, seconded by Supervisor Nicolai. Vote taken: 3-0. Motion carried.

Supervisor Schwartz motioned to approve the raises as discussed as well the bench points discussed that DPW Director needs to meet, seconded by Supervisor Nicolai. Vote taken: 3-0. Motion carried.

Supervisor Schwartz motioned to adjourn at 2:11 pm, seconded by Supervisor Nicolai. Vote taken: 3-0. Motion carried.

Respectfully Submitted,

Tina Mayer, Town Clerk

JANUARY 9, 2023  
PLANNING COMMISSION MEETING  
TOWN OF WATERFORD  
415 N. MILWAUKEE ST., WATERFORD, WI

TOWN HALL

5:00 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/82349246736?pwd=czZveTU3VjZVb3h3VG1MUmg4eUZsZz09>

Meeting ID: 823 4924 6736

Passcode: 565732

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF DECEMBER 5, 2022 MINUTES AS PRESENTED.
4. PIER PERMIT- KUNDE, 5753 SCENERY RD.
5. CORRESPONDENCE-
6. SHORELAND CONTRACT REPORT
7. FORTH COMING EVENTS-

“Requests from persons with disabilities who need to participate in this meeting or hearing should be made to the Town Chairperson Office at 534-1871 with as much notice as possible”

TOWN BOARD MAY BE IN ATTENDANCE

This notice is subject to amendment up and to the time applicable as allowed by law. Please check with Town Clerk for any changes.

**NOTICE OF REFERENDUM**  
**Town of Waterford**  
**DATE**

NOTICE IS HEREBY GIVEN, that an election to be held in the Town of Waterford, Racine County, Wisconsin, on April 4, 2023, the following proposed Resolution will be submitted to a vote of the people:

RESOLUTION PROPOSING TO INCREASE THE LEVY BEYOND THE AMOUNT THAT IS ALLOWED UNDER THE LOCAL LEVY LIMIT STATUTE FOR THE PURPOSE OF ENHANCING PUBLIC SAFETY DEPARTMENT SERVICES AND SCHEDULING AN ELECTION FOR A REFERENDUM TO EXCEED THE LEVY LIMIT FOR PUBLIC SAFETY EXPENSES

The question will appear on the ballot as follows:

"Under state law, the increase in the levy of the Town of Waterford for the tax to be imposed for the next fiscal year, 2024, is limited to 1.303%, which results in a levy of \$2,187,198. Shall the Town of Waterford be allowed to exceed this limit and increase the levy for the next fiscal year, 2024, for the purpose of creating and filling one (1) new police officer position, by a total of 6.858%, which results in a levy of \$2,337,198, and on an ongoing basis, include the increase of \$150,000 for each fiscal year going forward?"

**EXPLANATION**

A "YES" vote will allow the Town of Waterford to increase the total Town property tax levy to pay for creating and filling one (1) new police officer position, which will enhance the Town of Waterford Police Department's ability to better fulfill the department's growing response and preventative responsibilities. Raising the statutory levy limit will allow the Town to enhance these services, which are essential to the health, safety, and welfare of the citizens of the Town of Waterford. The increase in levy for this purpose will be \$150,000 beginning for next fiscal year, 2023, and that same amount will remain in the base property tax levy for each year going forward. The amount represents an estimated annual municipal property tax increase of \$15 for each \$100,000 of assessed property value.

A "NO" vote will prohibit the Town of Waterford from a special increase in the total Town property tax levy specifically to pay for adding one (1) new police officer. The Town will remain strictly constrained to the statutory provisions that limit property tax increases and will not have these added resources to address increase department obligations as compared with similar and nearby communities.

Done in the Town of Waterford on  
DATE

Tina Mayer  
Town Clerk

## RESOLUTION NO:

RESOLUTION PROPOSING TO INCREASE THE LEVY BEYOND THE AMOUNT THAT IS ALLOWED UNDER THE LOCAL LEVY LIMIT STATUTE FOR THE PURPOSE OF ENHANCING PUBLIC SAFETY DEPARTMENT SERVICES AND SCHEDULING AN ELECTION FOR A REFERENDUM TO EXCEED THE LEVY LIMIT FOR PUBLIC SAFETY EXPENSES

WHEREAS, the State of Wisconsin has imposed limits on town, village, city and county property tax levies under Wis. Stat. sec. 66.0602; and

WHEREAS, Wis. Stat. sec. 66.0602 limits the increase in 2023 to the local property tax levy to no more than the greater of (a) 0% of last year's actual levy or (b) a percentage equal to the percentage change in equalized value due to new construction less improvements removed; which for the Town of Waterford is (estimated) to be 1.303% percent; and

WHEREAS, the Town Board of the Town of Waterford believes it is in the Town's best interest to exceed the state levy limit as described above by a greater percentage than 1.303% for the purpose of creating and filling one (1) new police officer position; and

WHEREAS, the Town of Waterford actual levy in 2022 (collected in 2023) was \$1,990,889; and state law would limit the increase to \$196,309 for a total allowable 2023 (collected in 2024) Town tax levy of \$2,187,198.

WHEREAS, creating the filling one (1) new police officer position will enhance the Town of Waterford Police Department's ability to better fulfill the department's growing response and preventative responsibilities. Raising the statutory levy limit will allow the Town to enhance these services, which are essential to the health, safety, and welfare of the citizens of the Town of Waterford.

NOW, THEREFORE the Town Board of the Town of Waterford does hereby resolve and order as follows:

The Town Board hereby supports and increase in the Town tax levy for 2023 (to be collected in 2024) to exceed the state levy limit. The Town Board intends that the levy increase be applied on an ongoing basis by including it in the base used to calculate the limit for 2024 as well. The purpose for which the increase levy will be used is to create and fill one (1) new police officer position.

The Town Board directs that the question of increasing the Town tax levy for 2023 (to be collected in 2024) by 6.858 percent, which would increase the Town tax levy by \$150,000 over the past year's levy, for a Town tax levy of \$2,337,198, the increase to be used for creating and

filling one (1) new police officer position shall be submitted to the electors in a referendum to be held on April 4, 2023.

Passed and adopted by the Town Board of the Town of Waterford this 9<sup>th</sup> day of January, 2023.

APPROVED:

---

Tom Hincz, Town Chairman

ATTEST:

---

Tina Mayer, Town Clerk

PROPOSED

REFERENDUM QUESTION:

"Under state law, the increase in the levy of the Town of Waterford for the tax to be imposed for the next fiscal year, 2024, is limited to 1.303%, which results in a levy of \$2,187,198. Shall the Town of Waterford be allowed to exceed this limit and increase the levy for the next fiscal year, 2024, for the purpose of creating and filling one (1) new police officer position, by a total of 6.858%, which results in a levy of \$2,337,198, and on an ongoing basis, include the increase of \$150,000 for each fiscal year going forward?"

PROPOSED

## Short Term Rental Ordinance

From: Tom Mroczkowski <tmrocz8@gmail.com>

Sent: Fri, Dec 30, 2022 at 2:19 pm

To: thincz@wi.rr.com, tszeklinski@townofwaterford.net, dgauerke@townofwaterford.net, tnicolai@townofwaterford.net, dschwartz@townofwaterford.net

Cc: tmayer@townofwaterford.net, hstratton@townofwaterford.net, Tom Mroczkowski, Judy Mroczkowski, mdubis@tds.net

---

Hello - Town of Waterford Chairman and Supervisors,

I'm following up on the discussion we had during the December 12th Town Board meeting.

You'll recall that I was allowed to make some comments and ask a few questions to the Board regarding the Short-Term Rental Ordinance topic on the Old Business agenda. I voiced my strong support for the work that the Board and attorney Dubis are doing to repeal and re-create ordinance 1-14-19. I asked questions about how the draft version of the re-created ordinance has been evolving, and expressed some concern about provisions that have been removed from the draft version that was included in the November Board Meeting packet. I was also looking for clarification about the Board's planned processes for finalizing the ordinance and for enforcing it in the future.

Chairman Hincz offered me the opportunity document my questions and suggestions about the ordinance and send that input to the Board for consideration before continued discussion on this topic at the January Board meeting. I appreciate that opportunity and am providing that input with this email.

I've spent time reviewing the changes between the November 14th and December 12th versions of the draft Short-Term Rental ordinance. My input is based on understanding that the most current draft of the ordinance is that which was included in the December 12th Board Meeting packet. However, I thought I heard Supervisor Szeklinski say after the December 12th meeting that there was an even more current draft; something as short as three pages. I have not seen that.

My input to the Board is simple and straight-forward. It references the December 12th version and is as follows :

- I believe it is very important to put this ordinance in place for the reasons documented in Section I - Purpose of the draft.
- The final ordinance should include all license, permit, inspection, revocation criteria, and fee requirements included in the December 12th draft.
- The definition of "Property Owner" in Section IV should include that of a legal entity (e.g. LLC, partnership, unincorporated association, etc.) such as was included in the November 14th draft. The term "Property Owner" should not be limited to a "person".
- I *strongly* urge the Board to change the definition of "short-term rental" in Section IV - Definitions and Section VI - Operation of a Short-Term Rental to state a minimum of a 4-night rental. Rentals fewer than four nights should be clearly prohibited. The ordinance should also include penalties for violating the minimum stay requirement. This kind of "minimum stay" language was included in the November 14th draft and has now been dropped. Supervisor Gauerke explained the reasoning for that in response to my question at the December 12th Board meeting. However, I strongly feel this minimum stay restriction is vital to ensuring rentals by responsible parties for wholesome purposes. It helps guard against rentals that could result in the kinds of public concerns documented in Section I - Purpose. In my personal experience using short-term rentals, I have found it to be commonplace for responsible property owners to require a 3-4 night minimum stay in order to mitigate the risk of irresponsible rental experiences.
- The Town should ensure the appropriate processes, resources, and responsible parties required to adequately enforce Ordinance 1-14-19 once it has been re-created.
- Either prior to its re-creation or certainly after it has been finalized, Ordinance 1-14-19 should be clearly communicated to the public for awareness and consideration.

I want to close in sharing a bit more on why I feel the way I do about this topic.

My wife and I have lived in the Town since 2016. We love it here. Our home on Tichigan Lake is a dream come true.

Clearly, the waterway includes a healthy mix of full-time residents and seasonal occupants. The area is certainly a seasonal, weekend, and/or vacation destination for many. Short-term rentals (e.g. Airbnb, VRBO, etc.) are an increasingly common way people are finding places to vacation and property owners are generating income from their real estate assets. As Supervisor Szeklinski stated during the December 12th Board meeting, "these things are not going away." At the same time there are many local, national and global examples of short-term rentals that have gone

bad - some that have gone very bad. There are well-documented risks associated with these types of rental transactions and business models.

I am not advocating against short-term rentals. I am not saying they should not be allowed in the Town of Waterford. However, I do believe the risks to the Town and to residential property values are real. Appropriate regulations should be in place to mitigate those risks.

From a personal perspective I have not one, but two of these short-term rentals (6749 & 6749A N Tichigan Rd) being established on the property directly next to mine. I am not thrilled by the likelihood of an on-going line of strangers moving in and out every week — literally 25 feet next door to me. However, I accept this as a reality of the things I've outlined above. I would simply like to know that the Town "has my back" in working to ensure these are safe and positive rental experiences for all parties involved (renters, property owners, and neighbors). I believe the short-term rental ordinance that you are working on — along with the input I've included in this letter — will help with that.

On a positive note, I have gotten to know the new owners of 6749 / 6749A N Tichigan Rd a bit. They seem like great people. They are clearly investing in the property and they have openly shared their plans for creating a short-term rental destination that is mutually positive for all involved. They have been very attentive to my input, questions, and concerns. I greatly appreciate that.

Thank you for your time and consideration on this matter. Please feel free to reach out to me for further discussion. I look forward to the on-going dialog on this topic at the January Board meeting.

Respectfully,

Tom Mroczkowski  
6751 N Tichigan Rd  
262-290-8737

## Ordinance#

Township of Waterford, Racine County, Wisconsin

An ordinance repealing and re-creating ordinance 1-14-19 dealing with short-term rentals (STR) of residential dwellings (with or without consideration paid) within the Town of Waterford.

THE TOWN BOARD OF THE TOWNSHIP OF WATERFORD, at its duly noticed and regular monthly meeting does hereby pass the following ordinance dealing with short term rentals. This ordinance, in part repeals and recreates Ordinance labeled 1-14-19 which ordinance was passed on January 14<sup>th</sup>, 2019 and which said January 14<sup>th</sup> ordinance itself repealed ordinances 6.15 and ordinance 8.14.17.

### **Section I. Purpose**

The purpose of this ordinance is to ensure that residential real estate within the Town of Waterford is used in such a manner as to protect and promulgate public health, safety, and general welfare and to protect the character and stability of neighborhoods within the Town. The public has concerns regarding noise, litter, public safety, and uses which contribute to diminishing property values. Said contribution attributed to short term rental property.

### **Section II. Exclusions**

The following uses are excluded and exempt from this ordinance:

1. Any member of the short-term rental owner's family (for example an owner being an LLC) using the real estate for no consideration.
2. Any person providing long term care to an occupant of said real estate.
3. Rental of lands for hunting purposes.

### **Section III. Authority**

The Town Board of the Town of Waterford has been authorized to exercise village powers pursuant to Wis. Stats 60.10(2) and 60.22(3). The Town Board adopts this ordinance under its general village powers authority and Wis. Stat. 66.1014.

### **Section IV. Definitions**

"Property Owner" means the person (or entity) who owns the residential dwelling that is being rented. If the property is owned other than in an individual(s) name, said corporate, LLC, partnership; unincorporated association owner shall also be considered an individual owner for the purpose of this ordinance.

"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 act as the agent of the property owner for the receipt of service of notice of municipal ordinance violations and for service of process pursuant to this ordinance.

"Short-term rental" (STR) means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

"Lodging Marketplace" means an entity that provides a 3<sup>rd</sup> party rental platform such as Airbnb or VRBO and other entities, like property management companies that rent short-term rentals for the owner, and collects the consideration for the rental from the occupant.

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

A) No person may maintain, manage, or operate a short-term rental more than 10 nights each year without a Town Short-term Rental License issued pursuant to this ordinance. A Room Tax Permit is required regardless of how many days the residential dwelling is rented out.

B) Licenses shall be issued using the following procedures:

1. Prior to applying for a Town Short-term Rental License:
  - The applicant must obtain a valid State of Wisconsin Tourist Rooming House License from the Racine County Public Health Department.
  - All applications for a Town Short-term Rental License shall be filed with the Town Clerk, or designee, on forms provided.
  - Applications shall be filed by the Property Owner or authorized Agent.
  - No license shall be issued unless the completed Short-Term Rental application form and Room Tax Permit application are accompanied by the payment of the required application and inspection fees.
  - Other required documentation includes the Michigan Fire Company inspection form, proof of casualty and liability insurance, a floor plan showing living areas with room measurements and maximum occupancy, and a site plan showing 2 on-site parking spaces for every 4 occupants.
  - In addition, after receiving a Town Short-term Rental License, the owner is required to fill out and submit to the Town Clerk a Quarterly Room Tax Permit Reporting Form regardless of whether the property was rented out or not for the quarter.
  - The Town Clerk shall issue a Short-term Rental license and Room Tax permit subject to applicants completing all documentation and payment of all required fees and approval by the Town Planning Commission and the Town Board, or its designee.
2. A Short-term rental license shall be effective for one year. The annual licensing term begins July 1<sup>st</sup> and ends June 30<sup>th</sup> the following year. The Town Clerk may conditionally accept late applications, subject to the payment of the late filing fee. A renewal application and renewal fee must be filed with the town clerk at least 45 days prior to license expiration so

that the Town 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 a new application is required any time the ownership of a residential dwelling licensed for short-term rentals changes.

## **Section VI. Operation of a short-term rental**

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

1. If a residential dwelling is rented for a fee and for fewer than 29 days.
2. The Property Owner or Property Manger shall notify the Town Clerk in writing when the first rental within a 365-day period begins.
3. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for occupants beyond the number of overnight guests authorized pursuant to the Property Owner's Tourist Rooming House License and applicable town, county, or state rules and regulations.
4. The Property Owner and/or Property Manager must provide the Town with current contact information and must be available 24 hours a day, 7 days a week by telephone during periods the property is being rented. The Town must be notified within 24 hours of any change in contact information.
5. Each short-term rental shall maintain a register and require all guests to register with their actual names and addresses. The register shall be kept on file for at least one year. The register shall also include the time period for the rental and the monetary amount or consideration paid for the rental.
6. 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.
7. All rentals shall be subject to the Town of Waterford Room Tax.

## **Section VII. Property Rules and Standards**

Each Tourist Rooming House offered for short-term rental shall comply with all of the following:

1. The maximum number of occupants allowed shall not exceed the following limits: not less than 150 square feet of floor space for the first occupant thereof, and at least 100 square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area excluding kitchens, bathrooms, closets, garages, and rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two people.
2. A floor plan showing the requested maximum occupancy, room measurements, designated sleeping areas, and showing at least one internal bathroom for every four occupants.
3. A site plan showing the location of two on-site off-street parking spaces for every four

occupants based on maximum occupancy.

4. Compliance with all state, county, and local codes and regulations is required.
5. There shall be no excessive noise, fumes, glare, or vibrations generated during the use of the dwelling as a short-term rental. Town regulations on pets, outdoor burning, fireworks, and lake rules shall be followed. Quiet hours are to be observed on weekdays between 10:00 PM and 7 AM, and on weekends and holidays quiet hours are to be observed between 11:00 PM and 7:00 AM. Quiet means that noise levels at the property line shall not exceed-60dBA.
6. A copy of the Short-term Rental License and, if applicable, Property Manager License shall be displayed on the inside of the main entrance door of each Tourist Rooming House (STR).
7. Each dwelling unit shall provide two safe, unobstructed means of egress leading to safe, open space at ground level.
8. Each dwelling unit shall have functional smoke detectors as follows: One (1) in each bedroom or sleeping area, one (1) outside of the bedroom or sleeping area within 21 feet of the bedroom(s) in the direction of egress, one per floor. Carbon monoxide detectors as follows: one (1) per floor if a fuel burning appliance or attached garage is present.
9. No dwelling unit shall have an accessible wood or solid fuel burning stove or fireplace unless the owner provides a current "cleaning and inspection" certificate by a certified chimney sweep professional.
10. Each dwelling unit shall provide at least one (1) UL rated 2A:10B:C fire extinguisher within the unit, which shall be maintained on an annual basis. If the extinguisher is not readily visible, one or more signs shall be posted indicating the location of the extinguisher.
11. All dwelling units 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 three hundred thousand dollars (\$300,000) per individual and one million dollars(1,000,000) aggregate.
12. All advertisements for rental of a tourist lodging unit shall contain the Town of Waterford identification number assigned to the dwelling unit, including any advertisements by a third party or a Lodging Marketplace.
13. The property owner or property manager 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 property manager and available for inspection for at least one year, as required by the Wisconsin Administrative Code.

### **Section VIII: Inspections**

1. Each separate STR unit which is offered for rental as a tourist rooming house is required to be inspected annually by the State or by the Racine County Public Health Department and by the Tichigan Fire Company.
2. The holder of the permit or license shall be responsible for payment of the inspection

fees.

3. If the Racine County Public Health Department or Fire Inspector at any time is unable to conduct an inspection due to denial of access, the tourist rooming house shall not operate until it has passed the inspection.

### **Section IX. License Revocation**

- A. Grounds for Revocation. A license may be revoked by the Town Board during the term of a license year and following a due process hearing for one or more of the following reasons:
  1. Failure to make payment on taxes or debt owed to the Town of Waterford.
  2. Three or more police officer-verified violations in a twelve-month period for nuisance activities or other law violations.
  3. Three or more citations issued by the Racine County Public Health Department or by the Tichigan Fire Company Inspector in a 12-month period.
  4. Failure to comply with applicable building code/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 impacts the predominately residential uses and nature of the surrounding neighborhood.
- B. Resubmission. Upon revocation of a license under this section, a new application for the same property or property manager will not be permitted for one (1) calendar year.

### **Section X: Room Tax**

- A. A Room Tax Application must be completed along with a Short-Term Rental License. Although the Short-Term Rental License is required for short-term renting more than 10 nights every 365 days, a Room Tax Permit is required by every person furnishing rooms or lodging to the public regardless of how many days the home is rented out. The Room Tax permit fee is \$25.00 and issuance is valid for the duration of a permit-holder's ownership of the home. A room tax reporting form must be filled out quarterly. In the event the property was not rented out during a quarter, a reporting form must be filed stating "\$0.00 received" for the quarter. Failure to obtain the required Room Tax Permit may result in monetary penalties of \$300-\$1000 per offense, together with applicable court costs and fees.
- B. Tax Imposed. Pursuant to Wis. Stat. 66.0615(1M), a tax is hereby imposed on the privilege of furnishing at retail, except sales for resale, rooms or lodging to transients by hotel keepers, motel keepers, and other persons furnishing accommodations
- C. The Room tax shall be at the rate of 8% of the gross receipts from such retail furnishing of rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by Wis. Stat. 77.52(2)(a)l, and may not be imposed on sales to the federal

government and persons listed under Wis. Stat. 77.54(a).

- D. Revenue Distribution. The proceeds of the room tax when collected shall be apportioned 30% to the Town for general purposes and the remaining 70% shall be forwarded to a tourism entity to be spent on tourism promotion and development as defined in Wis. Stat. 66.0615(1)(fm). Disbursements of the room tax shall be administered by the Town Clerk/Treasurer , who shall ensure that at least 70% is spent on tourism promotion and development.
- E. Administration. Collection of the room tax shall be administered by the Town Clerk/Treasurer . The room tax is due and payable within 30 days of the end of the calendar quarter for which imposed.
- F. Tax Returns. Each Property Owner or Property Manager Licensee are required to collect and pay the room tax on the owner's behalf shall file with the Town Clerk/Treasurer consolidated room tax returns for the managed tourist rooming houses on or before the same date on which the tax is due and payable. All quarterly returns shall be signed by the Property Manager or authorized agent but need not be verified by oath. All tax returns and supporting documentation filed with the treasurer are confidential and subject to the protections provided under Wis. Stat. 66.0615(3) and 77.61.
- G. Late or Unfiled Returns. If a person, required to file a return, fails, neglects, or refuses to do so for the amount, in the manner and form and within the time prescribed herein, the Town Clerk/Treasurer may determine the amount of room tax according to his or her best judgment. All late taxes under this ordinance shall bear interest at a rate of 1% per month from the due date of the tax until the first day of the month following the month in which the tax is paid or deposited with the Town Clerk.
- H. Audit. Whenever the Town Clerk has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, the Town Clerk/Treasurer may inspect and audit the financial records of any person subject to the tax to determine whether the correct amount of tax is assessed and whether any room tax return is correct.

## **Section XI. Penalties**

Any person, partnership, corporation or other legal entity that fails to comply with the revisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$300 nor more than \$1000, 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 XII. Permit Fee**

The license application fees established by the Town of Waterford Board of Supervisors shall correlate with the administrative and related costs involved with compliance monitoring. Fees are nonrefundable and shall not be prorated. Any renewal application received after the expiration

date may be subject to a late fee.

Initial Short-Term Rental License Application fee	\$500.00
Renewal Short-Term Rental License application fee	\$250.00
Late filing fee	\$250.00
Inspections/Reinspection (as necessary)	\$100.00
Room Tax Application fee	\$25.00

**Section XII. 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 XIII. Effective Date and Publication**

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

Adopted by a vote of \_\_\_\_\_ Ayes and \_\_\_\_\_ Nays on this 12<sup>th</sup> day of December, 2022.

\_\_\_\_\_  
Thomas Hincz, Town Chairman

Attest:

\_\_\_\_\_  
Tina Mayer, Clerk

ORDINANCE #  
TOWNSHIP OF WATERFORD  
RACINE COUNTY, WISCONSIN

AN ORDINANCE REPEALING AND RE-CREATING ORDINANCE 1.14.19 SO AS TO  
LIMIT THE EFFECT OF THIS ORDINANCE TO THE PLACEMENT OF TRAILERS,  
MOBILE HOME PARKS, CAMPGROUNDS; MANUFACTURED HOMES; RV VEHICLES

THE TOWN BOARD OF THE TOWNSHIP OF WATERFORD, at its duly noticed monthly meeting, does hereby repeal and recreate Ordinance 1.14.19 (which shall be renumbered upon re-codification). This Ordinance is enacted under the police powers of the Township to promote the health, welfare and safety of the Town and is enacted under Sections 60.22 and 60.23(23) of the Wisconsin Statutes. A primary purpose of this Ordinance is to prohibit certain usages of real property, whether for consideration, in locations not conducive to such usage. There have been complaints concerning noise, litter, public safety; said usages causing diminishing property values and creating violations of the Town's Aesthetic Ordinance and creating public and/or private nuisances. This Ordinance does not apply to properly zoned and approved usages already in legal existence.

THEREFORE IT IS ORDAINED AS FOLLOWS:

1. To the extent allowed by law, the Town of Waterford prohibits the creation of any Mobile Home Parks; RV Parks; Campgrounds, and Manufactured Home Parks as are commonly referred to and as may be defined by State Law, as the same are not compatible with the topography and physical appearance of this Township. It is believed there are currently none of the above lawfully in existence in the Township at this time. The Town of Waterford Board of Supervisors finds that this prohibition promotes the health, welfare and prosperity of the Township and its residents.
2. State Laws Adopted. In the event the Township is prohibited from outlawing, by this Ordinance, one or all of the usages referred to in 1. above, all provisions of the ordinances of the Town of Waterford (such as the Aesthetic Ordinance and the Land Disturbance Ordinance), the Wisconsin Statutes, the Wisconsin Administrative Code and Racine County Ordinances, to the extent legally permissible, relating to the above items

prohibited, are adopted by reference and are hereby declared to be legally enforceable by the Township of Waterford.

3. Severability. In the event any part of this Ordinance is found to be invalid or unconstitutional by a Court or Administrative Agency, the Town Board expressly states that the remainder of this Ordinance shall be intended to be in effect.
4. Forfeiture. Any violation of this Ordinance shall be subject to a forfeiture not to exceed \$1,000.00 per day. The Town may also avail itself of injunctive remedies. Each day of violation shall be a separate offense without the need to serve daily violation citations and can then be joined in a single prosecution. The Town police department is charged with the enforcement of this Ordinance.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022, to take effect upon posting, publishing and notification as required by law.

\_\_\_\_\_  
THOMAS HINCZ, Town Chairman

ATTEST:

\_\_\_\_\_  
TINA MAYER, Clerk