

Richland County

Land & Zoning Standing Committee

February 1, 2023

NOTICE OF MEETING

Agenda

Please be advised that the Richland County Land & Zoning Standing Committee will convene at 3:00 p.m., Monday, February 6, 2023 in the Richland County Board Room 181 W. Seminary Street or join via WebEx found at

<https://administrator.co.richland.wi.us/minutes/land-zoning/>

Agenda:

1. Call to order
2. Proof of notification
3. Agenda approval
4. Approval of January 3, 2023 minutes
5. Zoning petitions
6. *Short Term Rentals
7. Dark Skies Initiative
8. *Approve Soil and Water Cost-share contracts
9. ***Approve Wildlife Damage Claims**
10. Filling 7th committee member slot
11. Assistant Zoning Administrator/Sanitarian Position
12. GIS/Sanitation Position/contract
13. Public Comment
14. Future agenda items
15. Adjournment

*Meeting materials for items marked with an asterisk may be found the above site.

Items in bold are amended.

A quorum may be present from other Committees, Boards, or Commissions. No committee, board or commission will exercise any responsibilities, authority or duties except for the Land and Zoning

CC: Committee Members, Richland Observer, WRCO, Courthouse Bulletin Board, County Clerk, County Administrator, Greg Cerven

**Richland County
Land & Zoning Standing Committee
Meeting Minutes
January 3, 2023**

The January 3, 2023, Land & Zoning Standing Committee meeting was called to order 3:00 p.m. by Chair Melissa Luck. Present were Julie Fleming, Linda Gentes, Melissa Luck, Dan McGuire, Steve Carrow, David Turk via Webex, Aaron Halverson, John Couey, Clinton Langreck, Robert Grimm, Jim Barnett, Don Stanke, Audrey Oliver, Jeff Nigl, Mike Bindl, and Cathy Cooper.

Linda Gentes asked to have agenda item 6 removed. Julie Fleming moved to approve the agenda with Item 6 deleted and proof of notification. Seconded by Steve Carrow. Motion carried.

Chair Melissa Luck asked for any corrections or amendments to the November 28, 2022 minutes, motion made by Julie Fleming to approve the minutes as sent out, second made by Steve Carrow. Motion carried.

Action Items:

#5 Zoning Petitions

5a. Oliver petition- Audrey Oliver was there to ask to rezone 2.01 acres from Ag/Forestry to R2. Others present were Robert Grimm, Don Stanke and Jim Barnett. Looking at the parcel and the quit claim deed Mr. Stanke gave to Ms. Oliver, there is a discrepancy on property lines. It looks like some of the land in the quit claim deed is actually Mr. Grimm's land. The Land and Zoning Committee decide to postpone a decision on the rezoning until the property line issue is resolved.

5b. Nigl petition- Jeff Nigl was there to ask to have 4.79 acres of land that he and his wife own in Marshall township rezoned from Ag/Residential to Ag/Forestry. They have owned the land next to this parcel for many years. The cabin that was on this property has burned down and they have no plans on building anything on this parcel. Linda Gentes moved to rezone the parcel from Ag/Residential to Ag/Forestry. Seconded by Julie Fleming. Motion carried.

#6- Deleted

#7 Short Term rentals; Melissa Luck has gone through a lot of the information and wants the committee to come prepared to the next meeting and secede if they want to do something via ordinance or resolution. Steve Carrow said he is interested in doing it via ordinance. Currently it is done via a Conditional Use Permit. Aaron Halverson feels that the Conditional Use Permit is too high at \$500. Maybe something lower. Melissa said the committee needs to come with ideas on what conditions they would like to see either in the CUP or ordinance.

#8 2023 meeting dates; Mike presented a listing of meeting dates for the 2023 year. He has to have 10 working days between the Land and Zoning meeting and County Board. Some of the 1st Mondays also fall on holidays. Mike wanted to get the dates set now and then the committee know when to be there.

#9 Dark Skies- Nothing new on this topic. Melissa asked Steve Carrow to bring back the gentleman that spoke before on the subject. Steve also said he would bring back information on what other counties are doing.

#10 Soil and Water cost-share contract- Cathy explained how the cost-sharing from the state works. As policy, the Land Conservation Committee has approved all of the cost share contracts. She presented 3 contracts from the 2022 year that need approvals. The money from these contracts will be carried over to the 2023 year. Steve Carrow moved to approve the Tom Troyer machinery crossing contract for

\$2171.64, Tom Munz well abandonment contract for \$877.80 and Gary Epping well abandonment for \$1405.78. Seconded by Julie Fleming. Motion carried.

#11 Surveyor Contract- Mike presented the surveyor contract with Driftless Area Land Surveying LLC. For 2023 and 2024. Steve questioned having it go out for bids. Mike said the last time they had no one but Driftless bid. It is for \$85.00 per hour for 2 hours a month. After discussion Linda Gentes moved to approve the contract. Seconded by Julie Fleming. Motion carried. The committee discussed that for the 2025- 2026 contract the committee should go out for bids.

#12- Seventh committee member. Melissa discussed the current issue with the 7th committee member. According to State Statute 92 the Chair of the Farm Service Committee is a member of the Land Conservation Committee. There are some issues currently that the Farm Service Agency will not allow the chair of the FSA committee to serve on the Land Conservation Committee as the FSA representative. They can serve as a citizen member as long as they are not designated the FSA rep. Cathy is going to check with FSA to see if one of the committee members would be interested in serving as a citizen member. Clinton is going to check with Corporation Council about it too.

#13 GIS/Sanitation position Contract- Melissa and Clinton are trying to get an RFP written for a contract. Clinton has talked with Sauk County about how they do things. It sounds like it is in house. One of the issues is there is no clear process on how data gets from one department to another. The committee asked Clinton and Mike about extending the current contract with MSA through February. Melissa wants the committee to watch the video from the September 29, 2022 meeting and make a decision at the February meeting.

#14 Zoning Technician position– Jacki is leaving and going to be the Deputy Treasurer. This leaves the Zoning office without a sanitarian. Mike is suggesting that the position should be reclassified as the Assistant Zoning Administrator/Sanitarian. Clinton said that a new position description should be written and then it should be sent to Carlson/Dettman for review. Once that is done, then it needs to go to Finance and Personnel for approval. Linda Gentes moved to proceed with reclassification of the position pending Carlson/Dettman and Finance & Personnel reclassification of the position. Seconded by Steve Carrow. Motion carried.

#15 Public Comment- None

#16- Future Agenda Items- Melissa would like well testing and the 2022 Land and Water Resource Management plan on the agenda

#17 Linda Gentes moved to enter into closed session. Seconded by Julie Fleming. Voice vote. Motion carried unanimously

#18 Steve Carrow moved to return to open session. Seconded by Linda Gentes. Voice Vote. Motion carried.

#19 Adjournment – Moved by Steve Carrow February 6, 2023 at 3:00. Seconded made by Julie Fleming. Voice vote. Motion carried.

Respectfully submitted,

Cathy Cooper

Cathy Cooper
Secretary pro temp

Land & Zoning Secretary
CC/tcb



WISCONSIN

SHORT-TERM RENTALS LAW

Incorporates changes from Wisconsin Act 59 from September 2017

Residential Dwelling Rental

Municipality

CAN:

1. Prohibit rentals for less than seven consecutive days
2. Limit total consecutive days they rent (180 days min.)
3. Require local permit

CANNOT: Prohibit rentals of 7-29 consecutive days

"Residential dwelling": any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others

"Short-term rental": a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days

"Lodging Marketplace": an entity that provides a platform through which an unaffiliated third party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant

"DATCP": state Department of Agriculture, Trade & Consumer Protection; the agency responsible for lodging licenses, or their authorized local health agents

"DOR": state Department of Revenue; the agency responsible for the collection of state tax revenue and for licensing lodging marketplaces

Short-Term Rental on own

1. The property must obtain a DATCP license as a "tourist rooming house" (subject to fees, inspections) and obtain municipal permits as required.
2. The owner/operator of the property must register with the DOR for a license to collect taxes (if the total sales revenue is \$2,000 or more). They must then collect and remit state & county sales taxes, local room tax, and any applicable special district or premier resort area taxes.

Short-Term Rental through registered Lodging Marketplace

1. The property must obtain a DATCP license as a "tourist rooming house" (subject to fees, inspections) and municipal permits as required.
2. The registered Lodging Marketplace collects and remits state & county sales taxes, local room tax, and any applicable special district or premier resort area taxes.

Lodging Marketplace Requirements

1. If the Lodging Marketplace has nexus in Wisconsin, they must register with the state DOR for a license to collect taxes imposed by the state related to short-term rentals now and to collect municipal room tax. Remote (out-of-state) sellers are deemed to have nexus if they sell taxable products and services from Wisconsin. There is a "small seller exception" for remote sellers who do NOT have annual sales into Wisconsin of more than \$100,000 OR 200 or more separate transactions annually.
2. Collect from buyer and remit to DOR sales and use taxes.
3. If rental is in a municipality with a room tax, collect from buyer and remit room tax to the municipality.
4. Notify short-term rental owners that above taxes were collected and remitted on the sales.

provided by:



Wisconsin Hotel & Lodging Association | 1025 S. Moorland Road, Ste. 200, Brookfield, WI 53005
262/782-2851 | WisconsinLodging.org
Contact: Trisha A. Pugal, CAE, President/CEO | pugal@wisconsinlodging.org
REVISED FEBRUARY 2019

Wisconsin Administrative Code for Tourist Rooming Houses

https://docs.legis.wisconsin.gov/code/admin_code/atcp/055/72

DATCP licenses and enforcement

https://datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx

https://datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx

How other municipalities are handling TRH

<https://summitcountyco.gov/CivicAlerts.aspx?AID=954>

<https://summitcounty.civilspace.io/en/projects/str-regulations-update>

Some information/"data" on crime and TRH

<https://thecrimereport.org/2021/08/06/is-there-a-link-between-airbnb-and-neighborhood-crime-rates/>

<https://www.inman.com/2019/07/01/short-term-rentals-concerns-survey/>

<https://news.northeastern.edu/2021/07/16/when-airbnbs-increase-in-a-neighborhood-so-does-crime-heres-why/>

<https://journals.plos.org/plosone/article?id=10.1371%2Fjournal.pone.0253315>

66.1014 Limits on residential dwelling rental prohibited.

(1) In this section:

- (a) "Political subdivision" means any city, village, town, or county.
- (b) "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 place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(2)

- (a) Subject par. (d), a political subdivision may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer.
- (b) If a political subdivision has in effect on September 23, 2017, an ordinance that is inconsistent with par. (a) or (d), the ordinance does not apply and may not be enforced.
- (c) Nothing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling in a manner that is not inconsistent with the provisions of pars. (a) and (d).

(d)

1. If a residential dwelling is rented for periods of more than 6 but fewer than 30 consecutive days, a political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days. The political subdivision may not specify the period of time during which the residential dwelling may be rented, but the political subdivision may require that the maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents the person's residential dwelling shall notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins.
2. Any person who maintains, manages, or operates a short-term rental, as defined in s. [66.0615 \(1\) \(dk\)](#), for more than 10 nights each year, shall do all of the following:
 - a. Obtain from the department of agriculture, trade and consumer protection a license as a tourist rooming house, as defined in s. [97.01 \(15k\)](#).
 - [66.1014\(2\)\(d\)2.b.](#) Obtain from a political subdivision a license for conducting such activities, if a political subdivision enacts an ordinance requiring such a person to obtain a license.

History: [2017 a. 59](#); [2021 a. 55](#), [240](#).



Short-Term Rentals

Remzy Bitar, Attorney, Municipal Law & Litigation Group, S.C.

As short-term rentals (STRs) such as Airbnb and VRBO become more popular, local governments face classic issues associated with the influx of new uses that can create adverse side effects for the community. Some communities welcome the trend; others do not. For those questioning STRs, two competing interests arise: NIMBY versus “fundamental right to unfettered use of my property.” For unprepared communities, residential zoning and other public and private land use controls do not adequately address this growing trend. Some communities have tried to adopt amendments to their zoning ordinances to expressly restrict and/or regulate short-term rentals, but those amendments have fallen flat in court.

Seeking to address the competing interests, the Legislature created Wis. Stat. § 66.1014 in the 2017 WI Act 59, Biennial Budget Act. The statute contains one relevant definition for “residential dwelling” (“any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others”).¹

Section 66.1014 has several features of note.

First, municipalities cannot prohibit STRs for 7 consecutive days or longer, referred to here as the “prohibition” provision.²

Second, the Legislature addressed regulation of the “durational” aspects of

STRs. If a residential dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, a municipality may limit the total number of days within any consecutive 365-day period to no fewer than 180 days and may require those maximum days to run consecutively. However, it may not specify the period of time during which the residential dwelling may be rented, such as requiring rentals stretch over winter.³

Third, the Legislature unambiguously retained local power – “[n]othing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling...”⁴ That section leaves local government free to regulate other aspects of STRs in a manner that is “not inconsistent” with the prohibition or durational provisions noted above. Significantly, “[a]ny person who *maintains, manages, or operates*” an STR “shall” obtain a local license, if required by local ordinance.⁵

Fourth, there are non-textual aspects to § 66.1014. The Legislature did not place the law under the city and village zoning enabling statute, Wis. Stat. § 62.23. Moreover, when the Legislature wants to completely regulate an industry and preclude or limit the ability for local regulation, it does so clearly. The Legislature did only two things with this statute: removing the power to prohibit STRs and setting durational provisions on the “total number of days.” Of all the other areas the Legislature could have withdrawn from local government (other than taxation, not discussed here), the Legislature did not address such areas but allowed local control and

licensing. The Legislature’s treatment of STRs stands in stark contrast to the Legislature’s sweeping removal of local power elsewhere, such as cellular tower regulation, wind farms, livestock siting operations, concealed carry, conditional uses, shoreland zoning and alcohol. In these areas, and many others, the Legislature’s regulatory framework has various and extensive subject matter components that are expressly meant to curtail local power.

Until recently, no Wisconsin court had addressed this statute. Just last month, in *Good Neighbors Alliance (GNA) v. Town of Holland*, Case No. 2019CV000269, the Sheboygan County Circuit Court, the Honorable Edward Stengel presiding, issued a decision of first impression in this state, specifically addressing various aspects of Holland’s STR ordinance that were specifically designed to address local concerns, harmonize the statute and address the pre-suit complaints and demands of the plaintiffs. The Town Board worked hard to draft an Ordinance that satisfied competing concerns, followed § 66.1014 and Wis. Admin. Code § ATCP 72 (administrative rules “tourist rooming houses” such as STRs) and could withstand judicial scrutiny.

GNA’s primary claim asserted the statute created a preemptive effect on local regulation, enshrining the right to free and unrestricted use of one’s property. They argued STRs involve private use of homes, not commercial activity. The court, however, found that the Legislature preserved local power due to carve-outs in the statute and that the Town acted comfortably within its powers.

GNA attacked specific features of Holland's Ordinance as conflicting with § 66.1014, such as:

- **Property Manager:** "Unless the Property Owner resides within thirty-five (35) miles of the short-term rental property, a local Property Manager must be designated for contact purposes and his or her name must be included in the application filed with the Town Clerk. The local Property Manager must reside within thirty-five (35) miles of the short-term rental property and must be available at all times the property is rented. The Property Owner must notify the Town Clerk within three (3) business days of any change in the Property Manager's contact information for the short-term rental and submit the revised contact information to the Town Clerk within the same time period."
- **Insurance:** "The Property Owner shall have and maintain homeowner's liability or business liability insurance for the premises that are used for short-term rental and shall provide written evidence of such insurance with the license application and renewal application forms."
- **Property diagram with application:** "A diagram drawn to scale showing the location of buildings and the on-site, off-street parking area(s) designated for tenants and invitees on the premises."
- **Revocation for Unpaid Fees, Taxes, Or Forfeitures or For Any Violation of State or Local Laws:** "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 by the licensee to make payment of delinquent fees, taxes, special charges, forfeitures or other debt owed to the Town. (2) Failure to maintain all required local, county and state licensing requirements.

(3) Any violation of local, county or state laws or regulations which, based upon their 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 predominantly residential uses and nature of the surrounding neighborhood."

- **One On-Site, Off-Street Parking Space:** "Not less than one (1) on-site, off-street parking space shall be provided for every four (4) occupants, based upon maximum occupancy."
- **Forfeitures:** "Any person who violates any provision of this chapter shall be subject upon conviction thereof to a forfeiture of not less than \$250 nor more than \$750 for each offense, together with the costs of prosecution, and in the event of default of payment of such forfeiture and costs shall be imprisoned in the Sheboygan County Jail until such forfeiture and costs are paid, except that the amount owed is reduced at the rate of \$25 for each day of imprisonment and the maximum period of imprisonment is 30 days. Each violation and each day a violation occurs or continues to exist shall constitute a separate offense."

With STRs, there are many side-effects related to the health, safety, and welfare of the public. The goal is to allow such use of the property for rentals yet protect the interests and quality of life for long-term residents. The interests being served include: preserving the character of a neighborhood; eliminating nuisances like noise, parking, and trash problems; ensuring building safety; over-occupancy; and responsiveness to neighbor complaints. Such concerns arose in the town of Holland, where it received complaints over a significant period of time, often occurring weekly during the summer months. Complaints of adverse

impacts caused by STR properties in the town of Holland included lewd behavior, unsafe fires on the beach, dogs running at large, excessive noise, trash left on the beach, traffic and RVs along narrow lake roads, and trespassing. One such trespassing event involved the complainant arriving home at night to find renters from a nearby property in the complainant's hot tub.

The town carefully considered its proposed ordinance over the course of several months, including several drafts to balance the Legislature's new statute, preservation of residential property rights and the local interests in protecting the public health, safety, and welfare. After passage of the Ordinance, GNA sought total repeal. The town passed an amended ordinance accomplishing the following:

- the elimination of any restriction on the number of days a property may be rented,
- elimination of restrictions on outdoor events on rental properties,
- elimination of minimum levels of insurance coverage,
- added a provision to allow short-term rental licensure by the town to proceed with evidence that a Wisconsin tourist rooming house license has been applied for rather than actually received,
- removed the requirement for property managers to be licensed with the town,
- removed insurance requirements for property managers,
- documented the appeal steps and procedures for licensure decisions,
- clarified the vehicle restrictions,
- removed annual building and fire inspections requirement,

- removed requirement to provide a property management agreement,
- removed town access to property without consent or inspection warrant,
- removed minimum bathroom requirement, and
- lowered the maximum forfeiture amount.

The Sheboygan Circuit Court found local government can regulate within the same field as § 66.1014 so long as it does not conflict. Due to its careful development of the STR ordinance, Holland survived four-factor preemption analysis and its ordinance was upheld.⁶

Any community desiring such an ordinance should consult with its legal counsel and should also determine if the Holland case has been reviewed by the Court of Appeals.

Licensing and Regulation 403

About the Author:

Remzy Bitar is an attorney with the Municipal Law & Litigation Group, S.C. and has been practicing in the area of Municipal and Civil Rights Litigation Defense for over 17 years. Remzy handles all aspects of such litigation in both state and federal court including trial and appeals. His experience ranges

from defending civil rights lawsuits against jails and law enforcement, to handling condemnation, zoning and other land use matters, to open records and open meetings law, and to the defense of municipalities and their officials and employees in the areas of First Amendment, Fourth Amendment, and Equal Protection and Due Process.

Remzy began his legal practice after college at Lawrence University, law school at Washington University School of Law in St. Louis, and then completed a judicial clerkship with the Supreme Court of Missouri for the Honorable Laura Denvir Stith. Contact Remzy at rbitar@ammr.net

1. § 66.1014(1)(b).
2. § 66.1014(2)(a).
3. § 66.1014(2)(d)1.

4. § 66.1014(2)(c).
5. § 66.1014(2)(d) & (2)(d)2b.
6. *Wisconsin Carry, Inc. v. City of Madison*, 2017 WI 19, 373 Wis.2d 543, 892 N.W.2d 233.

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R-2 and R-3 Zones?

What are the basic arguments for and against allowing Short-Term Home Rentals (“STHRs” in R-2 and R-3 zones?

Arguments in favor of proposals to allow STHRs in R-2 and R-3 zones:

- The demand for Ashland transient housing of any type in the high tourist season outstrips demand.
- The impacts of STHRs are barely distinguishable from those of B&Bs, which are already allowed in R-2 and R-3 zones (subject to conditional use permits).
- STHRs are a distinct form of transient housing for which the demand appears to be growing in absolute terms, as well as relative to other forms of transient housing; accommodating that demand may help maintain and even enhance the City’s tourism-based economy.
- R-2 and R-3 zones are multi-family zones in which fairly frequent turnover of tenants in Long-Term Rentals is already common.
- Unoccupied homes with absent owners tend to be neighborhood detractions; homes kept up by their absent owners in order to appeal to visitors, some of whom become regulars and friends of neighbors, tend to enhance neighborhood.
- Homeowners should be free to use their property as they wish as long as neighbors are not harmed or unduly inconvenienced.
- An STHR is a form of home occupation; subject to permitting requirements in AMC 18.94.130, home occupations are allowed, in all residential zones. o Note: A home occupation site may not have more than one customer automobile at the site at any one time. AMC 18.94.110(E)(3).
- A homeowner whose principal residence is in Ashland but who is absent for several months at a time, should be able to help defray high Ashland housing costs with daily or weekly rentals. o Note: A possible accommodation to this interest by such homeowners could be to limit STHRs to structures that are principal residences of Ashland citizens. This limitation could be imposed in all residential zones or in R-1 zones only

Arguments in opposition to proposals to allow STHRs in R-2 and R-3 zones:

- Ashland’s already insufficient supply of Long-Term Rentals would likely decrease because some landlords will turn current Long-Term Rentals into STHRs because the latter tend to be more lucrative. o Note : The burden of obtaining a conditional use permit presumably would constrain the proliferation of STHRs. Other possible requirements, such as a limitation on distance from downtown or a limitation on concentrations of STHRs within any one geographic area could provide additional constraints.
 - Occupants of STHRs tend to make greater than average use of public infrastructure and services: 2 o Utility records suggest occupants of STHRs use more electricity and water per household than occupants of Long-Term Rentals. o To date, experience in Ashland indicates occupants of STHRs use more onstreet parking than occupants of Long-Term Rentals. Presumably, this is because some STHRs are occupied by multiple families, each with a vehicle. • The number of B&B establishments in Ashland has declined in recent years as a result of competition from STHRs and will decline even further if STHRs receive any kind of City sanction. o Note: “Leveling the playing field” by requiring conditional use permits, business licenses, and payment of transient occupancy tax by STHRs may improve the competitiveness of B&Bs and hotels/motels vis-à-vis STHRs.
 - Residents in R-2 and R-3 zones reasonably expect transient lodgings not to become a prominent feature of their neighborhoods.
 - Residents in R-2 and R-3 zones generally want neighbors who care more about longterm quality of life in their neighborhoods and community than visitors typically do.
 - More overnight guests staying in a neighborhood generally means more traffic and more noise for residents to cope with.
- B. R-1 Zones? In addition to the pro and con arguments summarized above with respect to R-2 and R-3 zones, what are the basic arguments for and against allowing STHRs in R-1 zones? Arguments in favor of also allowing STHRs in R-1 zones:
- Allowing a few STHRs in any one neighborhood would be no more likely to detract from neighborhood quality of life or community values than do presently unlimited Long-Term Rentals.
 - The stability and quality of neighborhood life should not receive greater protection in R-1 zones than in R-2 and R-3 zones.
 - Available sites for STHRs are more plentiful in R-1 zones than in R-2 and R-3 zones. Arguments in opposition to also allowing STHRs in R-1 zones:
 - STHRs, like B&Bs and other significant business activities, should be kept out of primary residential areas.
 - Even more than in R-2 and R-3 zones, residents in R-1 zones have reasonable expectations as a result of zoning laws that occupants of their neighborhoods will turn over fairly infrequently and will take a personal interest in the long-term character and amenities of the neighborhood and community

<https://www.useful-community-development.org/short-term-rental-zoning.html>

When it comes to short term rental zoning, communities have to decide on a policy that fits their history and ideals. This issue is especially likely to arise where tourists or a seasonal population are interested in temporary rentals of single-family residences, without the owner being on the premises.

With the rise of the sharing economy, online businesses such as Airbnb have made renting out a home, or just a room or two, an easy option for homeowners, even in areas not considered especially touristy. So this problem is increasing in frequency and potential for controversy.

Of course it is not a new issue where seasonal tourism is high, but the question has become newly relevant for many towns and cities that have never been seen a demand for short term rentals before now. This applies to areas that are near tourist attractions in large cities, but which have never thought of themselves as tourist destinations until now. What we have to say on this page applies to these sharing services as well.

Often the question is handled through the zoning ordinance, but sometimes a stand-alone ordinance may be enacted governing the conditions under which such a land use is permitted. We think it best to handle any regulation of short-term rentals within the zoning ordinance.

Commonly the short term rental zoning provisions define short term as less than 30 days. The same concept may be called transient rentals, or short term transient rentals. A few examples of a seasonal zoning regulation have been found as well, in which different regulations apply if the rental is for more than 30 days but less than 180 or so.

If the zoning ordinance is where short term rentals are regulated, the ordinance of course will spell out which zoning districts allow such a use. Sometimes ordinances require a special use permit, which usually leads to the same level of public hearings and action by the governing body equivalent to the process required for a rezoning.

We think the best provision would be to require a conditional use permit in any residential zoning district, which allows the city, township, or county to address concerns about extra vehicles, hours, noise, trash removal, frequency of turnover, and more. Then if the local government thinks that its comprehensive plan requires strict adherence to a single family model in some districts, conditions such as a minimum number of nights' stay for each tenant, a maximum number of nights of rental each year, and the presence of the owner-occupant on premises can be required.

Standards For Short Term Rental Zoning

In any event, the zoning ordinance is likely to set forth standards for short term rental zoning. Topics regulated might include:

- Posting or availability at the town hall of one or even two **local** contact persons who will be responsible for handling any problems that arise with the property. We think this is the most important regulation, and one that should be strictly enforced.
- Requirements for providing off-street parking. Unless the unit in question is very well served by public transportation, this is a must. Typically the requirement could be met by extra driveway space, but if even homeowners park on the street, be quite careful to include a sufficient regulation.
- Noise and nuisance provisions, or reference to other ordinances addressing such situations.
- Requirements that garbage collection be maintained, and limiting the hours before and after collection when the garbage receptacles can be in front of the home. Think through whether you want to tolerate a situation such as visitors leaving on Monday morning and wheeling a garbage can to the street, even though garbage collection does not occur until Thursday.
- Minimal required spacing between short term rentals. A particular interval of feet may be used to assure that an entire block does not turn into a short term rental district.
- Reinforcement of the idea that normal occupancy limits (number of persons who may live in the home) for a particular zoning district also apply to short term rental tenants.
- Proof of code compliance, fire safety measures, adequate water and sewer service, or other utilities or infrastructure that may be of particular concern.
- Requirements for notifying neighbors, or even for their agreement.
- Limitations on the turnover. Renting to six different tenants within a month probably won't be allowed in many places. There may be a minimum stay, perhaps of a week.
- Limitations on particular areas of the town or city where short term rental either is not allowed at all or is not restricted. Such statements within a zoning ordinance would amount to establishing an overlay district pertaining just to the subject of transient rentals.
- Imposition of a special use permit or conditional use permit requirement, allowing for scrutiny of the particular facts of a site before allowing such a use. Alternatively, you might provide for a city staff review based on specific criteria.
- A complaint structure through which close neighbors can report problems and issues to the city, or possibly even a mediation structure for disputes.
- A revocation procedure for a rental that proves to be a detriment to the neighborhood.

If the rental of homes for a short time is not covered in the zoning ordinance, or the town or city does not have a zoning ordinance, a separate law sometimes is enacted. Probably it would deal with the same types of limitations and requirements described above, as considered appropriate and necessary by the local government.

If your town is targeting regulations toward Airbnb and its competitors, you may want to discuss a requirement that the building is owner-occupied. This prevents the situation of an off-premises owner who may be conscientious but not aware of tiny problems that might arise each night. Yet it also allows homeowners with plenty of space and parking capability to be able to earn some extra income in a manner relatively harmless to the neighborhood.

A number of European cities, led by Paris, have adopted a registration process for the short term rentals, since prior to the licensing requirement they largely had been avoiding paying taxes required of hotels and other formalized lodging. Additional pushback in European cities has come from those who claim that the short term rentals of rooms and apartments have

become so lucrative that there is a loss of rental housing stock available for the local population. From some reports we have read, there is merit in this claim. We encourage you to think about the potential for loss of affordable housing for your own residents if short-term rentals become a significant factor in your community.

Resort cities and towns in the U.S. face a similar problem in that out-of-town visitors are willing to pay a premium for rooms that once were rented to seasonal employees, who now have nowhere to live. Each city in this situation has to wrestle with its moral and practical responsibility to provide housing for the seasonal workers who make the tourism industry possible.

Trends In Brief Rentals

We expect that the 2020-2021 COVID-19 pandemic has softened the appeal of short-term rentals, but any lasting impact will depend on how the public perceives the safety of staying in a residence other than a hotel and even on how quickly leisure travel recovers over a period of many months or years. This factor may give municipalities who have not yet addressed the issue some additional time to consider an appropriate response, but we think that at some point the popularity of this element of the sharing economy will continue on its overall upward trend.

In the case of both short term rental zoning and free-standing transient rental regulations, many communities that are aware of the connections between [tourism and economic development](#) have a tendency to begin with minimal regulation and to add requirements on the basis of particular problems that arise. If the town becomes divided over the issue, however, of course the regulations are likely to be more strict and more creative.

Still other towns choose to ignore the issue that some residents or property owners rent out homes for a very short term, considering this practice to be the prerogative of the property owner. Be aware that there will be resistance if you try to limit property owners' flexibility. As an example, see our exchange with a site visitor about being [forced to stop renting through Airbnb](#).

We see the opposite tendency in towns that do not consider themselves to be tourism oriented. Often they are very suspicious of allowing people to rent out rooms in their residence for a few days, thinking that it undermines the sanctity of single-family residential neighborhoods. They have a good point actually.

Some municipalities have asked planning or code enforcement staff members to monitor the big short-term rental websites to find any properties offered for stays in their jurisdiction. If you have had the policy debate and determine that you cannot allow this land use, it should be relatively easy to find property owners who are in violation, as they have to advertise to be known.

We advise you to think this through before it becomes a big issue though. There may be some zoning districts and even some particular lot configurations where any potential

disruption would be minimal, but where the economic benefits to property owners could be real.

Particularly in an unattractive real estate market, allowing short term rental zoning is probably not a bad idea, as long as the percentage of the housing stock devoted to this use is small. From the community perspective, short term rental use is probably preferable to a house going into foreclosure.

Some apartments run themselves, in a sort of absentee [bed and breakfast](#) situation. However, we recommend that it is best to require a meaningful stay if there is no on-premise owner or manager. Our advice would be to require a stay of at least three days but preferably five to seven.

This allows the neighbors to monitor the situation better. If new people can come in every night, neighbors will tend to shrug their shoulders about anything strange they see. But each community will need to evaluate its own situation to determine how to address home sharing.

<https://www.sheboyganpress.com/story/opinion/2022/06/10/airbnb-vrbo-rental-laws-wisconsin-advice-sheboygan-attorney/7557986001/>

It's vacation season in Wisconsin. Here's what to know before renting your home on Airbnb or Vrbo.

Adam Vanderheyden

For USA TODAY NETWORK-Wisconsin

Wisconsin has a lot to offer, especially in the summer months. Rivers and lakes, shoreline beaches, the Northwoods, championship golf courses and world-renowned sports venues provide something for everyone in both rural and urban settings. Add cheese curds to the mix and the state practically sells itself.

Home-sharing companies like Airbnb and Vrbo have opened the doors for homeowners to take part in Wisconsin's \$17 billion tourism industry by facilitating vacation rentals for residential properties. Post-pandemic, these listings will only increase. But some laws apply to "short-term rentals" of fewer than 30 consecutive days.

Statewide law

In 2017, Wisconsin enacted a short-term rental law — also known as the Right to Rent Law — that applies statewide. Under the law, no city, village, town or county (political subdivision) can prohibit rentals of residences for seven consecutive days or longer.

This statewide law does not override local laws that place restrictions on short-term rentals of less than seven days or don't conflict with provisions of the state law.

The state law followed several lawsuits involving homeowners who wanted to rent their homes but were told that local ordinances prohibited such short-term rentals. In some cases, neighbors may prompt restrictions on short-term rentals in their community.

But now, if a homeowner decides to list their home as a “short-term rental” for periods of seven to 30 days, a political subdivision cannot disallow it. It can only limit (by ordinance) the total number of days that a rental unit may be rented in a year, beyond 180 days.

The political subdivision cannot limit rentals to certain times of the year but “may require that the maximum number of allowable rental days within a 365-day period must run consecutively.” Before renting, a renter must notify the clerk of the political subdivision.

Other requirements

Additionally, the state law requires anyone who maintains, manages, or operates a short-term rental for more than 10 nights each year to obtain a “tourist rooming house” license from the state department of agriculture, trade, and consumer protection.

The tourist rooming house license costs \$110 annually, with a one-time pre-inspection fee of \$300. A political subdivision may also enact ordinances that require a license from the political subdivision to begin offering short-term rentals, in addition to the state license, and may enact other requirements that don’t conflict with state law.

In fact, that’s exactly what the town of Holland did in Sheboygan County. The town enacted an ordinance that placed other requirements on short-term rentals “to ensure that the quality of short-term rentals operating within the Town is adequate for protecting public health, safety and general welfare.”

For instance, provisions of the ordinance prohibit excessive noise, limit the number of occupants, prohibits “greater than normal” traffic at the property, restricts outdoor events to no later than 10 p.m., and requires a property manager to be available at all times unless the owner lives within 35 miles of the short-term rental, among others.

These local requirements were challenged in court by a group called the Good Neighbors Alliance. But in February, a circuit court judge upheld the town of Holland’s ordinance relating to short-term rentals, in one of the first cases since the state law passed.

Thus, it’s important for those who want to rent their homes as short-term rentals to understand the state law, but also the local ordinances that may apply.

As communities balance rental rights with other concerns like limiting nuisances, preserving neighborhoods, and controlling health and safety, lawsuits concerning short-term rentals will likely continue in the tourist destination that is Wisconsin.

ORDINANCE № 293-032322

CREATING SECTIONS 18.51 TO 18.58 OF CHAPTER 18 OF THE MUNICIPAL CODE FOR THE VILLAGE OF SISTER BAY CONCERNING SHORT-TERM RENTAL RESIDENTIAL DWELLINGS

WHEREAS, the Village of Sister Bay desires to balance the interests of property owners to use their property as short term rentals ["STR" or "STRs"], while balancing the interests of residents who seek to protect the quality of life and the character and stability of their neighborhood; and

WHEREAS, the issuance of short-term rental permits is to ensure the quality and nature of Short-term rentals operating in a Residential Dwelling in a Residential District within the Village of Sister Bay ("Village") by establishing minimum standards and determining the responsibilities of owners, agents, and property managers offering properties for tourists and transient occupants, to protect the character and stability of neighborhoods within the village, and provide for the administration and enforcement thereof; and

WHEREAS, any short-term rental shall not adversely affect the residential character of the neighborhood, nor shall the use generate noise, vibration glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.

NOW, therefore, the Village Board does hereby ordain as follows:

Section 1 – State Statutes Adopted – Authority

The Village Board adopts this ordinance under its general village powers authority and §66.1014 and §61.34 of the Wisconsin Statutes.

Section 2 – Availability for Public Inspection

A copy of this ordinance shall be permanently on file and open to public inspection in the Office of the Village Clerk after its enactment and for a period of not less than two (2) weeks before its enactment.

Section 3 – Article IV, Sections 18.51 – 18.58 of the Municipal Code for the Village of Sister Bay, is hereby created and shall read:

Section 18.51 License Required

No person may own, manage, or operate a short-term rental within the R-1, R2, or R-3 Zoning Districts for even one (1) night each year without a Village Short-term Rental license issued pursuant to this ordinance.

Section 18.52 Definitions

- A. "BTR" means Department of Revenue Business Tax Registration number.
- B. "DATCP" means Wisconsin Department of Agriculture Trade and Consumer Protection.
- C. "DCTZC" means Door County Tourism Zone Commission.

- D. "POWTS" means Private On-Site Wastewater Treatment System.
- E. "Property Owner" means the person or entity who owns the residential dwelling that is being rented.
- F. "Resident Agent" means a person or an entity who is not the Property Owner and who is authorized to act as the agent of the Property Owner for the receipt of service of notice and remedy of municipal ordinance violations and for service of process pursuant to this ordinance.
- G. "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 place by one or more persons maintaining a common household, to the exclusion of all others.
- H. "STR (Short Term Rental)" means a dwelling unit in which sleeping accommodations are offered for pay to tourists or transients for periods of less than 30 days.
- I. "Tourist Rooming House" means a dwelling unit in which sleeping accommodations are offered for pay to tourists or transients for periods of less than 30 days.
- J. "Un-hosted" means the owners of the property are not on premise during the rental.

Section 18.53 – License Application

- A. Licenses shall be issued using the follow procedures:
 - 1. All applications for a Short-term Rental license shall be filed with the Village Clerk on forms provided. Applications must be filed by the Property Owner or authorized Agent. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.
 - 2. All applications for a STR license shall include a copy of the current inspection report completed by DATCP.
 - 3. The Village Clerk shall issue a Short-term Rental license to all applicants following payment of the required fee, receipt of all completed documentation and information requested by the application, and approval by the village board or its designee.
 - 4. A Short-term rental license shall be effective for one year and may be renewed for additional one-year periods. The annual licensing term begins July 1st and ends on June 30th of the following year.
 - 5. The application process will open on March 1st. A fully completed application or renewal application and fee must be filed with the Village Clerk at least forty-five (45) days prior to the license expiration so that the village board, or its designee, has adequate time to consider the application. A renewal application shall include any updated information since the filing of the original application.
 - 6. Any changes in ownership of the property requires a new license per Wisconsin Administrative Code State Statute 72.04(b) prior to obtaining a permit from the Village.
 - 7. An owner may apply for a new license no less than 12 months after being revoked (see "Revocation" and "Penalties" sections below.)
 - 8. The village board may suspend, revoke, reject, or not-renew a Short-term Rental license or license application following a due process hearing if the board determines that the licensee has had violations of B1, B2, B3, B4, B5, B6 under Section 18.55, has been notified by telephone and email of such a breach and has left breach uncured for a period of 24 hours following notification from the village.

The village board may suspend, revoke, reject, or not renew a Short-term Rental license or license application following a due process hearing if the board determines that the licensee has had violations of B7, B8, B9, C, D, R, F, under Section 18.55, has been notified by telephone and email of such a breach, and has left breach uncured for a period of fourteen (14) days following notification from the village.

- a) has had two violations at the property in the last 12 months;
- b) failed to comply with any of the requirements of this ordinance;
- c) has been convicted or whose Resident Agent or renters have been convicted of engaging in illegal activity while on the Short-term Rental premises on one (1) occasion within the past twelve (12) months;
- d) has outstanding fees, taxes, or forfeitures owed to the village.

9. Property owners shall be permitted no more than seven (7) calendar days to correct discrepancies in the application before it is deemed late or ineligible for renewal.

Section 18.54 Permit Process

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

- A. The Village application shall be completed in its entirety.
- B. Each rental must register with the State of Wisconsin as a business and receive a Business Tax Registration number (BTR) unless they have contracted with a Resident Agent.
- C. Each rental application will be shared with the Village of Sister Bay's assessor for personal property tax assessment.
- D. Each Short-term Rental shall hold a valid State of Wisconsin Tourist Rooming House License issued by the Department of Agriculture, Trade and Consumer Protection (DATCP), and shall provide proof of such license by attaching a copy to the initial license application.
- E. Each Short-term Rental shall be licensed by the Door County Tourism Zone Commission (DCTZC) and shall provide proof of such license by attaching a copy to the initial license application.

Section 18.55 – Operation of a Short-Term Rental

1. Every STR shall be operated by a property owner or resident agent.
2. Each Short-term Rental shall comply with all the following requirements:
 - a) Any short-term rental shall be defined by the Village of Sister Bay Zoning Code definition of Dwelling Unit. This ordinance prohibits the use of any structure not qualified as a dwelling unit.
 - b) No recreational vehicle, 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.
 - c) If the property is served by a private onsite wastewater treatment system (POWTS), the occupancy is limited to the number of occupants for which the POWTS was designed. The POWTS must be in full compliance with this Ordinance and serve the property in accordance with Chapter 21 of the Door County Code.

- d) Sufficient off-street parking shall be available to accommodate all vehicles on the Short-term Rental premises. Off-street parking shall comply with the Sister Bay Zoning Code, Chapter 400. On-street parking for renters of the Residential Dwelling is Prohibited.
- e) Pets that accompany a renter are subject to the Sister Bay Municipal Code, Chapter 10, with the following additional requirements:
 - (a) Pets must be under the control of their owner and on a leash when outside the dwelling. Pets may be tethered securely to a leash or pulley-run on the premises, provided that the tethered pet is at least ten (10) feet inside the premises lot line.
 - (b) Pet owners must adhere to minimizing pet noise, independent of whether the pet is inside or outside the dwelling.
- f) Any outdoor event held at the Short-term Rental shall last no longer than one day occurring between the hours of 10 AM and 10 PM. From 10 PM to 10 AM quiet hours shall be enforced. All activities shall comply with the Village noise ordinance.
- g) All STR's must be able to accommodate reliable telephone communications in case of emergency.
- h) All STR's must follow state and federal antidiscrimination regulations.
- i) Un-hosted STR's shall be categorized as public accommodations under Title II of the 1964 Civil Rights Act.
- j) The Property Owner must reside within thirty (30) miles of the Short-term Rental during periods in which the Short-term Rental is rented.
 - 1. This requirement may be waived if there is a valid Resident Agent (point of contact) located within thirty (30) miles of the Short-term Rental, in such a case, the Property Owner shall provide a copy of the Resident Agent contract to the Village and notify the Village within thirty (30) days of termination of any such contract.
 - 2. To qualify as a Resident Agent the representative must reside within Door County or be a corporate entity with offices located in Door County.
- k) The Property Owner and/or Resident Agent must provide the village with current contact information and must be available twenty-four (24) hours a day.
- l) The Property Owner and/or Resident Agent must provide the following information to neighboring residential property owners located within a 300-foot radius of the Short-term Rental dwelling property in all directions no later than seven (7) days from the date the rental dwelling permit is issued or any time the Property Owner/Resident Agent contact information changes:
 - 1. Telephone and email address to enable neighboring residential property owners or Village personnel to contact the Property Owner or Resident Agent twenty-four (24) hours a day, seven (7) days a week regarding disturbances or issues arising in connection with the rental of a Residential Dwelling.
 - 2. Provide a copy of property rules that is provided to renters.
 - 3. Provide their DATCP license number.
- m) The Property Owner shall include the following Property Rules information in the online web listing house rules or equivalent page for their rental property:
 - a. Maximum number of off-street parking spaces.
 - b. Quiet hours of 10 PM to 10 AM.

- c. Fireworks strictly prohibited.
- d. Pets must be leashed.

Section 18.56 - Property Rules

A copy of the State of Wisconsin tourist rooming house license, Door County Tourism Zone Good Neighbor Policy, and the Village STR license shall be posted on the property. A list of property rules must be posted at the Short-term Rental property, provided to the guests, and a copy submitted with the application for a license. Property rules must contain the minimum information:

- (a) The name, phone number and address of the Property Owner or Resident Agent.
- (c) A diagram of the property identifying the property lines and the location of off-street parking, including the maximum number of off-street parking spaces provided for renters.
- (d) Quiet hours of 10 PM to 10 AM.
- (e) Fireworks are strictly prohibited.
- (f) Pet policy: Leash requirements, noise.
- (g) The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property.
- (h) Outdoor burning regulations.
- (i) Notification that the occupant may be cited or fined by the Village or immediately evicted by the Property Owner or Resident Agent, in addition to any other remedies available at law, for violating any provisions of this ordinance.

Section 18.57 – Revocation Process and Penalties

A. Forfeiture. The owner of any property, whether a person, partnership, corporation, limited liability company, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction or admission, pay a forfeiture of not less than \$500.00 nor more than \$1000.00 for the first offense, a forfeiture of not less than \$1000.00 nor more than \$2000.00 for the second offense, and a forfeiture of not less than \$2500.00 nor more than \$5000.00 for the third and subsequent offenses, plus the applicable surcharges, assessments, and costs including legal fees and costs of prosecution for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.

B. Suspension, Revocation or Nonrenewal. Upon violation, the Village, at its sole discretion, shall:

1. Notify the owner of the property of noncompliance by email and telephone;
2. Summarily suspend the STR License, with written notice to the Owner;
3. Determine if the owner has remedied the violation and shall schedule a license revocation hearing, before the Village Board, if the violation is not remedied immediately.
4. Provide the opportunity to the Owner to have a hearing on the matter before the Village Board with an effort to provide notification to property owners within 300-feet of the property and allow them to provide oral or written testimony.
5. Determine that the STR License shall, or not, be revoked.
6. Elect to non-renew an STR License for the following year.

7. Shall, in all events, provide notice of any ~~its~~ decision in writing to the Owner.

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

Section 18.58 – Fees

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

Annual Village STR application -----\$500.00
Late fee-----\$100.00

Section 4 – 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 5 – Effective Date.

This ordinance shall take effect upon adoption and publication as required by law.

VILLAGE OF SISTER BAY

By: 
Rob Zoschke, President

ATTEST:


Heidi Teich, Village Clerk

Date Introduced: 3-23-2022
Date Adopted: 3-23-2022
Publication Date: 3-31-2022

Ayes 5

Nays 2

Sauk County Ordinance

SUBCHAPTER I. GENERAL PROVISIONS

Sec. 29.001. Effective date.

This ordinance shall become effective upon its adoption by the Sauk County Board of Supervisors.

Sec. 29.002. Purpose.

The purpose of this ordinance is to protect and improve the public health, safety, welfare, and environment of the people and communities of Sauk County, and to authorize the Sauk County Health Department to become the designated agent of the State of Wisconsin Department of Agriculture, Trade, and Consumer.

Protection for the purpose of establishing license fees, issuing licenses, collecting samples, inspecting and investigating food service establishments, hotels, motels, bed and breakfasts, tourist rooming houses, campgrounds, recreational and educational camps, public pools, inspecting food vending machines, and enacting local regulations governing these establishments.

Sec. 29.003. Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Sauk County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or other County ordinance.

Sec. 29.004. Authority.

This ordinance is adopted pursuant to the authority granted by law including Wis. Stats. ch. 68 and Wis. Stats. §§ 66.0119, 66.0417, 97.41, 97.67, 125.68(5), 251.04(3), and Wis. Admin. Code chs. ATP 72, 73, 74, 75, 76, 78, 79, and as further updated or modified by law.

SUBCHAPTER II. DEFINITIONS

Sec. 29.005. Word usage.

For the purposes of this chapter, certain words and terms are used as follows:

- (1) Words used in the present tense include the future.
 - (2) Words in the singular include the plural.
 - (3) Words in the plural include the singular.
 - (4) The word "shall" is mandatory and not permissive.
 - (5) Words and phrases not defined in this subchapter shall be construed according to common and approved usage, but technical words and phrases and others that have a peculiar meaning shall be construed according to the peculiar meaning unless such construction would produce a result inconsistent with the manifest intent of this ordinance.
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Sec. 29.006. Definitions.

For the purposes of this chapter, all definitions as set forth in Wis. Stats. chs. 68, 97, 125, 251 and Wis. Stats. §§ 66.0119, 66.0417, and Wis. Admin. Code chs. ATP 72, 73, 74, 75, 76, 78, 79, are incorporated in this chapter by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. Additional words and terms are defined as follows:

Board of Health means the Sauk County Board of Health.

County means Sauk County, Wisconsin.

Health Department means the Sauk County Health Department.

Health Director means the Director of the Health Department.

Health Officer means a public official charged with the administration, enforcement, and interpretation of the Sauk County Food Safety and Recreational Licensing Ordinance.

Inspection fee means the fee to conduct an inspection without the intent of licensing an establishment.

License refers to a document issued to operate a facility as defined by this ordinance.

SUBCHAPTER III. PROCEDURES AND ADMINISTRATION

Sec. 29.007. Responsibilities and powers.

- (1) *General Provisions.* If any city or village becomes an agent under Wis. Stats. ch. 97, then the provisions of this ordinance shall not apply in that jurisdiction.
- (2) *Responsibilities of health officers or designees.* To ensure compliance with the purpose, requirements, and intent of this ordinance, and of Wisconsin Statutes and Codes.
- (3) *Powers.* The health officer or designee shall have all the powers necessary to enforce the provisions of this ordinance.

Sec. 29.008. Application.

Application for new licenses and renewal licenses shall be filed with the Health Department on forms developed and provided by the Health Department, as required by the applicable state regulations adopted by reference. In accordance with Section 29.013 of this ordinance, the Health Department shall either approve or deny the application within 30 days after receipt of a complete application.

Sec. 29.009. Fees.

- (1) All fees are established by and may be amended by the Sauk County Board of Health. The fee schedule will be on file with the Sauk County Health Department.
- (2) If a mobile or temporary unit with a current license from the State of Wisconsin is operating in Sauk County, an inspection for food safety practices will be conducted once per licensing year and an inspection fee assessed.

Sec. 29.010. Licensing.

The issuance of licenses shall be governed by this ordinance and applicable state regulations as adopted by reference.

Sec. 29.011. Public display of licenses.

Every establishment required to obtain a license pursuant to this ordinance shall prominently display the license at all times in a conspicuous, public place.

Sec. 29.012. Enforcement.

- (1) The provisions of this ordinance shall be enforced by employees of the Sauk County Sheriff's Department, the Sauk County Health Department, the designees of these departments, or other persons authorized by the Board of Supervisors. Non-compliance with the ordinance or with a temporary order from the health officer or designee shall be cause for enforcement action under this section of this ordinance.
- (2) This ordinance may be enforced by citation or civil forfeiture and the Sauk County Corporation Counsel is authorized to prosecute violations of this ordinance. Any person, business, corporation, property owner, or other entity violating this ordinance may be issued a citation in which case punishment shall occur for forfeiture provided in Sauk County Code Chapter 20. Failure to pay penalties in accordance with this ordinance may result in imprisonment in the Sauk County Jail.
- (3) An authorized agent of the Health Department shall be permitted to enter the public facility at any time in order to ensure that the provisions of this ordinance are being met. If violations are found, an order to correct shall be given to the owner or operator, in writing, noting specific changes that must be made in order to bring the facility into compliance. The order shall set forth the time period by which corrections must take place. In accordance with Section 29.013 of this ordinance, failure to correct may result in suspension of the establishments license to operate, and may invoke the penalty provisions of this ordinance.

Sec. 29.013. Denial, suspension, or revocation of license.

The health officer may deny any license application or suspend or revoke any license issued under this ordinance for noncompliance with this ordinance and regulations, rules, and laws adopted by reference under this ordinance. The procedures enumerated by statute and regulation adopted by reference shall be followed in the denial, suspension, or revocation of any permit issued under this subchapter.

Sec. 29.014. Violation and penalties.

- (1) Any person who violates and refuses to comply with any provision of this ordinance shall be subject to a citation and respective forfeiture as established in Sauk County Code Chapter 20 for each offense. The health officer or authorized representative may issue citations using the standard citation form used by Sauk County. Citations may be served in person or sent by certified mail. The health officer may also, or alternatively, revoke or amend any applicable permit. Each day a violation exists or continues shall be considered a new and separate offense.
- (2) The Sauk County Corporation Counsel may seek enforcement of violations of this ordinance in Sauk County Circuit Court or any other court of competent jurisdiction. A court may enforce this ordinance through injunctive relief.
- (3) Any person or entity violating this ordinance, or any rule promulgated in this subchapter or incorporated by reference, shall forfeit not less than \$25.00 per day and not more than \$200.00 per day for each violation. Each day that a violation exists shall constitute a separate offense.
- (4) Forfeitures are exclusive of any fees or costs imposed pursuant to the Wisconsin Statutes.

SUBCHAPTER IV. HOTELS, MOTELS, AND TOURIST ROOMING HOUSES

Sec. 29.015. Applicability.

The provisions of this subchapter shall apply to operator of any hotel, motel, or tourist rooming house in both the incorporated or unincorporated areas of Sauk County.

Sec. 29.016. Regulations, rules, and laws adopted by reference.

The applicable laws, rules, and regulations as set forth in Wis. Stats. chs. 68, 97 and Wis. Stats. § 66.0417, and Wis. Admin. Code ch. ATP 72, are incorporated in this regulation by reference and they shall be construed, read, and interpreted as fully set forth in this ordinance until amended, and then shall apply as amended. The expressed provisions of this ordinance shall control where more restrictive.

Sec. 29.017. Non-compliance.

Non-compliance with the provision of this ordinance, Wis. Stats. ch. 97, and Wis. Admin. Code ch. ATP 72, will be cause for enforcement under Subchapter III of this chapter.

Price County

☐ § 530-69 **Short-term rentals.**

[Added 4-21-2013 by Res. No. 23-13]

In order to have fair and consistent regulation of all short-term rentals of single-family residences, all short-term rentals must have a valid conditional use permit and shall adhere to the provisions as follows:

- A.** A permanent sign with black lettering and a white background measuring at least 16 inches by 16 inches shall be posted on the property on which there is a short-term rental in a location that is legible from a public road that contains the information as follows: the name(s) of the individual(s) who own(s) the property or the name of the business that manages the rental and a current phone number to contact the respective individual(s).
 - B.** Each rental must adhere to state regulations in collecting all applicable state and local taxes.
 - C.** Each rental must comply with all County ordinances, state laws, state statutes, state administrative rules, and federal regulations.
 - D.** Each rental must adhere to Wisconsin Department of Health Services requirements.
 - E.** Each rental must submit to the Price County Zoning Department an inspection report issued by a Wisconsin licensed plumber as proof of a compliant septic system prior to permit issuance.
 - F.** Each rental must list the maximum number of renters in the conditions.
 - G.** Failure to adhere to the provisions established in this section may result in the action of the Price County Land Use and UW Extension Committee terminating the conditional use permit for the parcel upon which noncompliance has been documented.
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Right to Rent

Five things REALTORS® need to know about Wisconsin's new short-term rental law

Tom Larson | November 09, 2017

As part of the 2017-19 state budget, Wisconsin lawmakers enacted a new law that protects the ability of homeowners to rent out their homes on a short-term basis. The law was passed in response to a growing number of communities banning the rental of residential dwellings for any period of time less than 30 days. Rather than regulating the behavior of the occupants of short-term rentals like any other property to ensure compliance with noise, parking and other local ordinances, these communities have placed blanket prohibitions on any rental less than a month.

Due to the growing popularity of short-term rentals through online platforms like AirBnB and VRBO, lawmakers feared these bans would negatively impact both the tourism industry and second-home real estate markets. Accordingly, the new law encourages local governments to regulate short-term rental activity rather than ban the activity altogether.

Background

As in other parts of the country, short-term rentals of personal residences have become a growing part of Wisconsin's rental real estate market, especially in high tourism areas. According to recent polling, 70 percent of Wisconsin residents would be either very or somewhat interested in renting a home or cabin if they took a vacation of one week or longer in Wisconsin. For those individuals who have vacationed in one place for a week or longer in Wisconsin, approximately 50 percent have rented a home or cabin.

Moreover, the ability to rent a home is becoming more important to prospective buyers in second-home real estate markets like Door County, Lake Geneva and Minocqua. In these markets, the consumer demand for owning second homes has declined over the last decade in part because busy lifestyles make the ownership and maintenance of a second home less attractive. Alternatively, consumers prefer to rent a home for several weeks during the year or, if they do purchase a home, they want to have the option of renting the properties on occasion to generate additional income to help pay for the property taxes and maintenance costs. Before buying a second home, one of the most common questions asked by prospective buyers is whether the property can be rented out on a short-term basis. When asked if they were to own a second home, over 40 percent of Wisconsin residents indicated that the ability to rent it out for a week or longer would be important to them.

With the passage of the right-to-rent law, Wisconsin joins a growing number of states that have either passed laws or have pending legislation pertaining to short-term rentals. Twenty-four states currently have legislation pending on the issue of short-term rentals. While each piece of legislation is unique, all of the legislative proposals fall into one of two categories: authorizing state and local governments to collect taxes on short-term rentals, and/or preempting local government regulation of short-term rentals. Wisconsin's law contains elements of both categories and is somewhat different from laws enacted in other states because it creates two categories of short-term rentals of less than seven days and short-term rentals of seven days or longer.

New law

With the growing popularity of short-term rentals, REALTORS® need to know the following five things about Wisconsin's right-to-rent law:

1. **Local governments can regulate but not prohibit short-term rentals:** The new law prohibits local governments — which include counties, cities, villages and towns — from banning the rental of a residential dwelling for a period of time of seven consecutive days or more. Under the law, "dwelling unit" is defined as "any building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others." This restriction on local government authority applies regardless of the zoning classification. In other words, a local government cannot prohibit the rental of a residential dwelling for seven days or more in any part of the community — such as shoreland areas — or in any zoning classification. The law does not prevent local governments from banning nightly rentals or rentals of less than seven consecutive days. The law treats rentals of less than seven consecutive days differently because lawmakers believe such rentals are more of a commercial use of property, which may be inappropriate in some residential areas. The law does not prohibit local governments from regulating short-term rentals of any duration. A community, therefore, may enact regulations that require property owners to comply with noise standards, parking requirements, obtaining a local permit, paying penalties for ordinance violations or comply with other local standards. REALTORS® should closely monitor local ordinances to ensure that any regulations are fair and reasonable.
2. **Local permits are allowed:** While local governments are not allowed to prohibit homeowners from renting out their homes for seven days or more under the new law, local governments can require property owners to obtain a permit to rent out their homes. The local permit, however, cannot be overly restrictive, resulting in a de facto prohibition on a short-term rental. Such local permits should be more administrative in nature and contain objective and reasonable standards. A common question is whether a local community can require a conditional use permit (CUP) for a short-term rental. The answer depends on the nature of the CUP requirement. If the CUP requirement is overly restrictive and either explicitly or implicitly makes certain residential dwellings ineligible for a permit, then the CUP requirement is in violation of the new law. REALTORS® who encounter local permit or CUP requirements that are unfair or overly restrictive should contact the WRA about a possible legal challenge to the ordinance through the WRA's Legal Action Program.
3. **Be aware of a six-month local cap:** Under the law, local governments are allowed to place a six-month/180-day cap on the amount of time property owners can rent out their home during any 365-day period. Moreover, the law allows but does not require local governments to require the 180 days to be continuous. In communities that have adopted a six-month cap,

property owners are allowed to choose which six-month period the dwelling is rented. For example, if the city adopted a six-month limit on short-term rentals, the property owner could choose March 1 through August 1, April 3 through September 3, May 7 through October 7, or whatever six-month time period the property owner prefers. The six-month requirement is another way in which lawmakers wanted to distinguish between commercial and residential uses of a home. From their perspective, a home that is rented for more than six months during the year is more of a commercial use of property and thus may be inappropriate in some residential areas.

4. **State licensing and inspection requirements:** While not a new requirement, most short-term rentals are required to obtain a “tourist rooming house” license from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). Such a license is required for vacation homes, cabins and cottages that are rented out to tourists and transients for more than 10 nights in a 12-month period. See complete details about this license on the DATCP’s tourist rooming house page online at datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx. The license is an annual license that extends from July 1 of one year through June 30 of the following year, with an annual license fee of \$110. A property owner may rent as many as four units under each tourist rooming house license. As part of the state licensing process, the state will send a sanitarian to inspect the property to ensure that it meets state health and safety requirements. A one-time fee of \$300 is required for the state inspection.
5. **Collection of state sales and local room taxes:** Finally, the law requires owners of short-term rentals and lodging marketplaces to collect state sales and use tax, which are 5 percent, and any room tax owed from the person renting the residential dwelling. Under the law, a “lodging marketplace” is defined as “an entity that provides a platform through which unaffiliated third parties offer to rent a short-term rental to an occupant and collect consideration for the rental from the occupant.” This would include AirBnB, VRBO, a property management company or any other entity that rents short-term rentals for the owner. An owner of a short-term rental also will have to collect two variations of tax: (a) the state sales tax and forward it to the department of revenue if annual sales are equal to or greater than \$1,000, and (b) any local room tax and forward it to the local government where the short-term rental is located if that local government charges a local room tax. Not all local governments charge a local room tax.

Wisconsin’s right to rent law is intended to provide a balance between the rights of property owners to rent their homes and the rights of their neighbors to use and enjoy their property. Each local government will likely regulate short-term rentals in a somewhat different manner, and this will present some challenges for both property owners and REALTORS®. The WRA will actively monitor the implementation of the new law at the local level and will provide resources to assist REALTORS® in this effort upon request. If you have questions or concerns about a proposed or existing short-term rental ordinance, contact the WRA Legal Hotline for additional information.

ORDINANCE TO REGULATE RENTAL PROPERTIES

Town of La Pointe

Madeline Island

Ashland County, Wisconsin

Ordinance 2014-01

Effective: **April 9, 2014**

Amended: April 9, 2019, May 28, 2019

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SECTION 1: TITLE, PURPOSE, AUTHORITY

1.1 TITLE

Town of La Pointe ordinance to regulate rental property.

1.2 PURPOSE

The purpose of this Ordinance is to fix the responsibility of owners, operators, occupants and government to provide a suitable environment for safe, healthy, and desirable living conditions in a variety of rental units in the Town of La Pointe.

1.3 AUTHORITY

The Town Board has the specific authority under 66.0413, 66.0415, 175.25 and Ch. 823 Wis. Stats., and the general authority under village powers in Ch. 61 in general and §61.34 in particular, and the police powers at §60.22 to adopt this ordinance.

SECTION 2: DEFINITIONS

(1) ACCESSORY DWELLING:

An Accessory Dwelling is any structure or part of a structure used for habitation other than the principal dwelling. Accessory Dwellings shall and do require a sanitary permit. Accessory Dwellings shall not exceed sixty-five percent (65%) of the square footage of the principal dwelling or up to fifteen hundred (1500) square feet, not including decks, whichever is lesser. The term “guest house” and “accessory dwelling” are synonymous for the purposes of this Ordinance.

(2) BED AND BREAKFAST:

A place of lodging that: a) provides six (6) or fewer rooms for rent to no more than sixteen (16) tourists or transients; b) provides no meals other than breakfast and provides breakfast only to renters of the place; c) is the owner’s personal residence; d) is occupied by the owner at the time of rental; e) was originally built or occupied as a single-family dwelling.

(3) BOARDING HOUSE:

A building where lodging and meals are offered for three (3) or more persons, but not to exceed eight (8), non-transients who are not members of a family. This definition includes employee housing.

(4) BUILDING INSPECTOR:

The Town staff person or contractor who inspects and administers building construction procedures and processes, code enforcement, and property maintenance for the Town of La Pointe according to Wisconsin statutes and codes.

(5) DESIGNATED TOWN AGENT:

The Town staff person designated to act on behalf of the Town in carrying out the responsibilities designated in this ordinance

(6) DORMITORY/STUDENT HOUSING:

A building or part of a building with sleeping accommodations for students enrolled in a commercial educational facility located in the Town of La Pointe.

(7) DWELLING:

A building or part thereof designed or used exclusively as a residence or sleeping place, but not used for transient occupancy, except when complying with Sections 3.1, 3.4, 3.5, and 3.7 of this Ordinance.

(8) DWELLING, MULTI-FAMILY:

A dwelling on one plot containing separate living units for two or more families, but no more than four (4), but which may have joint services or facilities or both.

(9) DWELLING, SINGLE-FAMILY:

Single-family Dwelling shall mean a building or structure designed or constructed to be occupied by a single-family for the purposes of human habitation.

(10) ESSENTIAL SERVICES:

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

(11) FAMILY:

A person living alone or two or more people living together as a single housekeeping unit as distinguished from a group occupying a boarding house or rooming house.

(12) INCIDENTAL STRUCTURE:

Items of personal property that may have been designed as transportable or as a vehicle but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures include campers, park or model units, buses, and motor homes.

(13) PARKING SPACE:

Each off-street parking space, whether inside or outside, shall be not less than nine (9) feet wide, not less than eighteen (18) feet long, not less than one hundred and sixty two (162) square feet in area, and be so located and situated so as to not block any on-street parking.

(14) RENTAL, SHORT TERM:

Rental for less than one month. "One month" means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days. The day of check-in is counted as a day; however, the day of check-out is not counted as a day.

(15) RENTAL, LONG TERM:

Rental for one month or more. “One month” means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days. The day of check-in is counted as a day; however, the day of check-out is not counted as a day.

(16) ROOMING HOUSE:

A building where lodging only is offered for three (3) or more persons, but not to exceed eight (8), non-transients who are not members of a family. This definition includes employee housing.

(17) SINGLE-FAMILY:

Single-family shall mean and refer to one family as opposed to more than one family.

(18) TOURIST/TRANSIENT:

A person who travels to a location away from his or her permanent physical address for less than one month for vacation, pleasure, recreation, culture, business, or employment. “One month” means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days. The day of check-in is counted as a day; however, the day of checkout is not counted as a day.

(19) TOURIST ROOMS:

A room rented to no more than two (2) adult tourists/transients and related children, without meals or cooking facilities and with or without an individual bathroom. A “Tourist Room” includes a room or rooms so rented in a principal single-family dwelling.

(20) UNIT:

A single residence, as an apartment, that is part of a complex (a rental unit).

SECTION 3: REGULATION OF RENTAL USES

A permit is required for the rental of rooms. Permit expiration is May 14 each calendar year. Annual permit renewal is required. All property owners/managers are responsible for familiarizing themselves with and following all other Town Ordinances relating to this Ordinance, especially Chapter 40: Finance and Taxation, Chapter 205: Buildings, and Chapter 350: Peace and Good Order.

3.1 BED AND BREAKFASTS

Bed and Breakfasts may be permitted within the Town of La Pointe in accordance with the following provisions:

- A. Parking. Off-street parking in accordance with Section 4.1 shall be provided.
- B. Type of dwelling. A Bed and Breakfast shall only occur within a single-family dwelling.
- C. Number of allowable guest rooms. No more than six (6) guest rooms shall be offered.
- D. Exterior character. The exterior appearance of the building shall not be altered from its single-family dwelling appearance.
- E. Food Preparation. No food preparation or cooking shall be allowed in guest rooms.
- F. Meals. Breakfast shall only be offered to overnight guests.
- G. Residency. The Bed and Breakfast shall be the owner's personal residence.
- H. Occupancy. The owner shall occupy the Bed and Breakfast at the time of rental.
- I. Licensing. Prior to establishment of this use, and at periodic intervals that may be required thereafter, the owner shall obtain and maintain a license as required by State law.

3.2 BOARDING HOUSES AND ROOMING HOUSES

Boarding and Rooming Houses may be permitted in accordance with the following provisions:

- A. Adequate sanitation shall service the building or buildings in accordance with applicable State, County, and/or municipal regulations.
- B. Minimum Requirements for Boarding Houses and Rooming Houses:
 - 1. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional

square feet of floor area for every additional occupant thereof, the floor area to be calculated on the basis of total habitable room floor area. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of habitable floor area and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of habitable floor area for each occupant thereof.

2. No dwelling unit containing two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. One bathroom/water closet compartment is required for every three (3) occupants.
 3. In all dwelling units the average ceiling height shall be not less than seven feet six inches (7'6") and the minimum ceiling height shall be not less than seven feet zero inches (7') in the entire first floor area. The minimum ceiling height shall be seven feet six inches (7'6") for all floor areas above the first floor except under sloping roofs where the minimum shall be seven feet six inches (7'6") for not less than fifty percent (50%) of the floor area, and that portion of the floor area under the sloping roof having a ceiling height of less than five (5) feet shall not be considered as part of the floor area in computing the maximum permissible occupancy thereof.
 4. No habitable room shall have its floor level below the alley, court, yard or street grade immediately adjoining or abutting upon said habitable room except that it may be permitted when constructed to comply with the building code.
 5. Every Boarding and Rooming House shall have a kitchen. A kitchen means any room or area that has provisions for a sink, stove, refrigerator, cabinets, and shelves for storage of food, equipment and utensils, and a counter or table for food preparation.
- C. Off-street parking in accordance with Section 4.1 of this Ordinance shall be provided.
- D. There shall be no accumulation of garbage, refuse, junk, or waste including boxes, scrap lumber, scrap metal, appliances, or motor vehicles in nonworking condition. Garbage, refuse, and waste shall be stored and disposed of in a clean and safe manner.
- E. Boarding and rooming houses shall not be the location of any condition that causes a nuisance. Persons housed, and their guests, shall respect the privacy of surrounding properties.
- F. Vegetative screening and/or fencing may be required to accomplish a visual and sound buffer with neighboring properties.
- G. No floodlights or spotlights shall be allowed.

- H. Windows and doors shall be closed and secured when the building is not occupied.
- I. All premises are to be supervised by the owner/operator or authorized agent.
- J. No camping unit may be converted or used as a boarding house or rooming house.

3.3 DORMITORIES AND STUDENT HOUSING

Dormitories/Student Housing may be permitted in accordance with the following provisions:

- A. Occupancy. Occupancy of dormitories/student housing shall be provided only to students and teachers currently enrolled in classes at the associated Town of La Pointe Commercial Educational Facility. The maximum number of occupants shall not exceed twenty-four (24) persons per parcel, and there shall be no more than three (3) dormitories/student housing per parcel.
- B. Off-street parking in accordance with Section 4.1 of this Ordinance shall be provided.
- C. There shall be no accumulation of garbage, refuse, junk, or waste including boxes, scrap lumber, scrap metal, appliances, or motor vehicles in nonworking condition. Garbage, refuse, and waste shall be stored and disposed of in a clean and safe manner.
- D. Dormitories/student housing shall not be the location of any condition that causes a nuisance. Students and teachers housed shall respect the privacy of surrounding properties.
- E. Vegetative screening and/or fencing may be required to accomplish a visual and sound buffer with neighboring properties.
- F. No floodlights or spotlights shall be allowed. This does not include lighting for safety and security.
- G. Windows and doors shall be closed and secured when the building is not occupied.
- H. All premises are to be supervised by the owner/operator or authorized agent while occupied by students and/or teachers.

3.4 RENTAL OF A PRINCIPAL SINGLE-FAMILY DWELLING

Rental of a principal single-family dwelling may be permitted in accordance with the following provisions:

- A. A Rental of Single-family Dwelling Permit is required for the long or short-term rental of a principal single-family dwelling. Permit expiration is May 15 each calendar year. Annual permit renewal is required.

- B. Off-street parking in accordance with Section 4.1 of this Ordinance shall be provided.
- C. Adequate sanitation shall service the dwelling in accordance with state and county regulations.
- D. Safe and sanitary removal and disposal of all refuse and garbage shall be provided.
- E. The rental of a principal single-family dwelling shall not result in excessive noise, traffic, and/or parking congestion. Renters shall respect the privacy of surrounding properties including private docks and beaches.
- F. Short-term rentals must obtain licensure and inspection through the Ashland County Health Department.
- G. Where the town official reasonably believes a rental does not continue in conformity with the requirements of this Section, the town official will notify the property owner and/or authorized agent. Upon receipt of such notification, the property owner shall abate such action or inaction so as to comply with this Ordinance as soon as reasonably possible under the circumstances. It shall be arguably presumed that this Section can be complied with immediately. The town official shall thereafter forward the matter to the Town Board for action thereon including but not limited to revocation of the Permit for rental of a principal single-family dwelling.
- H. Where a written complaint regarding a rental property is received by the town official, the procedure set forth in Section 5.6 of this Ordinance shall apply.

3.5 RENTAL OF ACCESSORY DWELLINGS

Long or short term rental of accessory dwellings on lots improved with a principal single-family dwelling-may be permitted in accordance with the following provisions:

- A. Provisions for the rental of a principal single-family dwelling shall be met.
- B. The principal single-family dwelling shall not be rented short or long term and shall not possess a permit to rent.
- C. The principal single-family dwelling shall not possess a permit for tourist room rental.

3.6 TOURIST ROOMS

Tourist rooms may be permitted in accordance with the following provisions:

- A. Parking. Off-street parking in accordance with Section 4.1 of this Ordinance shall be provided.

- B. Type of Dwelling. Tourist rooms shall only occur within a principal single-family dwelling.
- C. Number of allowable guest rooms. No more than two (2) guest rooms shall be offered. No more than two (2) adult guests are allowed per room.
- D. Exterior character. The exterior appearance of the building shall not be altered from its single-family dwelling appearance.
- E. Food preparation. No food preparation or cooking shall be allowed in guest rooms.
- F. Meals. No meals shall be offered to guests.
- G. Residency. The single-family dwelling offering tourist rooms shall be the owner's personal residence.
- H. Occupancy. The owner shall occupy the dwelling at the time of rental.
- I. Licensing. Prior to establishment of this use and at periodic intervals that may be required thereafter, the owner shall obtain and maintain a license as required by State law.

3.7 RENTAL OF INCIDENTAL STRUCTURES:

Long or short-term rental of incidental structures on lots improved with a principal single-family dwelling with or without an accessory dwelling may be permitted to be rented in accordance with the following provisions:

- A. The principal single-family dwelling on any lot shall not be rented short- or long-term and shall not possess a permit to rent or a permit for tourist room rental.
- B. Any accessory dwelling on any lot shall not be rented short- or long- term and shall not possess a permit to rent.
- C. The incidental structure, if located on a lot within the Madeline Sanitary District (MSD), must be permitted by the MSD and hooked to the MSD system.
- D. The incidental structure, if located on a lot not accessible to the Madeline Sanitary District, must first apply to be permitted by Ashland County to hook up to the principal single-family dwelling's holding tank.
- E. If the incidental structure cannot be located to access the lot's holding tank and/or does not receive an Ashland County permit to hook to the holding tank, the incidental structure must complete the required paperwork with the MSD and hire a licensed hauler to pump the camper trailer's holding tank on a regular basis.

Section 3.7 will be reviewed by the Town Board on or before April 9, 2021 to evaluate whether or not rental of incidental structures is in the Town's best interest. If the Town Board makes a decision to stop issuing rental permits for incidental structures for whatever reason, the Town Board will grandfather in the rental permits for any existing incidental structures holding permits in good standing.

Rental permits for any grandfathered incidental structure will remain valid until the property on which the structure sits changes ownership or the incidental structure is removed from the property on which it is permitted.

SECTION 4: GENERAL PROVISIONS

4.1 OFF-STREET PARKING

- A. Any incidental structure or building hereafter erected, or converted to commercial use, or placed on a lot, or added onto in such way as to increase the square footage of usable floor space, shall provide off-street parking spaces specific to its use and in the manner and number described below.
- B. All dwelling units, whether a single-family dwelling, condominium, multi-family dwelling, motel or other rental unit shall provide off street parking either on-premises or on adjacent premises in the number and manner described below:
1. Single-family dwellings shall each provide two (2) off-street parking spaces.
 2. Each rental unit and each unit in a multi-family dwelling, motel, hotel, condominium, bed and breakfast, or similar use shall provide at least two (2) off-street parking spaces.
 3. Loading and Unloading Requirements. Any use that requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no public street, alley, or access to any parking area is blocked by such activities.
 4. The number of off street parking spaces required for non-residential uses is shown in the following table:

<u>USE</u>	<u>MINIMUM PARKING REQUIRED</u>
Boarding House	One (1) space per bedroom or sleeping unit
Dormitory/Student Housing	One (1) space per bedroom or sleeping unit
Rooming House	One (1) space per bedroom or sleeping unit
Tourist Rooms	One (1) space per rental unit
Any Other Rented Structure	One (1) space per rental unit

- C. In the case of structures or uses not mentioned, the provision for a use that is similar shall apply, as determined by the Town Plan Commission.
- D. For structures and/or properties containing more than one use, the required number of spaces shall be computed by adding space required for each use.

E. Handicap Parking Requirements.

In addition to any other requirements relating to parking spaces contained in this Ordinance, the provisions contained in State Statute Section 101.13, 346.503, and 346.56 and any Wisconsin Administrative Code Sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

F. Landscaping.

All public and private off-street parking areas which serve four (4) vehicles or more, are located within fifteen (15) feet of any lot line or right of way and are created or redesigned and rebuilt subsequent to the adoption of this Section shall be provided with accessory landscape areas totaling not less than ten percent (10%) of the parking area. The minimum size for each landscaped area shall not be less than one hundred (100) square feet.

G. Lighting.

Any lighting used to illuminate an off-street parking area shall be directed away from residential properties and public or private streets in such a way as not to create a nuisance.

H. Abandonment.

No parking space or driveway providing access thereto shall be abandoned, closed, converted to another use, or in any way eliminated from use as a parking space or driveway, unless adequate off-street parking and access are provided to the property in full compliance with the provisions of this Ordinance.

4.2 SIGNS

Signs identifying or advertising the property must meet the requirements of the La Pointe Ordinances regarding signs.

SECTION 5.0 ADMINISTRATION

5.1 DESIGNATION

The provisions of this Ordinance shall be administered and enforced by the designated town official who shall be employed by the Town of La Pointe and shall be designated by and report directly to the Town Board and with guidance from the Town Plan Commission. This section (5.0) of the ordinance shall apply to all lodging permits in Section 3 – Regulation of Rental Uses.

5.2 PERMIT PROCESS

- A. Application by owner accompanied by necessary fees.
- B. Screening by the designated town official. Property must meet all applicable zoning requirements.
- C. Annual inspection by Ashland County Health Department's designated official.
- D. Decision by either the designated town official or the Town Plan Commission about whether to issue the permit.
- E. Issuance of permit within ten (10) days after approval by Town Plan Commission or designated town official, where applicable.

5.3 INSPECTION

- A. The Town of La Pointe designated Building Inspector shall inspect properties as requested/reported by the designated town official and as reported under Section 5.6. The Building Inspector shall inspect the premises with at least forty-eight (48) hours' notice to the owner, operator and/or authorized agent shall be granted entrance to any locked premises.
- B. Following the inspection, the designated Building Inspector shall advise the designated town official in writing whether the annual permit should be granted/continued.
- C. If the designated Building Inspector's report recommends denial/revocation, the basis for such decision shall be provided. The designated town official shall notify the owner of the rental property by certified mail within five (5) days of receipt of the report recommending denial/revocation including the basis for such decision. The designated town official shall not issue any rental permit contrary to the recommendation of the designated Building Inspector. The owner, operator and/or designated agent shall not occupy or let to another for occupancy any space unless it possesses a current rental permit, complies with the requirements of applicable building codes and zoning ordinances, and occupancy is limited to the maximum number of persons permitted.
- D. Non-occupancy for reason of non-compliance with this section for a period of twelve

(12) months will render the Permit void.

- E. Existing boarding and rooming houses operating at the time of amendment to this Ordinance may be allowed to continue. However, to further the purpose of this Section any boarding or rooming house not in compliance with the following provisions shall constitute a nuisance and will not be allowed to continue:
 - 1. Within six (6) months of amendment to this Ordinance, the owner must prove the legality of the nonconforming use by the greater weight of credible evidence. The original nonconforming use shall not in its lifetime have been added to, expanded, changed, or discontinued for a period of twelve (12) months.
 - 2. The Boarding or Rooming House and its premises shall comply with annual inspection and permitting requirements.
- F. In any case where a provision of this Section or of any regulation adopted pursuant thereto is found to be in conflict with a provision of any building, fire, safety, or health code or ordinance, the provision that established the higher standard for the promotion of health and safety of the public shall prevail.
- G. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provision of this Section may be found in violation of this ordinance. All clauses in rental agreements contrary to the expressed provisions of this Section and any Permit issued to the property are prohibited and will be interpreted as a violation of the Permit and of this Section of the La Pointe Ordinance to Regulate Rental Properties.

5.4 ENFORCEMENT

- A. The designated town official shall have the power and authority to enforce all provisions of this Ordinance on behalf of the Town.
- B. The designated town official shall have the power and authority on behalf of the Town to issue Orders charging any person with violating any provision of this Ordinance which he or she reasonably believes such person to have violated.

5.5 WRITTEN ORDERS

- A. The Building Inspector shall have the power and authority on behalf of the Town to issue a Written Order to any person, requiring such person to do an act or to cease from doing an act so as to comply with this Ordinance.
- B. A person, upon receipt of such a lawful Written Order, shall comply with such Written Order as soon as is reasonably possible under the circumstances then existing. It shall be rebuttably presumed that such Written Order can be complied with immediately.

- C. A person, who upon receipt of such a lawful Written Order fails to comply with the same as soon as is reasonably possible under the circumstances existing, shall be guilty of violating this Section of this Ordinance. The violation of such a lawful Written Order in and of itself shall constitute a separate violation of this Ordinance and the violation is subject to the penalty set out in this Ordinance whether or not such person is convicted of any other violation of this Ordinance. In the event such a Written Order was mailed, such Order shall be arguably presumed to have been received by the person to whom it was addressed upon evidence being presented that the same was mailed by certified mail via the Postal Service.

5.6 COMPLAINTS

Any person who reasonably believes that a person or entity owning, using or occupying real property in the Town is, by act or omission, violating a Permit, or lacks a required permit, or there is a life/safety issue, may file a written complaint with the designated town official. Such written complaint shall set forth the name, address and telephone number of the complainant, the name and address of the property being complained about and a detailed statement on the grounds and basis for such a complaint. Such complaint shall be signed by the complainant. Complaint forms will be available in the designated town official's office. The designated town official shall receive and evaluate all written complaints received at such office. The designated town official shall conduct a preliminary evaluation of complaints and may do any one of the following:

- A. Forward the matter to another agency.
- B. Forward the matter to the Town Plan Commission or Town Board for ordinance interpretation.
- C. Attempt to reconcile the matter between the complainant and the property owner, user, or occupier, if it is a minor dispute.
- D. Close the matter if it does not present sufficient information of cause to proceed.
- E. Investigate any complaint that presents significant information to support an allegation of possible violation of this Ordinance and upon completion of an investigation, the designated town official may do one or more of the following:
 - 1. Dismiss the complaint for lack of sufficient cause to proceed.
 - 2. Divert the matter to another agency.
 - 3. With the approval of the Town Plan Commission:
 - a. Request the Building Inspector issue a Stop-Work, Cease-and-Desist Order or Order of Correction

- b. Revoke a Rental of Single-family Rental Permit for the rental of a principal or accessory dwelling or other structure.
 - c. Issue one or more citations for apparent violations or, with the assistance of the Town's attorney, cause such violation to be prosecuted.
 - d. Pursue such court action as is appropriate including, but not limited to, seeking injunction, restraining order or restitution.
- F. Any person aggrieved by a decision of the designated town official or the Town Plan Commission regarding this ordinance may seek review in accord with Ch. 68 of the WI statutes or its successor statute in the event of renumbering.
- G. Nothing in this Section shall be construed as preventing the designated town official from pursuing enforcement of this ordinance under Section 5.4, 5.5, or 5.6 regardless of the manner in which the designated town official learned of an alleged violation of this ordinance.

5.7 VIOLATION

Any person found to have violated any provision of this Ordinance shall, upon conviction, be subject to a forfeiture of up to five hundred dollars (\$500) plus court costs plus any applicable fees and assessments. Each day a violation exists or continues shall constitute a separate offense. In addition to such forfeiture, a violator may also be required to reimburse the Town for the costs of prosecution, including reasonable attorney fees. A person who fails to pay any forfeitures, costs and assessments imposed by the Court, shall, upon being found in contempt of Court, be subject to imprisonment for not to exceed thirty (30) days.

5.8 NUISANCE

A violation of any provision of this Ordinance shall constitute a nuisance that the violator be required to abate. Injunctive relief may be ordered to terminate or prevent a violation of any provision of this Ordinance. There shall be an arguable presumption that any violation of this Ordinance causes irreparable harm to the public. A violator of any provision of this Ordinance may be required to pay for restitution performed by another party.

APPENDIX- ZONING DISTRICT USE MATRIX

USE	ZONING DISTRICT															
	W-P	W-1	W-2	R-1	R-2	R-3	S-1	S-2	C-1	LI-1	LI - 2	G-1	P-IR	C-V	T-P	M-1
Accessory Dwelling (1 only)		P	P	P	P	P	P	P	P							
Accessory Dwelling, rental of		P	P	P	P	P	P	P	P							
Accessory Structure		P	P	P	P	P	P	P	P	P	P	P	P	C	P	P
Agricultural Crop Farming	C	P	P	P			P									
Agricultural Crops & Products	C	P	P	P			P						P	P	P	
Aircraft/Airplane Hangar										P						
Airport		C	C							P						
Automobile Sales Establishment									P	P	P					
Automobile Service & Supply Facility									P	P	P					
Bank									P							
Bed & Breakfast			C	C		C			C							
Boarding House and Rooming House			C	C		C			C							
Building, Municipal			C		C				P		P	P			C	
Campground		C	C						C				C			
Cemetery		C	C	C	C	C	C					C				
Commercial Entertainment Facility									P							
Contracting & Building Storage & Service										P	P					
Dormitory/Student Housing			C	C					C							
Dwelling, Multiple Family				C		P			P							
Dwelling, Multiple Family, Rental of				C	P	P			P							
Dwelling, Single Family (1 only)		P	P	P	P	P	P	P	P							
Dwelling, Single Family, rental of		P	P	P	P	P	P	P	P							
Educational Facility, Public									P			P				
Educational Facility, Commercial			C	C					P				C		C	
Fish Hatchery	C	C	C				C									
Forest Crops & Products		P	P	P			*			P	P		P	P	P	
Fuel Storage Facility		C	C							P	P					
Fuel Storage Retail Facility									C							C
Game Preserve	C	C	C				C						C	C	C	
Greenhouse Commercial		C	C	C			C		P	P	P					
Health Care Facility					C	C			P			P				
Home Business		C	P				*		P							
Home Occupation		P	P	P	P	P	*	C	P							

USE	W-P	W-1	W-2	R-1	R-2	R-3	S-1	S-2	C-1	LI-1	LI-2	G-I	P-R	C-V	T-P	M
Home Office/Studio		P	P	P	P	P	P	P	P							
Hotel, Motel, Resort									C							
Junk/Salvage Yard		C	C							P	P					
Land Disturbing Activity		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Laundry Facility									P		P					
Light Industry									C	P	P					
Livestock Production/Products		P	P				C									
Marina									C							P
Materials Recovery Facility												P				
Museum									P		P	P				
Non-Metallic Mining		C	C													
Open Air Market									P							
Park/Campground, Municipal							C								C	
Parking Lot				C					P	P	P	P	C	C	C	P
Planned Unit Residential Development		C	C	C		C	C					C				
Professional Office		C	C	C					P	P	P					P
Public Lake Access															P	
Public Service Utility	C	C	C	C	C	C	C	C	C	P	P	P	C	C	C	
Public Utility	C	C	C	C	C	C	C	C	C	P	P	P	C	C	C	
Recreational Facility						C			C				C		C	
Recreational Trail													P	P	P	
Religious Facility				P	P	P			P							
Restaurant									P							
Retail Trade Facility									P							P
Road Access	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Road/Driveway Extension	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Sewage Disposal Facility		C	C													
Sexually-Oriented Business									C							
Tavern									P							
Tourist Rooms		P	P	P		P			P							
Transportation Facility									P	P	P	P				C
Veterinary Care Facility		C	C						C							
Warehouse/Storage Facility			C						C	P	P					C
Wastewater Treatment Plant										P	P					
Wind Generator, Telecommunication, and Radio Tower, Solar Collector over thirty-five feet (35') high		C	C	C			C						C	C	C	C

5.9 EFFECTIVE DATE

This ordinance is effective on publication or posting.

The Office of the Town Clerk shall properly post or publish this ordinance, as required under s. 60.80, Wis. Stats.

Adopted this _____ day of _____, 20__.

James Patterson, Chairman

Attest,
Micaela Montagne, Town Clerk

Mike Anderson, Supervisor

Sue Brenna, Supervisor

John Carlson, Supervisor

Posted on _____

Glenn Carlson, Supervisor

Tourist Rooming House

A Tourist Rooming House (TRH) is defined as all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. Rentals are for less than 30 consecutive days.

Bed and Breakfast

A Bed and Breakfast Establishment (B&B) is defined as any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12 month period, is the owner's personal residence, is occupied by the owner at the time of rental and which the only meal served to guests is breakfast.

Columbia County Planning & Zoning

112 E. Edgewater Street
Portage, WI 53901
(608) 742-9660

Office Hours:

Monday—Friday 8:00 a.m. to 4:30 p.m.

planning.zoning@co.columbia.wi.us

www.co.columbia.wi.us/columbiacounty/planningzoning

This handout summarizes requirements for Tourist Rooming Homes & Bed and Breakfast Establishments but it is not all inclusive. Please contact Department Staff with specific questions regarding your project.



**Tourist Rooming House
& Bed and Breakfast
Establishments
Quick Facts**

Columbia County, Wisconsin

112 E. Edgewater Street * Portage, WI

Tourist Rooming House

What are the requirements?

- a. Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the unit.
- b. The number of guest vehicles allowed on site is limited to the number of bedrooms in the tourist rooming house. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.
- c. Must meet all requirements associated with a single-family dwelling.
- d. The appearance or use of the tourist rooming house shall not be altered in a manner that would cause the premises to differ from its residential character.
- e. No on-site advertising.
- f. Must be licensed by the State of Wisconsin
- g. In addition to any state required license fee, each operator of a TRH approved under the Columbia County Zoning Code or determined to be a legal nonconforming use shall provide the County with an annual fee and an annual report on a form furnished by the County to enable the County to confirm compliance with any conditions of approval, the standards of this chapter and any state reporting requirements.
- h. The Conditional Use Permit shall not be transferable to another owner.

Bed & Breakfast

What are the requirements?

- a. No premises shall be utilized for a bed and breakfast unless there are at least two exits to the outdoors from such premises.
- b. The dwelling unit in which the bed and breakfast takes place shall be the principal dwelling of the operator or owner and said operator or owner shall live on the premises when the bed and breakfast is active, as required under the Wisconsin Administrative Code.
- c. The Conditional Use permit shall not be transferable to another owner.
- d. The maximum stay for any occupants of a bed and breakfast establishment shall be 31 consecutive days.
- e. All such facilities shall be required to obtain a license to serve liquor, if applicable.
- f. In addition to any state required license fee, each operator of a B&B approved under the current or previous County codes or ordinances shall provide Columbia County with an annual fee to enable the County to confirm compliance with the standards of this chapter to fulfill state reporting requirements.
- g. Within the A-1 district, such use shall also be subject to the following additional limitations:
 - * Be conducted by the owners or operators of the farm, and employ no other persons.
 - * Require no buildings, structures or improvements other than a preexisting farm residence, an agricultural accessory structure or both.
 - * Not impair the current or future agricultural use of the farm or of other farmland that is within the A-1 district legally protected from nonagricultural development or both.

Annual Fees

Tourist Rooming House	\$110.00
Bed and Breakfast	\$100.00

One Time Fees:

Conditional Use Pre-Application	\$50.00
Conditional Use Application	\$500.00



Zoning Districts

The following Zoning Districts allow for Tourist Rooming Houses **with an approved Conditional Use Permit:**

- AO-1 Agriculture and Open Space
- A-2 General Agriculture
- RR-1 Rural Residential
- R-1 Single-Family Residence
- R-2 Multiple-Family Residence
- C-1 Light Commercial

The following Zoning Districts allow for Bed & Breakfast Establishments **without a Conditional Use Permit:**

- R-2 Multiple-Family Residence

The following Zoning Districts allow for Bed & Breakfast Establishments **with an approved Conditional Use Permit:**

- A-1 Agriculture
- AO-1 Agriculture and Open Space
- A-2 General Agriculture
- RR-1 Rural Residential
- R-1 Single-Family Residence
- C-1 Light Commercial

Tourist Rooming House Land Use Permit Conditions

A yearly license is required to continue to operate with a planned rental schedule for the upcoming year.

A maximum of ____ people are allowed on the property from 11:00p.m. to 7:00a.m.

A maximum of 12 occupants are allowed from 7:00 am to 11:00 pm regardless of the number of bedrooms, provided they meet the following conditions:

- (a) Accessory building must not have sleeping accommodations.
- (b) No RVs or campers allowed for overnight stay.
- (c) All parking to be on an impervious surface and must be contained on the property.
- (d) Applicant must obtain all proper licensing.
- (e) All fires & embers are to be extinguished by 11:00 p.m., with no unattended fires.
- (f) Applicant must have 24-hour contact number available to the public.
- (g) Property must remain free from citation and charges for nuisance, disorderly conduct, or any other illegal activity.
- (h) Quiet hours shall be imposed from 11:00 p.m. to 7:00 a.m.
- (i) Applicant and renters must comply with ALL applicable laws and regulations:
 - 1) Department of Natural Resources lake regulations to be included in rental information.
 - 2) Lake association rules to be included in rental information.
 - 3) Owner is responsible to state and local jurisdictions for compliance with firework regulations.
- (j) All pets must be contained on the rental property unless they are on public property.
- ** (k) Property lines must be surveyed with boundaries clearly staked by a professional land surveyor.
- (l) All conditions that apply to renters shall be included in rental information.
- ** (m) Existing septic system to be inspected and approved. The zoning office can inspect or require the septic system to be inspected annually.
- ** (n) Local uniform building inspector shall be hired by the applicant to determine the number of legal bedrooms in the dwelling. The zoning office can require additional building inspections performed by the local building inspector annually at the operator's expense.
- (o) Any advertisement shall include the land use permit number and the health department license number.
- * (p) Max rental of up to 7 days per month from May thru September, and a total of 174 days per year unless a conditional use permit is obtained to rent more days per month/year.

**Items to be completed PRIOR to applying for a land use permit application.

Suggestions for the ordinance for CUP for:

Air Bnb's, Tourist Rooms, VRBO's, motel, hotels, inns, any short-term rental of 7 days or less that is in the zoned area under the jurisdiction of Richland County.

Not in order of importance:

- All such entities must have registered with the Richland County Zoning Department and follow all restrictions listed with a CUP. It will be unlawful to rent such an entity without a permit.
- Any already established such entity, will have one year after the ordinance is passed to register with the Zoning Department and then after such year will be under the restrictions of the CUP.
- The CUP may not be passed on when selling the property except to a living spouse.
- Rentals must be limited to 180 days a year
- Quiet time is established between 10pm to 10am
- The Owner or agent of the owner must be within 30 minutes of such an entity if there are emergencies or concerns reported and be able to attend to those items.
- The activities of such a rental should not change or threaten the character of the residential area.
- Specific areas for parking must be delineated.
- Should there be a barrier- fence, wall, vegetation
- Bedrooms should be for 2 persons to the exclusion of all others and accessible for egress in emergencies.
- There will be a certain time period for renewal of permit.
- A special permit will be needed for an indoor or outdoor fire place
- A good neighbor policy will be written up and signed by the owner and then posted at the rental entity.
- A landline or reliable cellular service should be available in case of emergency.
- A definite posting of where and how to dispose of garbage and recyclables should be on site.
- consideration of outdoor lighting
- In case of necessity for enforcement of regulations, additional fees will be assessed.

A resolution to Repeal the requirements of Chapter 66.1014 Limits on Residential Rental

Whereas Wisconsin Chapter 66.1014 places restrictions on Political Subdivisions limiting the control of the rental of Residential Dwellings; and

Whereas those limitations within Chapter 66.1014 have led to unchecked expansion and proliferation of the tourist rooming house industry; and

Whereas the proliferation of tourist rooming houses leads to a transient guest population rather than a stable population embedded within the community; and

Whereas the proliferation of tourist rooming houses deprives working families of housing opportunities in areas already strained by limited housing options; and

Whereas the proliferation of tourist rooming houses amounts to quasi-commercialization of residential neighborhoods; and

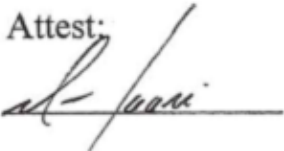
Whereas the proliferation of tourist rooming houses exacerbates housing shortages and increases gentrification within neighborhoods.

Therefore, be it resolved that the Iron County Board of Supervisors petition our Governor, our State Legislators and other counties in our state to repeal the requirements listed in Wisconsin Chapter 66.1014, and allow the local Political Subdivision greater control over short term rentals and the interaction of short-term rentals within the communities;

Be it further resolved that, this request be sent to our Governor, our local legislators, and all counties in the state.

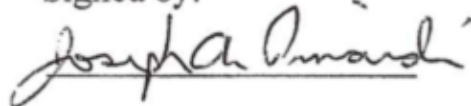
Approved and adopted this 30th day of August 2022.

Attest:



Michael Saari
Iron County Clerk

Signed by:



Joseph Pinardi, Chair
Iron County Board of Supervisors

Chapter ----. Short-Term Home Rentals

§ 1-1. Purpose.

A. The purpose of this section is to allow short-term home rental while mitigating impacts upon surrounding properties by implementing balanced regulations to protect the integrity of the City's neighborhoods as well as protect the general public health, safety and welfare.

B. These provisions establish the framework for City review of applications for short-term home rental operations, and the standards which apply to the operation of these businesses.

§ 1-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

GUEST BEDROOM

A room occupied exclusively for sleeping purposes by a transient guest. A bedroom shall contain at least 80 square feet of floor space for one occupant and shall contain at least 120 square feet of floor space for two occupants. A bedroom shall contain a maximum of two occupants, regardless of size. Bedrooms shall have a minimum of seven feet of ceiling height over 50% of the floor area of the bedroom. There shall be a minimum of two code-compliant means of egress; one shall be a window, as long as the window meets the Wisconsin Uniform Dwelling Code⁽¹⁾ requirements for egress, natural light, and ventilation. A bedroom shall not be located in an RV, camper, tent or similar temporary lodging arrangements.

OUTDOOR RECREATION AREA

~~Any man-made structure within someone's property that is used for outdoor recreational purposes which includes but is not limited to: pools, decks, gazebos, and children's playground equipment. This includes areas for smoking, playing yard games, or similar activities. (DC1)~~

PARKING MITIGATION PLAN

A plan that is comprised of existing parking conditions and proposed parking conditions within 300 feet of a proposed short-term home rental.

PRIMARY RESIDENCE

The dwelling unit within which a person lives for six months plus a day during a calendar year. A person shall only have one primary residence.

PRIMARY RESIDENT

A person living on a property where the property is the person's primary residence.

PROPERTY MANAGER

The person identified as being the person responsible for the short-term home rental, to respond to complaints, or be available to address the needs of transient guests in the absence of the property owner.

PROPERTY OWNER

The owner of the property being used as a short-term home rental.

RESIDENTIAL DWELLING

~~Any building, structure, or part of the building or structure that is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.~~

A residential unit providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, cooking, eating, and sanitation

SHORT-TERM HOME RENTAL^{[DC2][DC3]}

A residential dwelling unit that is offered for rent for a fee and for fewer than 29 consecutive days as defined in Wisconsin Stats. § 66.0615(1)(dk). This includes short-term home rental of any accessory dwelling units as defined in City of Ashland Unified Development Code § , the second unit of an owner-occupied duplex, mother-in-law apartments, and bed-and-breakfast establishments.

TRANSIENT GUEST

A person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business, or employment and rents a short-term home rental.

§ 1-3. License required.

A. No property may be used as a short-term home rental for more than 10 nights each year unless granted a license by the City.

B. License standards. All short-term home rentals shall be subject to the following performance standards and the property owner must certify on the application form that all applicable items found in this chapter are satisfied, including:

~~(1) Performance standards as found in § 1-4.~~^[DC4]

(2) Proof of sufficient and suitable property insurance identifying that the property is protected and the short-term rental business has commercial liability insurance.

~~(3) Proof of tourist rooming house or bed-and-breakfast license, as amended, from St. Croix County.~~^[DC5]

(4) The license application must supply information on any web-based booking service(s) used for the license property.

(5) Compliance with any other applicable state, county, or local regulations that are not otherwise identified as part of this chapter.

§ 1-4. Performance standards.

A. Maximum occupancy. The maximum number of transient guests shall be limited to two transient guests per legal guest bedroom, plus one additional transient guest. Maximum occupancy load shall not be exceeded at any time the home is used as a short-term home rental.

B. Proximity of assistance to short-term home rentals. The property owner or property manager must be within 30 miles of the short-term home rental property at any time the property is being used by transient guests.

C. Contact information. The City Clerk's Department must be notified within 10 days of a change in property owner's or property manager's contact information. The property owner and/or property manager must provide the property owner's or the property manager's (as applicable) contact information, including name, address and phone number, to all property owners within 300 feet of the property boundary. The property owner and property manager must notify neighboring properties within 10 days of a change in contact information.

D. Parking. In residential zoning districts, all guest parking must be accommodated on concrete or asphalt surface on the short-term home rental property. No on-street parking is allowed for transient guests. At a minimum, parking shall be provided at the following rate:

(1) Number of spaces.

(a) One to two guest bedroom unit: two spaces.[DC6]

(b) Three plus guest bedroom unit: number of parking spaces equal to the number of guest bedrooms.

(2) In (Commercial) [DC7] Zoning Districts, transient guest parking must either be accommodated on the property of the short-term home rental dwelling unit or a parking mitigation plan must be approved by City staff.

E. Exterior appearance and signage. There shall be no change in the exterior appearance of the home or premises, or other visible evidence of the conduct of a short-term home rental, except:

(1) Additional on-site City-code-compliant parking may be added to accommodate transient guests.

(2) One sign, up to six square feet, posted on the building identifying the short-term home rental.

F. Refuse. All waste shall be kept in approved watertight receptacles or containers with closed tops and shall be stored out of view as much as possible.

G. Noise. There shall be no amplified outdoor sound after 10:00 p.m. or before 8:00 a.m. ~~All outdoor recreation areas shall be a minimum of 100 feet from neighboring residences.~~[DC8]

H. Health and safety. Short-term home rental shall be equipped with the following:

(1) Smoke detector and carbon monoxide detectors in accordance with Wisconsin statutes on each floor level and sleeping area.

(2) Fire extinguishers shall be placed in the kitchen area, furnace area, and hallways adjoining bedrooms.

(3) Inside each bedroom door shall exhibit an evacuation plan, with a diagram of escape routes and emergency telephone numbers.

I. Guest disclosure posting. Each short-term home rental shall have posted inside within two feet of the main entrance, in writing, the following rules and regulations and must submit a copy of the disclosure to the City with the license application and renewal applications.

- (1) The name, phone number and address of the property owner or property manager.
- (2) The maximum number of transient guests allowed at the property.
- (3) The maximum number of vehicles allowed at the property and where they are to be parked.
- (4) Property rules related to use of outdoor recreation areas, such as decks, patios, grills, recreational fires, pools and other recreational facilities.
- (5) City nuisance ordinances will be enforced by the Ashland Police Department, including reduced noise levels between 10:00 p.m. and 8:00 a.m.

J. Inspections. All short-term home rentals shall be inspected annually by the City of Ashland Fire Department. Upon prior notice to the property owner or property manager, as applicable, City departments, including Police, Fire and Building Inspections, have permission to inspect the premises to investigate any complaints or possible violations.

§ 1-5. License application.^[DC9]

Any property owner desiring to operate a short-term home rental must apply to the City Clerk's office for a short-term home rental license. A license must be approved prior to operating within the City. The license application must be submitted on the form prescribed by the City Clerk and must include all the information requested on the application form, including:

A. A site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, smoking area, or pool.

B. A floor plan, drawn to scale, of the home identifying which rooms will be used as transient guest bedrooms.

C. The property owner shall request a time to have their property inspected before the application can be considered complete.

D. Incomplete applications will not be accepted.

§ 1-6. Application fee.^[DC10]

The license application form must be accompanied by payment in full of the required license application fee for short-term home rental. The application fee amounts will be as determined by the Common Council in the City fee schedule.

§ 1-7. License issuance.

All short-term home rentals are required to have an administratively issued license from the City.

A. Licenses are nontransferable and shall automatically expire upon change of ownership of the property.

B. A license constitutes a limited license granted to the applicant by the City and in no way creates a vested zoning right or property right to operate a short-term home rental.

C. Licenses are valid for a period of one year. A renewal license must be applied for 90 days prior to expiration every calendar year.

§ 1-8. Sales taxes and room tax.

In addition to state sales tax, the property owner is required to pay the City room tax.

A. The property owner is required to pay the City room tax quarterly. If no rentals are made during a quarter, a report must nonetheless be submitted to the City stating that no rentals were made or room tax collected during that quarter.

B. When a booking service or internet marketplace is used to coordinate rental of lodging facilities, the company providing the service shall be responsible to collect and pay the City room tax quarterly. If no rentals are made during a quarter, a report must nonetheless be submitted to the City stating that no rentals were made or room tax collected during that quarter.

§ 1-9. Appeal of licensing decisions; license revocation; appeal procedure; judicial review.

A. License decision. The City Clerk's decision to deny an initial short-term rental license or to deny renewal of a short-term rental license shall be in writing and shall specify the reason(s) for such denial. Prior to the time for the renewal of the license, the Clerk shall notify the licensee, in writing, of the City's intention not to renew the license and notify the licensee of his or her right to an appeal hearing as provided in § **1-9B**.

B. Appeal procedure. The applicant or licensee, as applicable, may appeal the Clerk's decision to deny an initial license or to deny renewal of a license to the Common Council by filing a written appeal with the Clerk within 20 business days after the date of mailing of the written notice of the Clerk's decision denying such license or renewal license. The Common Council shall conduct a due process hearing within 30 business days of the Clerk's receipt of the written appeal. The Clerk shall provide a minimum of 10 calendar days' notice to the appellant of the date, time, and location of the hearing. The Common Council shall issue a written decision on the appeal within 20 business days of the hearing. At the hearing, the appellant may produce and cross-examine witnesses, present relevant evidence, and be represented by counsel of the appellant's/licensee's choosing and at the appellant's/licensee's expense. If the Common Council finds the reason(s) for the Clerk's decision to be sufficient, the decision shall be affirmed. If the Common Council finds the reason(s) for the Clerk's decision to be insufficient, the decision shall be reversed, and the license shall be granted and issued. If the appellant does not appear at the hearing and the Common Council finds the reason(s) for the Clerk's decision to be sufficient, the decision shall be affirmed. The Common Council's written decision on the appeal must specify the reason(s) for its

determination. The Clerk shall give written notice of the Common Council's decision to the applicant or licensee.

C. Revocation. [DC11] A license may be revoked by the Common Council during the term of a license year and following a due process hearing as described in § 1-9B for one or more of the following reasons:

(1) Licensee's failure to pay any and all delinquent fees, taxes, special charges, forfeitures or other debt licensee owes to the City.

(2) Licensee's failure to maintain all required local, county and state licensing requirements.

(3) Any violation of local, county or state laws or regulations which, based upon their number, frequency and/or severity, and their relation to the short-term home rental property, its owner(s), tenant(s), occupant(s) or visitor(s), substantially harm or adversely impact the surrounding neighborhood.

D. Complaint. Any resident of or owner of property within the City may file a sworn written complaint with the Clerk alleging one or more of the reasons set forth in § 1-9C as grounds for revocation of a short-term home rental license issued under this chapter. Upon the filing of the complaint, the Clerk shall notify the licensee of the complaint by certified mail, return receipt requested, and provide the licensee with a copy of the complaint. The notice shall direct the licensee to appear before the Common Council on a day, time and place included in the notice, not less than 10 days and not more than 30 days from the date of the notice, and show cause why his or her license should not be revoked. The hearing shall be conducted as provided in § 1-9B. If a license is revoked, the Clerk shall give notice of revocation to the licensee by certified mail, return receipt requested. No part of the fee paid for any license so revoked may be refunded.

E. Judicial review. The action of the Common Council in granting or renewing, refusing to grant or renew, or revoking a license under this chapter may commence an action in Ashland County Circuit Court seeking the remedy available by certiorari. Such an action seeking certiorari review by the Ashland County Circuit Court shall be filed within 30 days of the date of mailing by the Clerk of the notice of the Common Council's action granting or renewing, refusing to grant or renew, or revoking a license. The procedure for certiorari review shall be the same as in civil actions commenced in the circuit court pursuant to Wisconsin Statutes regarding certiorari review.

§ 1-10. Violations and penalties.

A. Any person who violates any provision of this chapter shall be subject, upon conviction thereof, to a forfeiture of not less than \$250 nor more than \$750 [DC12] for each offense, together with the costs of prosecution. Each violation and each day a violation occurs or continues to exist shall constitute a separate offense.

B. The penalties set forth in this section shall be addition to all other remedies of injunction, abatement or costs, or any other remedy available under this chapter or Wisconsin or federal law.

1. Farm stay in Viola Guesthouse at Griff Run
2. Home in Richland Center Gramps Getaway
3. Cabin in Hill Point Big R's Retreat
4. Cottage in Richland Center Beautiful 1 Bedroom Cottage (maybe Ithaca)
5. Bungalow in Richland Center Gloryview Ridgetop Bungalow
6. Home in Richland Center ZZ Hilltop Farmhouse
7. Home in Richland Center Private Oasis with Hot Tub
8. Home in Viola TerraVista House in the Driftless (not in Viola)
9. Cabin in Muscoda Riverview Cabin LLC
10. Cabin in Richland Center The Spring Water Retreat
11. Cabin in Viola (maybe in Richland County)
12. Home in Richland Center 4 bedroom, 3 bath home with
13. Camper/RV in Richland Center. Glamping on the Pine
14. Home in Muscoda Cler's Valley View
15. Farm Stay in Hill Point (maybe Ithaca township)
16. Home in Muscoda Century Old Charming
17. Cabin in LaFarge Back Roads Cabin Retreat
18. Farm Stay in Richland Center Generations – An 8th generation
19. Cabin in Richland Center The Water Villa
20. Cabin in Richland Center Tree Bear Cabin on 67 acre
21. Cabin in Viola Newly build cabin retreat in the
22. Camper/RV in Hill Point Big R's Retreat 2 (maybe Ithaca township)
23. Home in Cazenovia. Willow Creek Cottage
24. Farm stay in Viola Eunice the Airstream
25. Cabin in Cazenovia. Willow Valley Get-away
26. Cabin in Soldiers Grove Amish cabin on beautiful 40 acres (maybe Crawford county)
27. Home in Viola The Dead Drift Lodge
28. Tiny Home in Richland Center Little Round Cabin on the Pine (I think outside city limits)
29. Farm Stay in Hill Point Ridgetop Retreat
30. Cottage in Muscoda River's Edge Cabin, LLC
31. Cabin in Richland Center Secluded cabin with views of..
32. Home in Viola Secluded cabin nestled in the
33. Apartment in Hillsboro. Yuba State Bank Apartment
34. Home in Richland Center 4 bedroom, 3 bath home with..
35. Home in Richland Center. Ewing's Southfork
36. Home in Cazenovia. Willow Creek Cottage
37. Apartment in Hillsboro. The Shopkeeper's Apartment
38. Farm Stay in Plain Grateful Farms Cabin: Hills, ...
39. Cabin in Hillpoint. Bear Valley Outdoor Inn, an...
40. Cabin in Richland Center The Sylvan Cabin w/small lake...
41. Home in Richland Center The Sweet Suite
42. Cabin in Richland Center The Driftless Escape Modern, ...
43. Farm Stay in Cazenovia Driftless area farmhouse with...
44. Cabin in Muscoda Riverview Cabin, LLC 3 beds
45. Cabin in Lone Rock Driftless Chalet Secluded...
46. Farm stay in Viola The Farmhouse Suite at Griff...
47. Cabin in Readstown. River's Edge Cabin LLC

48. Chalet in Muscoda Riverside Chalet LLC
49. Tiny Home in Richland Center. Little Round Cabin on the Pine...
50. Cabin in Richland Center. Secluded cabin with views of...
51. Cabin in Hillpoint Bear Valley Outdoor Inn, an...
52. Home in Soldiers Grove English Run Rental House – 4...
53. Cabin in Soldiers Grove Grand Family Cabin with ...
54. Guesthouse in WI. Bear Valley Outdoor Inn is a...
55. Cabin in Muscoda Spacious Lodge on the ...
56. Home in Spring Green. B Farm Charm
57. Guest suite in Richland Center Midwest Living in Spacious ...



Illuminating
ENGINEERING SOCIETY



JOINT IDA - IES

**MODEL
LIGHTING
ORDINANCE
(MLO)**

with USER'S GUIDE

June 15, 2011

The User Notes

The User Notes are intended to clarify the sections of the MLO for the various audiences who will use it: lighting designers, city officials, engineers, citizen groups, and others. Every effort has been made to keep the language technically accurate and clear, but since different disciplines may use the same term in different ways, or have different interpretations, some guidance may be helpful. While these Notes can not be a full tutorial on modern lighting design, it is hoped that the Notes will help facilitate the dialogue necessary to adopt the MLO.

Background

The problems of light pollution first became an issue in the 1970s when astronomers identified the degradation of the night sky due to the increase in lighting associated with development and growth. As more impacts to the environment by lighting have been identified, an international “dark sky” movement is advocating for the precautionary approach to outdoor lighting design.

Many communities have passed anti-light-pollution laws and ordinances. However, there is little or no agreement among these laws, and they vary considerably in language, technical quality, and stringency. This is confusing for designers, engineers, and code officials. The lack of a common basis prevents the development of standards, educational programs, and other means of achieving the goal of effective lighting control.

This MLO will allow communities to drastically reduce light pollution and glare and lower excessive light levels. The recommended practices of the IES can be met using readily available, reasonably priced lighting equipment. However, many conventional lighting practices will no longer be permitted, or will require special permits.

This Model Lighting Ordinance (MLO) is the result of extensive efforts by the International Dark Sky Association (IDA) and the Illuminating

Engineering Society of North America (IES). Among its features is the use of lighting zones (LZ0-4) which allow each governing body to vary the stringency of lighting restrictions according to the sensitivity of the area as well as accommodating community intent. In this way, communities can fine-tune the impact of the MLO without having to customize the MLO. The MLO also incorporates the Backlight-Uplight-Glare (BUG) rating system for luminaires, which provides more effective control of unwanted light.

Joint IDA-IESNA
Model Outdoor Lighting
Ordinance (MLO)

June 15, 2011

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General Notes in Adopting this Model Ordinance

Adoption of this ordinance should follow the established development, review, and approval processes of the adopting authority. If no such processes are in place, this ordinance may be adopted as a new independent section of the Municipal Code.

The MLO is probably best adopted as an “overlay zoning” ordinance. This means that it overlays, but is different from, land-use zoning. It can be added to or integrated into existing ordinances or codes and cross-referenced to other applicable codes and ordinances such as the electrical code, the sign code, planning ordinances, etc.

The MLO may best be managed by assigning it to planning officials and using existing administrative structures.

Because of the diverse community and lighting needs across large areas, this MLO is not intended for adoption as a state, provincial or national ordinance. Regional coordination is encouraged. Light pollution knows no boundaries, and the effects of polluting light persist as far as 200 kilometers (about 120 miles) from the source. One large city could adopt the MLO and dramatically affect a region, but adoption in suburbs and small towns must be part of a regional effort to achieve significant improvements in the overall quality of the night sky.

Adopting agencies should also consider that the MLO, like all other modern codes, is designed to evolve over time. Lighting technology will change, and MLO changes will be needed every few years. On-going renewal cycles are strongly recommended as any part of an adopting ordinance.

MLO Development and Task Force Members

This Model Lighting Ordinance has been developed as a joint undertaking by the Illuminating Engineering Society and the International Dark-Sky Association.

The Joint Task Force responsible for developing the MLO include

IDA
Co-Chair: Jim Benya
Co-Chair: Nancy Clanton
Leslie Lipstein
Leo Smith
Michael Mutmanský

IES
Naomi Miller
Cheryl English
Denis Lavoie
Eric Gibson

John Walter representing the electric utility industry also contributed as a member of the Joint Task Force.

I. PREAMBLE - User's Guide

In general, the preamble is part of the ordinance but is typically not part of the code. It establishes the reasons why the municipality is undertaking these regulations.

Local governments may add other purposes to the Preamble including established local government environmental or energy goals that support the model lighting ordinance. The environmental impacts of outdoor lighting fall into two categories: carbon footprint (energy used in the life of a lighting product) and obtrusive light.

CARBON FOOTPRINT	OBTRUSIVE LIGHT
Cost & Impact of Mining the Materials Used	Impact on Humans
Energy Used in Production	Impact on the Environment
Energy Used during Product Life	
Disposal/Recycling Costs	

II. LIGHTING ZONES - User's Guide

Lighting zones reflect the base (or ambient) light levels desired by a community. The use of lighting zones (LZ) was originally developed by the International Commission on Illumination (CIE) and appeared first in the US in IES Recommended Practice for Exterior Environmental Lighting, RP-33-99.

It is recommended that lower lighting zone(s) be given preference when establishing zoning criteria. Selection of lighting zone or zones should be based not on existing conditions but rather on the type of lighting environments the jurisdiction seeks to achieve. For instance, new development on previously rural or undeveloped land may be zoned as LZ-1. Using lighting zones allows a great deal of flexibility and customization without the burden of excessive regulation. For example, a jurisdiction may choose to establish vertical lighting zones with the lighting zone at street level at a higher zone than the residential housing on upper levels.

I. PREAMBLE - Ordinance Text

The purpose of this Ordinance is to provide regulations for outdoor lighting that will:

- Permit the use of outdoor lighting that does not exceed the minimum levels specified in IES recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce.
- Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
- Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
- Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
- Conserve energy and resources to the greatest extent possible.

II. LIGHTING ZONES - Ordinance Text

The Lighting Zone shall determine the limitations for lighting as specified in this ordinance. The Lighting Zones shall be as follows:

LZ0: No ambient lighting

Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

II. LIGHTING ZONES (cont.) - User's Guide

However, if an adjacent use could be adversely impacted by allowable lighting, the adopting authority may require that a particular site meet the requirements for a lower lighting zone. For example, the authority could specify Lighting Zone 1 or 2 requirements if a commercial development were adjacent to a residence, hospital or open space, or to any land assigned to a lower zone.

Lighting zones are best implemented as an overlay to the established zoning especially in communities where a variety of zone districts exists within a defined area or along an arterial street. Where zone districts are cohesive, it may be possible to assign lighting zones to established land use zoning. It is recommended that the lighting zone includes churches, schools, parks, and other uses embedded within residential communities.

Zone	Recommended Uses or Areas	Zoning Considerations
LZ-0	Lighting Zone 0 should be applied to areas in which permanent lighting is not expected and when used, is limited in the amount of lighting and the period of operation. LZ-0 typically includes undeveloped areas of open space, wilderness parks and preserves, areas near astronomical observatories, or any other area where the protection of a dark environment is critical. Special review should be required for any permanent lighting in this zone. Some rural communities may choose to adopt LZ-0 for residential areas.	Recommended default zone for wilderness areas, parks and preserves, and undeveloped rural areas. Includes protected wildlife areas and corridors.
LZ-1	Lighting Zone 1 pertains to areas that desire low ambient lighting levels. These typically include single and two family residential communities, rural town centers, business parks, and other commercial or industrial/storage areas typically with limited nighttime activity. May also include the developed areas in parks and other natural settings.	Recommended default zone for rural and low density residential areas. Includes residential single or two family; agricultural zone districts; rural residential zone districts; business parks; open space include preserves in developed areas.

II. LIGHTING ZONES (cont.) - Ordinance Text

LZ1: Low ambient lighting

Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

LZ2: Moderate ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

LZ3: Moderately high ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

LZ4: High ambient lighting

Areas of human activity where the vision of human residents and users is adapted to high light levels. Lighting is generally considered necessary for safety, security and/or convenience and it is mostly uniform and/or continuous. After curfew, lighting may be extinguished or reduced in some areas as activity levels decline.

II. LIGHTING ZONES (cont.) - User's Guide

Zone	Recommended Uses or Areas	Zoning Considerations
LZ-2	Lighting Zone 2 pertains to areas with moderate ambient lighting levels. These typically include multifamily residential uses, institutional residential uses, schools, churches, hospitals, hotels/motels, commercial and/or businesses areas with evening activities embedded in predominately residential areas, neighborhood serving recreational and playing fields and/or mixed use development with a predominance of residential uses. Can be used to accommodate a district of outdoor sales or industry in an area otherwise zoned LZ-1.	<p>Recommended default zone for light commercial business districts and high density or mixed use residential districts.</p> <p>Includes neighborhood business districts; churches, schools and neighborhood recreation facilities; and light industrial zoning with modest nighttime uses or lighting requirements.</p>
LZ-3	Lighting Zone 3 pertains to areas with moderately high lighting levels. These typically include commercial corridors, high intensity suburban commercial areas, town centers, mixed use areas, industrial uses and shipping and rail yards with high night time activity, high use recreational and playing fields, regional shopping malls, car dealerships, gas stations, and other nighttime active exterior retail areas.	<p>Recommended default zone for large cities' business district.</p> <p>Includes business zone districts; commercial mixed use; and heavy industrial and/or manufacturing zone districts.</p>
LZ-4	Lighting zone 4 pertains to areas of very high ambient lighting levels. LZ-4 should only be used for special cases and is not appropriate for most cities. LZ-4 may be used for extremely unusual installations such as high density entertainment districts, and heavy industrial uses.	<p>Not a default zone.</p> <p>Includes high intensity business or industrial zone districts.</p>

III. GENERAL REQUIREMENTS - User's Guide

This Section sets out the requirements that apply to all lighting, both residential and non-residential.

Each adopting jurisdiction should incorporate their existing standards as to when compliance with new regulations is required, when repair or remodeling triggers compliance and if the new ordinance will be retroactive to existing development. The Applicability section of this model ordinance should serve as a guide if the adopting jurisdiction does not have standards or policies in place. Likewise, the adopting jurisdiction should use their existing policies and definitions of what constitutes public monuments, and temporary and/or emergency lighting. Community attitudes and precedents should be taken into account in deciding to regulate seasonal holiday lighting.

EXEMPTIONS - User's Guide

This is standard language intended to prevent conflict of laws and to give the community the ability to set specific lighting requirements in special plans and under use permits. It can be amended to conform to similar language in other ordinances. For example, while public monuments, statuary, and flags should be lighted, the lighting also should be limited to avoid excess.

Lighting for streets, roads, and highways is usually regulated by a street lighting ordinance, and is not covered by this model ordinance. However, since street lighting can affect nearby areas, some recognition of its effect is appropriate. (See Section XI)

SIGN LIGHTING - User's Guide

A sign lighting ordinance is strongly recommended if not already in place. It should carefully limit lighting to prevent over-lighted signs from being used to circumvent lighting ordinances.

III. GENERAL REQUIREMENTS - Ordinance Text

A. *Conformance with All Applicable Codes*

All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

B. *Applicability*

Except as described below, all outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

Exemptions from III.(B.) The following are not regulated by this Ordinance

- a. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement, unless regulated with a streetlighting ordinance.

Note to adopting agency: if using the street lighting ordinance (Section XI), this exemption should read as follows:

Lighting within the public right-of-way or easement for the principal purpose of illuminating roads and highways. No exemption shall apply to any street lighting and to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.

- b. Lighting for public monuments and statuary.
- c. Lighting solely for signs (lighting for signs is regulated by the Sign Ordinance).
- d. Repairs to existing luminaires not exceeding 25% of total installed luminaires.

LIGHTING CONTROLS - User's Guide

This section requires all outdoor lighting to have lighting controls that prohibit operation when sufficient daylight is available, and to include the capability, either through circuiting, dimming or alternating sources, to be able to reduce lighting without necessarily turning all lighting off.

III. GENERAL REQUIREMENTS (cont.) - Ordinance Text

- e. Temporary lighting for theatrical, television, performance areas and construction sites;
- f. Underwater lighting in swimming pools and other water features
- g. Temporary lighting and seasonal lighting provided that individual lamps are less than 10 watts and 70 lumens.
- h. Lighting that is only used under emergency conditions.
- i. In lighting zones 2, 3 and 4, low voltage landscape lighting controlled by an automatic device that is set to turn the lights off at one hour after the site is closed to the public or at a time established by the authority.

Exceptions to III. (B.) All lighting shall follow provisions in this ordinance; however, any special requirements for lighting listed in a) and b) below shall take precedence.

- a. Lighting specified or identified in a specific use permit.
- b. Lighting required by federal, state, territorial, commonwealth or provincial laws or regulations.

C. Lighting Control Requirements**1. Automatic Switching Requirements**

Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.

CURFEW REQUIREMENTS - User's Guide

The intent is to reduce or eliminate lighting after a given time. Benefits include reduced environmental impact, longer hours of improved astronomy, energy savings, and improved sleeping conditions for residents. Additionally, some police departments have indicated that post-curfew light reductions make drive-by patrolling easier because it allows them to see further into and through a site.

The authority should determine the time of curfew and the amount of lighting reduction based on the character, norms and values of the community.

Typically, curfews go into effect one hour after the close of business. Restaurants, bars and major entertainment facilities such as sports stadiums, may require the curfew go into effect two hours after the close of business. The authority may elect to have no curfew for facilities with shift workers and 24 hour operations, or to extend the curfew time to meet specific needs. The MLO can be modified to address those concerns.

Areas without street lights or with very low ambient light levels should consider turning off all non-emergency lighting at curfew while commercial areas or urban areas may prefer a reduction in lighting levels. A reduction of at least 30% is recommended for most uses.

III. GENERAL REQUIREMENTS (cont.) - Ordinance Text

Exceptions to III.(C.) 1. Automatic lighting controls are not required for the following:

- a. Lighting under canopies.
- b. Lighting for tunnels, parking garages, garage entrances, and similar conditions.

2. Automatic Lighting Reduction Requirements

The Authority shall establish curfew time(s) after which total outdoor lighting lumens shall be reduced by at least 30% or extinguished.

Exceptions to III.(C.) 2. Lighting reductions are not required for any of the following:

- a. With the exception of landscape lighting, lighting for residential properties including multiple residential properties not having common areas.
- b. When the outdoor lighting consists of only one luminaire.
- c. Code required lighting for steps, stairs, walkways, and building entrances.
- d. When in the opinion of the Authority, lighting levels must be maintained.
- e. Motion activated lighting.
- f. Lighting governed by special use permit in which times of operation are specifically identified.
- g. Businesses that operate on a 24 hour basis.

IV. NON-RESIDENTIAL LIGHTING - User's Guide

This section addresses non-residential lighting and multiple-family residences having common spaces, such as lobbies, interior corridors or parking. Its intent is to:

- Limit the amount of light that can be used
- Minimize glare by controlling the amount of light that tends to create glare
- Minimize sky glow by controlling the amount of uplight
- Minimize the amount of off-site impacts or light trespass

This MLO provides two methods for determining compliance. The *prescriptive method* contains precise and easily verifiable requirements for luminaire light output and fixture design that limit glare, uplight, light trespass and the amount of light that can be used. The *performance method* allows greater flexibility and creativity in meeting the intent of the ordinance. Note that both the prescriptive and the performance method limit the *amount* of light that can be used, but do not control *how* the lighting is to be used.

Most outdoor lighting projects that do not involve a lighting professional will use the prescriptive method, because it is simple and does not require engineering expertise.

For the prescriptive method, the initial luminaire lumen allowances defined in Table A (Parking Space Method) or B (Hardscape Area Method) will provide basic lighting (parking lot and lighting at doors and/or sensitive security areas) that is consistent with the selected lighting zone. The prescriptive method is intended to provide a safe lighting environment while reducing sky glow and other adverse offsite impacts. The PerParking Space Method is applicable in small rural towns and is a simple method for small retail “mom and pop” operations without drive lane access and where the parking lot is immediately adjacent to the road. A jurisdiction may

IV. NON-RESIDENTIAL LIGHTING - Ordinance Text

For all non-residential properties, and for multiple residential properties of seven domiciles or more and having common outdoor areas, all outdoor lighting shall comply either with Part A or Part B of this section.

PRESCRIPTIVE METHOD - User's Guide

also allow a prescriptive method for classes of sites, such as car dealerships, gas stations, or other common use areas.

Note that the values are for initial luminaire lumens, not footcandles on the target (parking lot, sidewalk, etc). Variables such as the efficiency of the luminaire, dispersion, and lamp wear can affect the actual amount of light so the lumens per square foot allowance is not equal to footcandles on the site. By specifying initial luminaire lumen values, it is easier for officials to verify that the requirement is being met. Initial luminaire lumens are available from photometric data. Each initial luminaire lumens calculation should be supplied on the submittal form.

Solid state luminaires, such as LEDs, do not have initial lamp lumens, only initial luminaire lumens (absolute photometry). Other luminaires tested with relative photometry will have initial luminaire lumens which can be calculated by multiplying initial lamp lumens by the luminaire efficiency. In this example, three types of luminaires are used to light a parking area and building entry in a light commercial area. Two of these three luminaires use metal halide lamps: 70 watt wall mounted area lights and 150 watt pole mounted area lights. For these, the Initial Luminaire Lumens is equal to the initial lamp lumens multiplied by the luminaire efficiency. These values are entered into the compliance chart. The lumen value for the building mounted LED luminaires is equal to the lumens exiting the luminaire. Therefore, the value already represents the Initial Luminaire Lumens and no luminaire efficiency is needed. The total Luminaire Lumens for the site is equal to 247,840.

The allowable lumens are based on the lighting zone and the total hardscape area. Referencing Table B, the allowed lumens are 2.5/SF for LZ2. Multiplying this by the total hardscape square footage gives a value of 250,000 lumens allowed. Because this value is greater than the value calculated for the site, the project complies. Listed below is an example on a typical compliance worksheet for the Prescriptive Method.

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text***A. Prescriptive Method***

An outdoor lighting installation complies with this section if it meets the requirements of subsections 1 and 2, below.

1. Total Site Lumen Limit

The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using either the Parking Space Method (Table A) or the Hardscape Area Method (Table B). Only one method shall be used per permit application, and for sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens.

The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires.

IV. NON-RESIDENTIAL LIGHTING (cont.) - User's Guide

In this example, three types of luminaires are used to light a parking area and building entry in a light commercial area. Two of these three luminaires use metal halide lamps: 70 watt wall mounted area lights and 150 watt pole mounted area lights. For these, the Initial Luminaire Lumens is equal to the initial lamp lumens multiplied by the luminaire efficiency. These values are entered into the compliance chart. The lumen value for the building mounted LED luminaires is equal to the lumens exiting the luminaire. Therefore, the value already represents the Initial Luminaire Lumens and no luminaire efficiency is needed. The total Luminaire Lumens for the site is equal to 247,840. The allowable lumens are based on the lighting zone and the total hardscape area. Referencing Table B, the allowed lumens are 2.5/SF for LZ2. Multiplying this by the total hardscape square footage gives a value of 250,000 lumens allowed. Because this value is greater than the value calculated for the site, the project complies.

PRESCRIPTIVE METHOD EXAMPLE - COMPLIANCE CHART			
<i>Lamp Descriptions</i>	<i>QTY</i>	<i>Initial Luminaire Lumens</i>	<i>Total</i>
70 W Metal Halide	8	3,920	31,360
150 W Metal Halide	20	9,600	192,000
18 W LED	24	1,020	24,480
TOTAL INITIAL LUMINAIRE LUMENS			247,840
SITE ALLOWED TOTAL INITIAL LUMENS*			250,000
PROJECT IS COMPLIANT?			YES

* Listed below is the method of determining the allowed total initial lumen for non-residential outdoor lighting using the hardscape areamethod. (Table B).

SITE ALLOWED TOTAL INITIAL LUMENS	
<i>Site Description</i>	Light Commercial
<i>Lighting Zone</i>	LZ-2
<i>Hardscape Area (SF)</i>	100,000
<i>Allowed Lumens per SF of Hardscape (Table B)</i>	2.5
<i>Site Allowed Total Initial Lumens (lumens per SF X hardscape area)</i>	250,000

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text

PRESCRIPTIVE METHOD (cont.) - User's Guide**LIMITS TO OFFSITE IMPACTS**

The prescriptive method of the MLO restricts uplighting, including upward light emitted by decorative luminaires. A jurisdiction may choose to preserve some types of lighting, including lighting of monuments or historic structures. In this case, the adopting jurisdiction should exempt or otherwise regulate these types of lighting carefully so that it does not inadvertently allow glaring or offensive lighting systems.

Offsite effects of light pollution include glare, light trespass, sky glow, and impacts on the nocturnal environment. All of these are functions of the fixture or luminaire design and installation. This document replaces the previous luminaire classification terminology of full cut-off, semi cut-off, and cut-off because those classifications were not as effective in controlling offsite impacts as with the new IESNA luminaire classification system as described in TM-15-07.

A traditional method of defining light trespass is to identify a maximum light level at or near the property line. However, this method does not address offensive light that is not directed toward the ground, or the intensity of glaring light shining into adjacent windows. The requirements defined in Table C limit the amount of light in all quadrants that is directed toward or above the property line. The Backlight/Uplight/Glare (BUG) rating will help limit both light trespass and glare. (A detailed explanation of the BUG system is provided in the section on Table C.)

The limits for light distribution established in Table C (for the BUG rating system) prevent or severely limit all direct upward light. A small amount of uplight reflected by snow, light-colored pavement or a luminaire's supporting arms is inevitable and is not limited by the prescriptive method of this ordinance.

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text**PRESCRIPTIVE METHOD****2. Limits to Off Site Impacts**

All luminaires shall be rated and installed according to Table C.

3. Light Shielding for Parking Lot Illumination

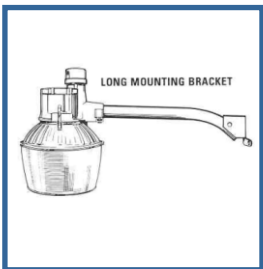
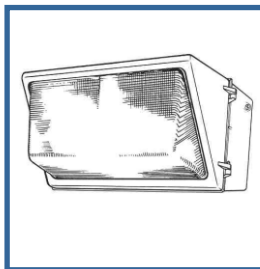
All parking lot lighting shall have no light emitted above 90 degrees.

Exception:

a) Ornamental parking lighting shall be permitted by special permit only, and shall meet the requirements of Table C-1 for Backlight, Table C-2 for Uplight, and Table C-3 for Glare, without the need for external field-added modifications.

PRESCRIPTIVE METHOD (cont.) - User's Guide**LIMITS TO OFFSITE IMPACTS**

A seemingly non-compliant fixture, such as a post-top translucent acorn luminaire, may in certain cases meet the BUG ratings, as long as it has proper interior baffling within the acorn globe. However, the BUG ratings in Table C will limit the use of the following types of luminaires in all lighting zones:

**Barn Lights****Non-Shielded
Wall Packs****Floodlights or
lights not aimed
downward****IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text**

PERFORMANCE METHOD - User's Guide

The performance method is best for projects with complex lighting requirements or when the applicant wants or needs more flexibility in lighting design. The performance method is also used when any lighting designer plans to aim or direct any light fixture upward (above 90 degrees). An engineer or lighting professional generally will be required to design within the performance method. An adopting jurisdiction may also wish to hire an engineer or lighting professional to review and approve projects using this method and/or incorporate review of the performance method into special review procedures.

The Performance Method is also best for projects where higher lighting levels are required compared to typical area lighting. An example might be a car sales lot where more light might be required on the new cars than would be needed for a standard parking lot. Another example is a gas station canopy requiring more light than a building entrance canopy.

The first step in the Performance Method regulates overlighting by establishing the Total Initial Site Lumens (Table D) that are allowed.

Allowances include the summation of the following (Table D):

- 1) Initial lumen allowance per site
- 2) Per area (SF) of hardscape

Table E allows additional lumens for unique site conditions.

Examples of allowances include:

- 1) Per building entrance/exit
- 2) Per length (linear feet) of Outdoor Sales Frontage Perimeter
- 3) Per area (SF) of Vehicle Service Station Canopy
- 4) Plus more ...

The Site Total Initial Site Lumens allowed are a combination of allowances from Table D and Table E.

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text

B. Performance Method

1. Total Site Lumen Limit

The total installed initial luminaire lumens of all lighting systems on the site shall not exceed the allowed total initial site lumens. The allowed total initial site lumens shall be determined using Tables D and E. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens.

The total installed initial luminaire lumens of all is calculated as the sum of the initial luminaire lumens for all luminaires.

IV. NON-RESIDENTIAL LIGHTING (cont.) - User's Guide**LIMITS TO OFFSITE IMPACTS (cont.)**

The second step in the Performance Method is to determine if the proposed luminaires are producing off site impacts such as glare, sky glow and light trespass. One may either use Option A which are the Maximum Allowable BUG Ratings in Table C, or Option B through computer lighting calculations show compliance with Maximum Vertical Illuminance at any point in the plane of the property line in Table F. Option B will be required for all non-residential luminaires that

- A) do not have BUG ratings, or
- B) exceed the BUG ratings,
- C) are not fully shielded, or
- D) have adjustable mountings.

For the performance method, Option B (2) requires photometric calculations for the site perimeter, to a height of no less than 33 feet (10 meters) above the tallest luminaire. Vertical illuminances at eye height (5 feet above grade) will give values that can be used to verify compliance by comparing actual site conditions to the photometric plan submitted during review.

Note that the MLO specifies 'total initial luminaire lumens' as a measurement in addition to footcandles/lux. The footcandle (lux) is equal to one lumen per square meter. Lux is the metric unit and is equal to one lumen per square meter.

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text**PERFORMANCE METHOD****2. Limits to Off Site Impacts**

All luminaires shall be rated and installed using either Option A or Option B. Only one option may be used per permit application.

Option A: All luminaires shall be rated and installed according to Table C.

Option B: The entire outdoor lighting design shall be analyzed using industry standard lighting software including inter-reflections in the following manner:

- 1) Input data shall describe the lighting system including luminaire locations, mounting heights, aiming directions, and employing photometric data tested in accordance with IES guidelines. Buildings or other physical objects on the site within three object heights of the property line must be included in the calculations.
- 2) Analysis shall utilize an enclosure comprised of calculation planes with zero reflectance values around the perimeter of the site. The top of the enclosure shall be no less than 33 feet (10 meters) above the tallest luminaire. Calculations shall include total lumens upon the inside surfaces of the box top and vertical sides and maximum vertical illuminance (footcandles and/or lux) on the sides of the enclosure.

The design complies if:

- a) The total lumens on the inside surfaces of the virtual enclosure are less than 15% of the total site lumen limit; and
- b) The maximum vertical illuminance on any vertical surface is less than the allowed maximum illuminance per Table F.

DESIGN COMPLIANCE - User's Guide

The application form will require information about the number of luminaires, the number of lamps in each luminaire, the initial luminaire lumens for each luminaire and the initial lumen output for each lamp (based on the wattage and type of lamp selected) as well as plans showing the site area measurements. This will allow the reviewer to verify that the lumen output of all the luminaires does not exceed the allowance.

Field verification can be achieved by asking the applicant and/or owner to verify that the luminaire type, lamp type and wattages specified have been used. Also ask the applicant for photometric data for each luminaire, since the initial luminaire lumens and B-U-Gratings are stated on the photometric report.

However, if a jurisdiction requires additional on-site verification, it may also request a point-by-point photometric plan. While this will not be a true measure of compliance with the criteria of this Ordinance, comparing the actual measured levels on site to the photometric plan can be an indication whether or not the installed lighting varies from the approved design.

V. RESIDENTIAL LIGHTING - User's Guide

This section applies to single family home, duplexes, row houses, and low rise multi-family buildings of 6 dwelling units or less.

RESIDENTIAL LIGHTING EXCEPTIONS

The exceptions allow for typical lighting that might exceed the specified limits.

Landscape Lighting - While not common in residential areas, it can cause light pollution and light trespass if it is not controlled.

Lighting controlled by Vacancy (Motion) Sensor - Reduces light pollution and light trespass and should be encouraged.

RESIDENTIAL LIGHTING EXAMPLE

In this example on the following page, five different luminaires are used on a residential property. Each luminaire must comply to meet the requirements. The site plan following shows luminaire types followed by a tabulation of each luminaire, whether or not it is fully shielded, lamp type, and initial luminaire lumens. If the luminaire lumens are not known, multiply the initial lamp lumens by the luminaire efficiency. If the efficiency is not known, multiply the initial lamp lumens by 0.7 as a reasonable assumption. The maximum allowable lumen values come from Table G, based on the shielding classification and location on the site. In this case, each luminaire complies with the requirements of Table G.

Comparison of efficacy by power
(120 Volt Incandescent lamps)

Output (Lumens)	Power (Watt)		
	Incan	CFL	LED
500	40	8 - 10	9
850	60	13 - 18	12 - 15
1,200	75	18 - 22	15
1,700	100	23 - 28	18

V. RESIDENTIAL LIGHTING - Ordinance Text

A. General Requirements

For residential properties including multiple residential properties not having common areas, all outdoor luminaires shall be fully shielded and shall not exceed the allowed lumen output in Table G, row 2.

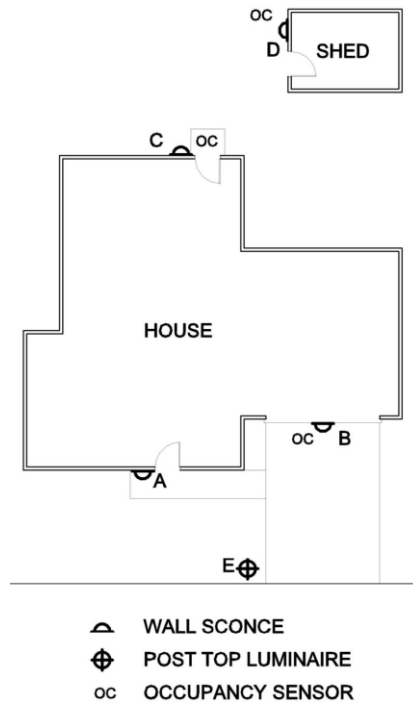
Exceptions

1. One partly shielded or unshielded luminaire at the main entry, not exceeding the allowed lumen output in Table G row 1.
2. Any other partly shielded or unshielded luminaires not exceeding the allowed lumen output in Table G row 3.
3. Low voltage landscape lighting aimed away from adjacent properties and not exceeding the allowed lumen output in Table G row 4.
4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding the allowed lumen output in Table G row 5.
5. Open flame gas lamps.
6. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 15 minutes after the area is vacated.
7. Lighting exempt per Section III (B.).

B. Requirements for Residential Landscape Lighting

1. Shall comply with Table G.
2. Shall not be aimed onto adjacent properties.

V. RESIDENTIAL LIGHTING - User's Guide



Property Type: Residential Lighting Zone 1								
Luminaire Type	Location	Luminaire Description	Fully Shielded	Lamp Type	Initial Luminaire Lumens*	Maximum Allowed Initial Luminaire Lumens (Table G)	Controls	Compliant
A	Front Entry	Decorative wall sconce	No	9W CFL	420	420	None	Yes
B	Garage Door	Fully shielded wall pack	Yes	23W CFL	1050	1260	Occupancy Sensor	Yes
C	Back Entry	Decorative wall sconce	No	7W CFL	280	315	Occupancy Sensor	Yes
D	Shed Entry	Fully shielded wall pack	Yes	40W INC	343	1260	Occupancy Sensor	Yes
E	Driveway	Fully shielded post top	Yes	13W CFL	1260	1260	None	Yes

*Initial Luminaire Lumens are calculated by multiplying the total initial lamp lumens by the luminaire efficiency. If the luminaire efficiency is not known, assume an efficiency of 70% and multiply the lamp lumen value by 0.7.

VI. LIGHTING BY SPECIAL PERMIT ONLY - User's Guide

This section addresses types of lighting that are intrusive or complex in their impacts and need a higher level of scrutiny and/or site sensitivity.

It should be noted that safety could be compromised if lighting conforming to this ordinance is located adjacent to excessively bright and/or glaring lighting.

It is important that the authority set clear and reasonable guidelines for applying for a special lighting use permit, and establish rules and procedures for granting or refusing them. They may differ from existing special use policies, in which case one or the other may be changed to achieve the overall goal of effective lighting without glare, sky glow, or light trespass.

SPORTS FIELD LIGHTING

For athletic and sports fields, the appropriate level of lighting will depend on the Class of Play and Facilities. Class of Play is divided into 4 categories, depending on the number of fixed spectator seats. (Competition play intended for nighttime TV broadcast may require higher lighting levels).

CLASS I: Competition play at facilities with 5,000 or more fixed spectator seats. (Professional, Colleges & Universities, some Semi-Professional & Large Sports Clubs)

CLASS II: Games at facilities with over 1,500 fixed spectator seats. (Smaller Universities and Colleges, some Semi-pro, large amateur leagues and high schools with large spectator facilities)

CLASS III: Games at facilities with over 500 fixed spectator seats. (Sports Clubs and amateur leagues, some high schools and large training professional training facilities with spectator sections)

CLASS IV: Competition or recreational play at facilities with 500 fixed spectator seats or less. Class IV Class of Play applies to games at which family and close friends of the players and staff are usually the majority of spectators. (Smaller amateur leagues, park and recreation department facilities, most Little Leagues smaller high schools, elementary and middle schools, and social events)

VI. LIGHTING BY SPECIAL PERMIT ONLY - Ordinance Text

A. High Intensity and Special Purpose Lighting

The following lighting systems are prohibited from being installed or used except by special use permit:

1. Temporary lighting in which any single luminaire exceeds 20,000 initial luminaire lumens or the total lighting load exceeds 160,000 lumens.
2. Aerial Lasers.
3. Searchlights.
4. Other very intense lighting defined as having a light source exceeding 200,000 initial luminaire lumens or an intensity in any direction of more than 2,000,000 candelas.

B. Complex and Non-Conforming Uses

Upon special permit issued by the Authority, lighting not complying with the technical requirements of this ordinance but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:

1. Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums.
2. Construction lighting.
3. Lighting for industrial sites having special requirements, such as petrochemical manufacturing or storage, shipping piers, etc.
4. Parking structures.
5. Urban parks
6. Ornamental and architectural lighting of bridges, public monuments, statuary and public buildings.
7. Theme and amusement parks.
8. Correctional facilities.

To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:

- a. Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the calculations required for the Performance Method.

SPORTS FIELD LIGHTING

When Class of Play is above Class IV, a dual control should be installed to limit illumination to Class IV levels during practices where spectators are fewer than 500.

(See IES Recommended Practice for Sports and Recreational Area Lighting RP-6)

VII. EXISTING LIGHTING - User's Guide

Adoption of this section on existing lighting is strongly encouraged.

If the adopting jurisdiction has criteria in place that require a property to come into compliance with the current zoning ordinance, it is recommended that the criteria also be applied to bringing existing lighting into compliance. If there are no established criteria, this section of the MLO is recommended.

Amortization allows existing lighting to gradually and gracefully come into compliance. Substantial changes or additions to existing properties are considered the same as new construction, and must comply.

Most outdoor lighting can be fully depreciated once it is fully amortized, usually no longer than 10 years, if not sooner, from the date of initial installation. Some jurisdictions may prefer to require phase-out in a substantially shorter period. The Authority may also wish to require compliance much sooner for "easy fixes" such as re-aiming or lowering lumen output of lamps. Where lighting is judged to be a safety hazard, immediate compliance can be required.

VI. LIGHTING BY SPECIAL PERMIT ONLY (cont.) - Ordinance Text

- b. Employs lighting controls to reduce lighting at a Project Specific Curfew ("Curfew") time to be established in the Permit.
- c. Complies with the Performance Method after Curfew.

The Authority shall review each such application. A permit may be granted if, upon review, the Authority believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

VII. EXISTING LIGHTING - Ordinance Text

Lighting installed prior to the effective date of this ordinance shall comply with the following.

A. Amortization

On or before [amortization date], all outdoor lighting shall comply with this Code.

B. New Uses or Structures, or Change of Use

Whenever there is a new use of a property (zoning or variance change) or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this Ordinance before the new or changed use commences.

C. Additions or Alterations***1. Major Additions.***

If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

VII. EXISTING LIGHTING (cont.) - Ordinance Text

Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.

Single or cumulative additions, modification or replacement of 25 percent or more of installed outdoor lighting luminaires existing as of the effective date of this Ordinance.

2. Minor Modifications, Additions, or New Lighting Fixtures for Non-residential and Multiple Dwellings

For non-residential and multiple dwellings, all additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this Ordinance shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.

Any new lighting shall meet the requirements of this Ordinance.

3. Resumption of Use after Abandonment

If a property with non-conforming lighting is abandoned for a period of six months or more, then all outdoor lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.

VIII. ENFORCEMENT AND PENALTIES - User's Guide

Enforcement and penalties will vary by jurisdiction. There are, however, certain practices that will promote compliance with lighting regulations. Education is a key tool in promoting compliance. Proactive enforcement procedures can include providing a copy of the lighting regulations to every contractor at the time they visit to obtain a building permit. Another effective tool is a requirement that the builder or developer acknowledge in writing that the he or she is familiar with the lighting requirements and will submit a lighting plan for approval.

VIII. ENFORCEMENT & PENALTIES - Ordinance Text

(Reserved)

VIII. ENFORCEMENT AND PENALTIES (cont.) - User's Guide

Submission of the Lighting Plan should be required as a precondition to any approvals. The Lighting Plan should include the location and BUG rating for each luminaire, specify whether compliance is by the performance or prescriptive method, and a worksheet to show that the luminaires and their BUG ratings are compliant.

IX.**IX. User's Guide**

The tables are to be reviewed periodically by a joint committee of the IES and IDA, and adjusted as standards and technology permit. If more research on the impacts of outdoor lighting shows the effects of light pollution to be a significant concern, then the values in the tables may be modified. Such changes will have no significant impact to the balance of the language of the Ordinance or Code.

VIII. ENFORCEMENT & PENALTIES - Ordinance Text**IX. TABLES - Ordinance Text****Table A - Allowed Total Initial Luminaire Lumens per Site for Non-residential Outdoor Lighting, Per Parking Space Method**

May only be applied to properties up to 10 parking spaces (including handicapped accessible spaces).

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
350 lms/space	490 lms/space	630 lms/space	840 lms/space	1,050 lms/space

Table B - Allowed Total Initial Lumens per Site for Non-residential Outdoor Lighting, Hardscape Area Method

May be used for any project. When lighting intersections of site drives and public streets or road, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting.

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
Base Allowance				
0.5 lumens per SF of Hardscape	1.25 lumens per SF of Hardscape	2.5 lumens per SF of Hardscape	5.0 lumens per SF of Hardscape	7.5 lumens per SF of Hardscape

IX. TABLES - Ordinance Text

Table B - Lumen Allowances, in Addition to Base Allowance

	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Additional allowances for sales and service facilities. No more than two additional allowances per site, Use it or Lose it.					
Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non sales areas. To use this allowance, luminaires must be within 2 mounting heights of sales lot area.	0	4 lumens per square foot	8 lumens per square foot	16 lumens per square foot	16 lumens per square foot
Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area	0	0	1,000 per LF	1,500 per LF	2,000 per LF
Drive Up Windows. In order to use this allowance, luminaires must be within 20 feet horizontal distance of the center of the window.	0	2,000 lumens per drive-up window	4,000 lumens per drive-up window	8,000 lumens per drive-up window	8,000 lumens per drive-up window
Vehicle Service Station. This allowance is lumens per installed fuel pump.	0	4,000 lumens per pump (based on 5 fc horiz)	8,000 lumens per pump (based on 10 fc horiz)	16,000 lumens per pump (based on 20 fc horiz)	24,000 lumens per pump (based on 20 fc horiz)

IX. TABLES - TABLE C BUG RATING - User's Guide

Work on the BUG system started in 2005 when the IES upgraded the roadway cutoff classification system. The original system, which included the ratings full cutoff, cutoff, semi-cutoff and non cutoff, had been designed as a rating system focused on brightness and glare control. However, with increasing demand for control of uplight and light trespass in addition to glare, IES realized that a more comprehensive system was needed. IES developed TM-15 *Luminaire Classification System for Outdoor Luminaires*.

As this is a relatively new rating system, and many people may not be familiar with it, more explanation of how the rating system works is provided here. For example, some people are familiar with terms such as "full cutoff" and they may expect the MLO to include those terms. It will be very important that all groups recognize that older terms and concepts are inadequate for the complex tasks of controlling light pollution. It is recommended that the new rating system adopted in TM-15, as followed herein by the MLO, be used intact and exclusively.

BUG requires downlight only with low glare (better than full cut off) in lighting zones 0, 1 and 2, but allows a minor amount of uplight in lighting zones 3 and 4. In lighting zones 3 and 4, the amount of allowed uplight is enough to permit the use of very well shielded luminaires that have a decorative drop lens or chimney so that dark sky friendly lighting can be installed in places that traditional-appearing luminaires are required. BUG typically cannot be used for residential luminaires unless they have been photometrically tested. For non-photometrically tested residential luminaires, shielding description is used instead.

The lumen limits established for each lighting zone apply to all types of lighting within that zone. This includes, but is not limited to, specialty lighting, façade lighting, security lighting and the front row lighting for auto dealerships. BUG rating limits are defined for each luminaire and

IX. TABLES (cont.) - Ordinance Text**Table C - Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings**

May be used for any project. A luminaire may be used if it is rated for the lighting zone of the site or lower in number for all ratings B, U and G. Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field shall not be permitted.

TABLE C-1	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Backlight Rating*					
Greater than 2 mounting heights from property line	B1	B3	B4	B5	B5
1 to less than 2 mounting heights from property line and ideally oriented**	B1	B2	B3	B4	B4
0.5 to 1 mounting heights from property line and ideally oriented**	B0	B1	B2	B3	B3
Less than 0.5 mounting height to property line and properly oriented**	B0	B0	B0	B1	B2

*For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the center-line of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment is relative to Table C-1 and C-3 only and shall not be used to increase the lighting area of the site.

** To be considered 'ideally oriented', the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.

IX. TABLES - TABLE C BUG RATING (cont.) - User's Guide

are based on the internal and external design of the luminaire, its aiming, and the initial luminaire lumens of the specified luminaires. The BUG rating limits also take into consideration the distance the luminaire is installed from the property line in multiples of the mounting height (See Table C).

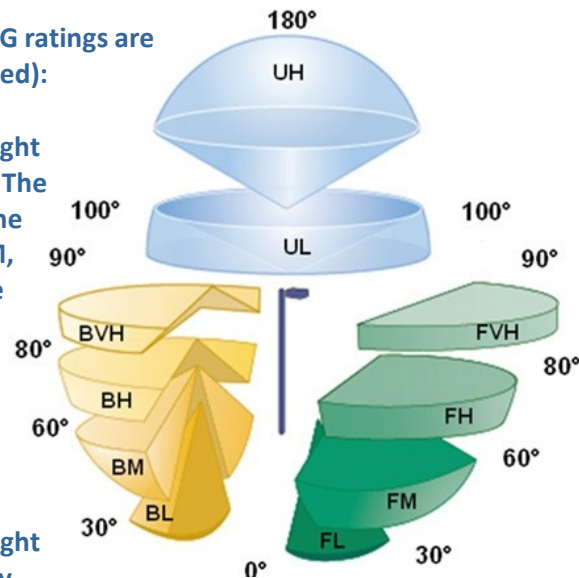
The three components of BUG ratings are based on IES TM-15-07 (revised):

Backlight, which creates light trespass onto adjacent sites. The B rating takes into account the amount of light in the BL, BM, BH and BVH zones, which are in the direction of the luminaire OPPOSITE from the area intended to be lighted.

Uplight, which causes artificial sky glow. Lower uplight (zone UL) causes the most sky glow and negatively affects professional and academic astronomy. Upper uplight (UH) not reflected off a surface is mostly energy waste. The U rating defines the amount of light into the upper hemisphere with greater concern for the light at or near the horizontal angles (UL).

Glare, which can be annoying or visually disabling. The G rating takes into account the amount of frontlight in the FH and FVH zones as well as BH and BVH zones.

BUG ratings apply to the Lighting Zone of the property under consideration.



IX. TABLES (cont.) - Ordinance Text

IX. TABLES - TABLE C BUG RATING (cont.) - User's Guide

(Key: UH=Uplight High, UL=Uplight Low, BVH=Backlight Very High, BH=Backlight High, BM=Backlight Medium, BL=Backlight Low, FVH=Forward Light Very High, FH=Forward Light High, FM=Forward Light Medium, FL=Forward Light Low.)

In general, a higher BUG rating means more light is allowed in solid angles, and the rating increases with the lighting zone. However, a higher B (backlight) rating simply indicates that the luminaire directs a significant portion of light behind the pole, so B ratings are designated based on the location of the luminaire with respect to the property line. A high B rating luminaire maximizes the spread of light, and is effective and efficient when used far from the property line. When luminaires are located near the property line, a lower B rating will prevent unwanted light from interfering with neighboring properties.

At the 90-180 degree ranges:

- Zone 0 allows no light above 90 degrees.
- Zone 1 allows only 10 lumens in the UH and UL zones, 20 lumens total in the complete upper hemisphere. (This is roughly equivalent to a 5 W incandescent lamp).
- Zone 2 allows only 50 lumens in the UH and UL zones, 100 lumens total (less than a 25W incandescent lamp).
- Zone 3 allows only 500 lumens in the UH and UL zones, 1000 lumens total (about the output of a 75W incandescent bulb).
- Zone 4 allows only 1,000 lumens in the UH and UL zones, 2000 lumens total (about the output of a 100W incandescent bulb).

IX. TABLES (cont.) - Ordinance Text

Table C - 2 Maximum Allowable Uplight (BUG) Ratings - Continued

TABLE C-2	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Uplight Rating	U0	U1	U2	U3	U4
Allowed % light emission above 90° for street or Area lighting	0%	0%	0%	0%	0%

Table C - 3 Maximum Allowable Glare (BUG) Ratings - Continued

TABLE C-3	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Glare Rating	G0	G1	G2	G3	G4
Any luminaire not ideally oriented*** with 1 to less than 2 mounting heights to any property line of concern	G0	G0	G1	G1	G2
Any luminaire not ideally oriented*** with 0.5 to 1 mounting heights to any property line of concern	G0	G0	G0	G1	G1
Any luminaire not ideally oriented*** with less than 0.5 mounting heights to any property line of concern	G0	G0	G0	G0	G1

*** Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2X the mounting heights of the luminaire location shall meet the reduced Allowed Glare Rating in Table C-3.

TABLE D EXAMPLE - PERFORMANCE METHOD - User's Guide

The first step in the Performance Method is to establish the Site Total Initial Site Lumens which regulates overlighting. The performance method allows layers of light depending on the complexity of the site.

Table D establishes the basic total initial site lumens allowed. These lumen allowances are added together for a total initial site lumen allowance. Allowances include:

- 1) Initial lumen allowance per site
- 2) Per area (SF) of hardscape

IX. TABLES (cont.) - Ordinance Text

Table D Performance Method Allowed Total Initial Site Lumens

May be used on any project.

Lighting Zone	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Allowed Lumens Per SF	0.5	1.25	2.5	5.0	7.5
Allowed Base Lumens Per Site	0	3,500	7,000	14,000	21,000

Table E Performance Method Additional Initial Luminaire Lumen Allowances. All of the following are “use it or lose it” allowances.

All area and distance measurements in plan view unless otherwise noted.

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Additional Lumens Allowances for All Buildings except service stations and outdoor sales facilities. A MAXIMUM OF THREE (3) ALLOWANCES ARE PERMITTED. THESE ALLOWANCES ARE “USE IT OR LOSE IT”.					
Building Entrances or Exits. This allowance is per door. In order to use this allowance, luminaires must be within 20 feet of the door.	400	1,000	2,000	4,000	6,000
Building Facades. This allowance is lumens per unit area of building façade that are illuminated. To use this allowance, luminaires must be aimed at the façade and capable of illuminating it without obstruction.	0	0	8/SF	16/SF	24/SF

TABLE E PERFORMANCE METHOD - User's Guide

The allowable light levels for these uses defined in Table E may be used to set a prescriptive lighting allowance for these uses in each lighting zone. It should be noted that the lighting allowance defined in Table E is only applicable for the area defined for that use and cannot be transferred to another area of the site. For some uses, such as outdoor sales, the jurisdiction is encouraged to define a percentage of the total hardscape area that is eligible for the additional lighting allowance. For example, a set percentage of a car dealership's lot may be considered a display area and receive the additional lighting allowance where the remainder of the lot would be considered storage, visitor parking, etc. and cannot exceed the base light levels defined in Table A.

TABLE E EXAMPLE - PERFORMANCE METHOD - User's Guide**IX. TABLES (cont.) - Ordinance Text****Table E - Performance Method Additional Initial Lumen Allowances (cont.)**

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Sales or Non-sales Canopies. This allowance is lumens per unit area for the total area within the drip line of the canopy. In order to qualify for this allowance, luminaires must be located under the canopy.	0	3/SF	6/SF	12/SF	18/SF
Guard Stations. This allowance is lumens per unit area of guardhouse plus 2000 sf per vehicle lane. In order to use this allowance, luminaires must be within 2 mounting heights of a vehicle lane or the guardhouse.	0	6/SF	12/SF	24/SF	36/SF
Outdoor Dining. This allowance is lumens per unit area for the total illuminated hardscape of outdoor dining. In order to use this allowance, luminaires must be within 2 mounting heights of the hardscape area of outdoor dining.	0	1/SF	5/SF	10/SF	15/SF
Drive Up Windows. This allowance is lumens per window. In order to use this allowance, luminaires must be within 20 feet of the center of the window.	0	2,000 lumens per drive-up window	4,000 lumens per drive-up window	8,000 lumens per drive-up window	8,000 lumens per drive-up window
Additional Lumens Allowances for Service Stations only. Service stations may not use any other additional allowances.					
Vehicle Service Station Hardscape. This allowance is lumens per unit area for the total illuminated hardscape area less area of buildings, area under canopies, area off property, or areas obstructed by signs or structures. In order to use this allowance, luminaires must be illuminating the hardscape area and must not be within a building, below a canopy, beyond property lines, or obstructed by a sign or other structure.	0	4/SF	8/SF	16/SF	24/SF

IX. TABLES (cont.) - Ordinance Text

Table E - Performance Method Additional Initial Lumen Allowances (cont.)

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Vehicle Service Station Canopies. This allowance is lumens per unit area for the total area within the drip line of the canopy. In order to use this allowance, luminaires must be located under the canopy.	0	8/SF	16/SF	32/SF	32/SF
Additional Lumens Allowances for Outdoor Sales facilities only. Outdoor Sales facilities may not use any other additional allowances. NOTICE: lighting permitted by these allowances shall employ controls extinguishing this lighting after a curfew time to be determined by the Authority.					
Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non sales areas and shall not exceed 25% of the total hardscape area. To use this allowance, Luminaires must be within 2 mounting heights of the sales lot area.	0	4/SF	8/SF	12/SF	18/SF
Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area.	0	0	1,000/LF	1,500/LF	2,000/LF

IX. TABLES (cont.) - Ordinance Text

Table F Maximum Vertical Illuminance at any point in the plane of the property line

Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
0.05 FC or 0.5 LUX	0.1 FC or 1.0 LUX	0.3 FC or 3.0 LUX	0.8 FC or 8.0 LUX	1.5 FC or 15.0 LUX

IX. TABLES (cont.) - Ordinance Text**Table G - Residential Lighting Limits**

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Row 1 Maximum Allowed Luminaire Lumens* for Unshielded Luminaires at one entry only	Not allowed	420 lumens	630 lumens	630 lumens	630 lumens
Row 2 Maximum Allowed Luminaire Lumens* for each Fully Shielded Luminaire	630 lumens	1,260 lumens	1,260 lumens	1,260 lumens	1,260 lumens
Row 3 Maximum Allowed Luminaire Lumens* for each Unshielded Luminaire excluding main entry	Not allowed	315 lumens	315 lumens	315 lumens	315 lumens
Row 4 Maximum Allowed Luminaire Lumens* for each Landscape Lighting	Not allowed	Not allowed	1,050 lumens	2,100 lumens	2,100 lumens
Row 5 Maximum Allowed Luminaire Lumens* for each Shielded Directional Flood Lighting	Not allowed	Not allowed	1,260 lumens	2,100 lumens	2,100 lumens
Row 6 Maximum Allowed Luminaire Lumens* for each Low Voltage Landscape Lighting	Not allowed	Not allowed	525 lumens	525 lumens	525 lumens

* Luminaire lumens equals Initial Lamp Lumens for a lamp, multiplied by the number of lamps in the luminaire

TABLE G RESIDENTIAL LIGHTING - User's Guide**Residential Light Levels**

Most residential lighting has traditionally used incandescent lamps which are identified by their wattage. However, since new technologies provide more light for fewer watts, it is no longer possible to regulate residential lighting solely by providing a maximum wattage. Table G, therefore, lists maximum initial luminaire lumens only.

X. DEFINITIONS - User's Guide

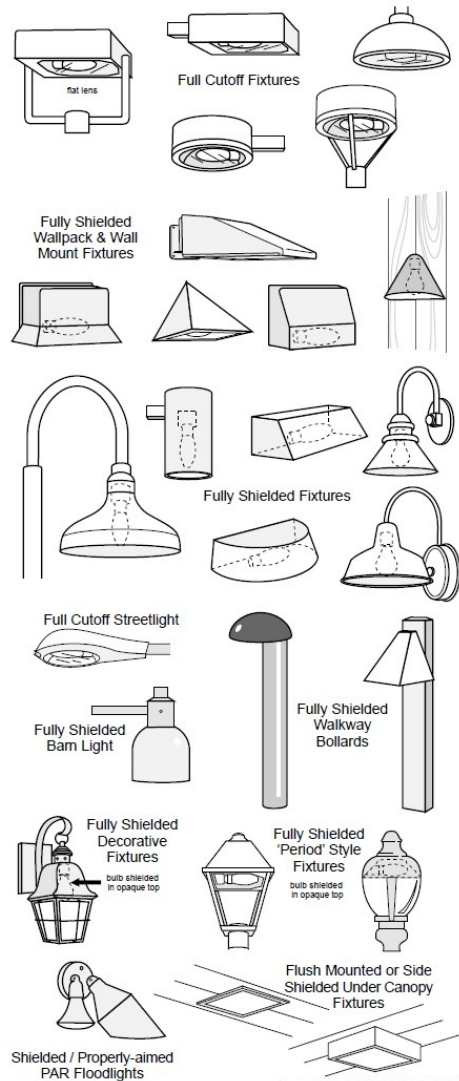
Definitions are typically generally added to any code when new code sections are added. The definitions are legally required and play a significant role in the interpretation of the ordinance and code.

Most city attorneys will not accept references to outside sources regardless of credibility, such as the IES Handbook. Thus as a general rule, a definition for an unfamiliar term (e.g. lumens) must be added by the adopting ordinance.

When adopting or integrating the MLO definitions, be sure to retire conflicting technical terminology. In particular, the latest IES Luminaire Classification System as defined in IES TM-15-07 is likely to need attention.

X. DEFINITIONS - Ordinance Text

<i>Absolute Photometry</i>	Photometric measurements (usually of a solid-state luminaire) that directly measures the footprint of the luminaire. Reference Standard IES LM-79
<i>Architectural Lighting</i>	Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.
<i>Authority</i>	The adopting municipality, agency or other governing body.
<i>Astronomic Time Switch</i>	An automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.
<i>Backlight</i>	For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.
<i>BUG</i>	A luminaire classification system that classifies backlight (B), uplight (U) and glare (G).
<i>Canopy</i>	A covered, unconditioned structure with at least one side open for pedestrian and/or vehicular access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.)
<i>Common Outdoor Areas</i>	One or more of the following: a parking lot; a parking structure or covered vehicular entrance; a common entrance or public space shared by all occupants of the domiciles.
<i>Curfew</i>	A time defined by the authority when outdoor lighting is reduced or extinguished.

Examples of Fully Shielded Luminaires**X. DEFINITIONS - Ordinance Text**

<i>Emergency conditions</i>	Generally, lighting that is only energized during an emergency; lighting fed from a backup power source; or lighting for illuminating the path of egress solely during a fire or other emergency situation; or, lighting for security purposes used solely during an alarm.
<i>Footcandle</i>	The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.
<i>Forward Light</i>	For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the direction of the intended orientation of the luminaire.
<i>Fully Shielded Luminaire</i>	A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
<i>Glare</i>	Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
<i>Hardscape</i>	Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.
<i>Hardscape Area</i>	The area measured in square feet of all hardscape. It is used to calculate the Total Site Lumen Limit in both the Prescriptive Method and Performance Methods. Refer to Hardscape definition.

X. DEFINITIONS - Ordinance Text

<i>Hardscape Perimeter</i>	The perimeter measured in linear feet is used to calculate the Total Site Lumen Limit in the Performance Method. Refer to Hardscape definition.
<i>IDA</i>	International Dark-Sky Association.
<i>IESNA</i>	Illuminating Engineering Society of North America.
<i>Impervious Material</i>	Sealed to severely restrict water entry and movement
<i>Industry Standard Lighting Software</i>	Lighting software that calculates point-by-point illuminance that includes reflected light using either ray-tracing or radiosity methods.
<i>Lamp</i>	A generic term for a source of optical radiation (i.e. “light”), often called a “bulb” or “tube”. Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.
<i>Landscape Lighting</i>	Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.
<i>LED</i>	Light Emitting Diode.
<i>Light Pollution</i>	Any adverse effect of artificial light including but not limited to, glare, light trespass, sky-glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

X. DEFINITIONS - Ordinance Text

<i>Light Trespass</i>	Light that falls beyond the property it is intended to illuminate.
<i>Lighting</i>	“Electric” or “man-made” or “artificial” lighting. See “lighting equipment”.
<i>Lighting Equipment</i>	Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.
<i>Lighting Zone</i>	An overlay zoning system establishing legal limits for lighting for particular parcels, areas, or districts in a community.
<i>Lighting Equipment</i>	Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.
<i>Low Voltage Landscape Lighting</i>	Landscape lighting powered at less than 15 volts and limited to luminaires having a rated initial luminaire lumen output of 525 lumens or less.
<i>Lumen</i>	The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).
<i>Luminaire</i>	The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

Mounting Height: The horizontal spacing of poles is often measured in units of “mounting height”. Example: “The luminaires can be spaced up to 4 mounting heights apart.”

X. DEFINITIONS - Ordinance Text

<i>Luminaire Lumens</i>	For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.
<i>Lux</i>	The SI unit of illuminance. One lux is one lumen per square meter. 1 Lux is a unit of incident illuminance approximately equal to 1/10 footcandle.
<i>Mounting height</i>	The height of the photometric center of a luminaire above grade level.
<i>New lighting</i>	Lighting for areas not previously illuminated; newly installed lighting of any type except for replacement lighting or lighting repairs.
<i>Object</i>	A permanent structure located on a site. Objects may include statues or artwork, garages or canopies, outbuildings, etc.
<i>Object Height</i>	The highest point of an entity, but shall not include antennas or similar structures.
<i>Ornamental lighting</i>	Lighting that does not impact the function and safety of an area but is purely decorative, or used to illuminate architecture and/or landscaping, and installed for aesthetic effect.

X. DEFINITIONS - Ordinance Text

<i>Ornamental Street Lighting</i>	<p>A luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics:</p> <ul style="list-style-type: none"> · designed to mount on a pole using an arm, pendant, or vertical tenon; · opaque or translucent top and/or sides; · an optical aperture that is either open or enclosed with a flat, sag or drop lens; · mounted in a fixed position; and · with its photometric output measured using Type C photometry per IESNA LM-75-01.
<i>Outdoor Lighting</i>	Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.
<i>Partly shielded luminaire</i>	A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.
<i>Pedestrian Hardscape</i>	Stone, brick, concrete, asphalt or other similar finished surfaces intended primarily for walking, such as sidewalks and pathways.
<i>Photoelectric Switch</i>	A control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.
<i>Property line</i>	The edges of the legally-defined extent of privately owned property.

X. DEFINITIONS - Ordinance Text

<i>Relative photometry</i>	Photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire. Reference standard: IES LM-63.
<i>Repair(s)</i>	The reconstruction or renewal of any part of an existing luminaire for the purpose of its on-going operation, other than relamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a luminaire with new lamp and/or ballast technology is not considered a repair and for the purposes of this ordinance the luminaire shall be treated as if new. "Repair" does not include normal relamping or replacement of components including capacitor, ballast or photocell.
<i>Replacement Lighting</i>	Lighting installed specifically to replace existing lighting that is sufficiently broken to be beyond repair.
<i>Sales area</i>	Uncovered area used for sales of retail goods and materials, including but not limited to automobiles, boats, tractors and other farm equipment, building supplies, and gardening and nursery products.
<i>Seasonal lighting</i>	Temporary lighting installed and operated in connection with holidays or traditions.
<i>Shielded Directional Luminaire</i>	A luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.
<i>Sign</i>	Advertising, directional or other outdoor promotional display of art, words and/or pictures.

X. DEFINITIONS - Ordinance Text

<i>Sky Glow</i>	The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky
<i>Temporary lighting</i>	Lighting installed and operated for periods no to exceed 60 days, completely removed and not operated again for at least 30 days.
<i>Third Party</i>	A party contracted to provide lighting, such as a utility company.
<i>Time Switch</i>	An automatic lighting control device that switches lights according to time of day.
<i>Translucent</i>	Allowing light to pass through, diffusing it so that objects beyond cannot be seen clearly (not transparent or clear).
<i>Unshielded Luminaire</i>	A luminaire capable of emitting light in any direction including downwards.
<i>Uplight</i>	For an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.
<i>Vertical Illuminance</i>	Illuminance measured or calculated in a plane perpendicular to the site boundary or property line.

XI. OPTIONAL STREETLIGHT ORDINANCE - User's Guide

This section was added since the first public review. It is designed to work closely with the proposed revision to ANSI/IES RP-8 Standard Practice for Roadway and Street Lighting.

Street and roadway lighting is one of the world's largest causes of artificial skyglow. Many adopting agencies will recognize that the MLO will make privately owned lighting more efficient and environmentally responsible than their street lighting systems. But because the process of designing street lighting often requires more precise lighting calculations, applying the MLO directly to street lighting is not advised. Using existing standards of street lighting is recommended, particularly IES RP-8 and AASHTO standards.

Until a new recommended practice for street lighting can be developed, this section can serve to prevent most of the uplight of street lighting systems without setting specific requirements for the amount of light, uniformity of light, or other performance factors. Adopting agencies should include these basic improvements to street lighting along with regulations to private lighting.

Lighting streets with "period" ornamental luminaires that evoke the look of a time when the light source was a gas flame can cause glare if high-lumen lamps are used. Such ornamental street lights should not exceed a BUG rating of G1. If additional illuminance and/or uniformity is desired, the ornamental fixtures should be supplemented by higher mounted fully shielded luminaires, as illustrated in RP-33-99.

Few street lighting warranting processes exist. The adopting agency needs to gauge whether a complex warranting systems is required, or if a simple one using posted speeds, presence of pedestrians, or other practical considerations is sufficient.

Examples of a current street lighting warranting system are included in the Transportation Association of Canada's Guide for the Design of Roadway Lighting 2006.

XI. OPTIONAL STREETLIGHT ORDINANCE - Ordinance Text

Note to the adopting authority: the intent of this section is that it only applies to streets and not to roadways or highways.

A. Preamble

The purpose of this Ordinance is to control the light pollution of street lighting, including all collectors, local streets, alleys, sidewalks and bike-ways, as defined by ANSI/IES RP-8 Standard Practice for Roadway and Street Lighting and in a manner consistent with the Model Lighting Ordinance.

B. Definitions

Roadway or Highway lighting is defined as lighting provided for freeways, expressways, limited access roadways, and roads on which pedestrians, cyclists, and parked vehicles are generally not present. The primary purpose of roadway or highway lighting is to help the motorist remain on the roadway and help with the detection of obstacles within and beyond the range of the vehicle's headlights.

Street lighting is defined as lighting provided for major, collector, and local roads where pedestrians and cyclists are generally present. The primary purpose of street lighting is to help the motorist identify obstacles, provide adequate visibility of pedestrians and cyclists, and assist in visual search tasks, both on and adjacent to the roadway.

Ornamental Street Lighting is defined as a luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics:

- designed to mount on a pole using an arm, pendant, or vertical tenon;
- opaque or translucent top and/or sides;
- an optical aperture that is either open or enclosed with a flat, sag or drop lens;
- mounted in a fixed position; and
- with its photometric output measured using Type C photometry per IESNA LM-75-01.

XI. OPTIONAL STREETLIGHT ORDINANCE - Ordinance Text***C. Scope***

All street lighting not governed by regulations of federal, state or other superceding jurisdiction.

EXCEPTION: lighting systems mounted less than 10.5 feet above street level and having less than 1000 initial lumens each.

D. Master Lighting Plan

The Authority shall develop a Master Lighting Plan based on the American Association of State Highway and Transportation Officials (AASHTO) Roadway Lighting Design Guide GL-6, October 2005, Chapter 2. Such plan shall include, but not be limited to, the Adoption of Lighting Zones and:

1. Goals of street lighting in the jurisdiction by Lighting Zone
2. Assessment of the safety and security issues in the jurisdiction by Lighting Zone
3. Environmentally judicious use of resources by Lighting Zone
4. Energy use and efficiency by Lighting Zone
5. Curfews to reduce or extinguish lighting when no longer needed by Lighting Zone

E. Warranting

The Authority shall establish a warranting process to determine whether lighting is required. Such warranting process shall not assume the need for any lighting nor for continuous lighting unless conditions warrant the need. Lighting shall only be installed where warranted.

XI. OPTIONAL STREETLIGHT ORDINANCE - Ordinance Text***F. Light Shielding and Distribution***

All street lighting shall have no light emitted above 90 degrees.

Exception: Ornamental street lighting for specific districts or projects shall be permitted by special permit only, and shall meet the requirements of Table H below without the need for external field-added modifications.

**Table H - Uplight Control Requirements
for Ornamental Street Lights -
by Special Permit Only**

Lighting Zone	Maximum Uplight Rating
LZ-0	U-0
LZ-1	U-1
LZ-2	U-2
LZ-3	U-3
LZ-4	U-4

Outdoor Lighting Codes and Ordinances in Wisconsin

Last Updated: 8/17/2022

The following are known outdoor lighting codes and ordinances in Wisconsin. This list was created by Scott Lind in 2007 and most recently updated by David Oesper.

Any of these ordinances that mention specific light sources (fluorescent, HID, sodium, metal halide, etc.) but don't mention LED should be considered out of date as nearly 100% of new fixtures being installed today are LED and there are specific issues created by use of LED sources – particularly regarding correlated color temperature (CCT).

Here are David's excellent notes about lighting ordinances:

As you consider an outdoor lighting ordinance, ideally it should address the following key areas of concern

- Light trespass from commercial, residential, and municipal lighting into and onto residential properties
- All outdoor lighting should be full-cutoff (minimize near-horizontal light—which causes glare, and eliminate direct uplight)
- Use the lowest effective illumination level needed for the task
- Use time controls (on/off and dimming) and occupancy sensors wherever possible to save energy and provide illumination only when it is needed
- LED lighting should have a correlated color temperature (CCT) of 3000K or less (warm white light with less light at the blue end of the spectrum than typical LEDs)

Existing lighting that does not comply with the ordinance will have to be grandfathered for a period of time (usually several years), *unless* it is causing objectionable light trespass into or onto a residential property.

Enforcement is always a problem—that is why the citizens of the town need to be the eyes and ears of the town board and law enforcement. However, the primary purpose of an outdoor lighting ordinance is to set design standards for outdoor lighting. Going through a plan review process *before* the outdoor lighting is purchased and installed is far better for all parties than going through the expense (and, often, conflict) of remediation.

It is interesting to note that nearly two-thirds of these ordinances are for suburban communities in very light-polluted metro areas. Another four ordinances are no doubt in place to help protect the [Yerkes](#)

[Observatory](#) (Williams Bay, Geneva, Fontana-on-Geneva Lake, and Delavan). Where are the rural ordinances and dark sky preserves? Since there are very few remaining locations in Wisconsin where the night sky is truly dark, shouldn't we be aggressively protecting those areas? Wouldn't it be easier to save a pristine area than to restore an almost hopelessly polluted one?

The Wisconsin State Law Library maintains a comprehensive list of [Wisconsin Ordinances and Codes](#). This will be a good resource to find additional outdoor lighting codes and ordinances to be added to this list.

Appleton –[map](#)–

<https://www.appleton.org/home/showdocument?id=482>

See Sec. 25-53 Outdoor Lighting

Blue Mounds –[map](#)–

<https://ecode360.com/27010348>

Brookfield –[map](#)–

<https://www.codepublishing.com/WI/Brookfield/html/Brookfield17/Brookfield17120.html#17.120.070>

Chenequa –[map](#)–

<https://chenequa.org/wp-content/uploads/Documents/Ordinances/Chap5.pdf>

Cloverland –[map](#)–

<http://www.townofcloverland.org/Documents/Ordinances/Code%203.01%20Lighting.pdf>

Delafield –[map](#)–

https://library.municode.com/wi/delafield/codes/code_of_ordinances?nodeId=CH17ZOCORERE411_GEPR_17.235OULIAM491

Egg Harbor –[map](#)–

<http://eggharborwi.govoffice2.com/vertical/sites/%7B569578EA-93E6-481F-B733-DF3296C08FEE%7D/uploads/%7B7B55219C-9B97-4628-AEF1-445C51A0BB09%7D.PDF>

Fontana-on-Geneva Lake –[map](#)–

<https://library.municode.com/wi/fontana-on->

[geneva_lake/codes/code_of_ordinances?nodeId=PTIIMUCO_CH18ZO_ARTXDEST_S18-165EXLIST](#)

Fox Crossing –[map](#)–

<http://www.foxcrossingwi.gov/wp-content/uploads/Departments/MunicipalCodeBook/Chapter%2029%20%20Development%20Ordinance.pdf>

Fox Point –[map](#)–

<https://ecode360.com/14717677>

Geneva –[map](#)–

<https://www.townofgenevawi.com/wp-content/uploads/2017/08/ORDIN-59-Regulate-Outdoor-Lighting-Advertising-Signs.pdf>

Green Lake County –[map](#)–

<https://ecode360.com/9770791>

Holland –[map](#)–

<https://drive.google.com/file/d/oB1qD1hgbbNz-bWRSWmlkN2ooeEU/view>

Kenosha –[map](#)–

<https://www.kenosha.org/images/GENORD.pdf>

See Section 4.07 Artificial Light and Glare

Koshkonong –[map](#)–

<https://ecode360.com/32740434>

Madison –[map](#)–

<https://www.cityofmadison.com/attorney/ordinances/documents/chapter%2010%20-%20streets,%20alleys,%20sidewalks,%20and%20gutters.pdf>

See Section 10.085 Outdoor Lighting

Mequon –[map](#)–

https://library.municode.com/wi/mequon/codes/code_of_ordinances?nodeId=PTIIC00R_CH58PLDERE_ARTVSISTDECR_DIV2COINPAINMUMIREDE_S58-567OULIIN

Middleton –[map](#)–

<https://www.cityofmiddleton.us/DocumentCenter/View/43/Chapter-33—Outdoor-Lighting-Code-PDF?bidId=>

Mineral Point –[map](#)–

<https://skythisweek.info/mineralpointlighting.pdf>

Is this lighting ordinance still in effect? I cannot find it on the Mineral Point website.

Mukwonago –[map](#)–

https://library.municode.com/wi/mukwonago/codes/code_of_ordinances

See Section e Lighting Standards

New Glarus –[map](#)–

https://newglarusvillage.com/_media/pdfs/ordinances/LightingLandscape.pdf

See Article XVIII Exterior Lighting Plans and Standards

Oconomowoc –[map](#)–

<https://www.oconomowoc-wi.gov/DocumentCenter/View/545/Zoning-Ordinance-?bidId=>

See Section 17.211 Outdoor Lighting

Oconomowoc Lake –[map](#)–

<http://www.oconlake.com/Documents/ord178.html>

Perry –[map](#)–

<https://www.perry-wi.gov/wp-content/uploads/2015/12/DarkSkyLightingOrdinanceAdoptedo709.pdf>
https://www.perry-wi.gov/?page_id=1596

Richfield –[map](#)–

<https://ecode360.com/16178580>

Shorewood Hills –[map](#)–

https://shorewoodhillswi.govoffice3.com/vertical/sites/%7B00D5AF3F-ADFE-4173-AF3A-FC0C1A78DA4B%7D/uploads/Ch_22_Dark_Sky.pdf?&pri=0

Springdale –[map](#)–

https://springdalewi.gov/uploads/editor/files/Ordinance/031714_pdf_Final_Dark_Sky_Lighting_Ordinance.pdf

Springfield –[map](#)–

<https://www.town.springfield.wi.us/ordinances/chapter-9/>

See sections 9.02(7) Exterior Lighting, and 9.04(7) Exterior Lighting Plan

Sturgeon Bay –[map](#)–

https://library.municode.com/wi/sturgeon_bay/codes/code_of_ordinances

See Section 20.12.(1)(b)12

Sussex –[map](#)–

<https://www.villagesussex.org/Home/ShowDocument?id=154>

See Section 17.0608 Lighting

Westport –[map](#)–

https://www.townofwestport.org/sites/g/files/vyhlf6051/f/uploads/title_9_chapter_7.pdf

Whitefish Bay –[map](#)–

<https://ecode360.com/33299555>

See Section 16.31 III A2

Williams Bay –[map](#)–

https://www.williamsbay.org/sites/g/files/vyhlf7306/f/uploads/chapter_15.pdf

See Section 15.03 Outdoor Lighting and Advertising Signs

Winneconne –[map](#)–

<https://ecode360.com/14487227?highlight=260#14487227>

Writing Outdoor Lighting Ordinances

In 2011 the International Dark-Sky Association (IDA) and the Illuminating Engineering Society (IES) of North America completed a 7-year effort to create a Model Lighting Ordinance (MLO). The MLO included the use of five lighting zones to classify land use with appropriate lighting levels for each. Zones range from LZ0, designed for pristine natural environments and limited outdoor lighting, to LZ4, for limited application in areas of extensive development in the largest cities. The MLO also limits the total amount of light used for each property. Finally, the MLO uses the IES's TM-15 -11 "BUG" (Backlight, Uplight and Glare) classification of outdoor lighting fixtures to ensure that only well-shielded fixtures are used.

This was the first effort to create a template document that thoroughly addressed all of the major areas of concern. It was very complete for its time and still could be a good model for a sophisticated ordinance. Unfortunately, it hasn't been updated since and thus doesn't address the problem of LED fixture color temperature. However, that is a simple weakness to resolve by specifying a maximum allowable Correlated Color Temperature (CCT) of 3000K for any outdoor fixture.

The entire MLO is a document that can be readily understood and implemented in designs done by lighting professionals with special knowledge and access to sophisticated and expensive modeling software. The simpler, prescriptive portion is more accessible to those without that knowledge.

Because of this knowledge problem most existing ordinances are typically prescriptive and simpler. An ideal ordinance based on the MLO might have a prescriptive option that doesn't require anything more than a few simple hand tabulations and a performance option that requires significant effort to prove design functionality but gives the owner a much more flexible means of complying.

Enforcement is also easier with a prescriptive ordinance. A list of the fixtures with catalog cut sheets and quantities may be all that is needed. On site those are usually easy to verify by checking order tickets and/or packaging materials.

The performance option will generate reports and graphical analysis showing illuminance values that will need to be reviewed by an individual with enough experience to interpret them and ask probing questions about the data used to generate them. Then, when the project is finished the code official will need to verify the performance matches the approved design.

The website of the International Dark-Sky Association has references available here:

<https://www.darksky.org/our-work/lighting/public-policy/policy-makers/>

and here:

<https://www.darksky.org/our-work/lighting/public-policy/lighting-ordinances/>

Ironically the MLO is not available on the IDA website. However, it is available at the USGBC site here:

<https://www.usgbc.org/resources/model-lighting-ordinance-users-guide>



**SOIL AND WATER RESOURCE
MANAGEMENT GRANT PROGRAM**
Sec. 92.14, Wis. Stats

COST-SHARE CONTRACT

(DATCP approval required for cost-share amounts over \$50,000)

This contract is made and entered into by and between Richland County Land Conservation Committee, and landowner(s) CLJ Investments LLC and grant recipient(s) N/A. This contract is complete and valid as of the date signed by the county representative.

In consideration of the terms and conditions herein, the parties agree to this contract as set forth in the following Sections 1, 2, and 3, and any addenda that are annexed and made a part hereof.

NOTE 1: It is not necessary to notarize signatures unless this contract will be recorded. If there are additional landowners or any grant recipients, check here ☐ and attach Exhibit A1. **NOTE 2:** Only properly authorized person(s) can sign in a representative capacity and must sign in such capacity if the landowner is a corporation, trust, estate, partnership, limited partnership, or limited liability company.

Recording Area

Agency Name & Return Address

Parcel Identification Number

LANDOWNER/REPRESENTATIVE DATE
PRINT OR TYPE NAME: CLJ INVESTMENTS LLC

State of Wisconsin)
) ss.
____ County)
This instrument was acknowledged before me on ____
(date)
by ____
(name of landowner or representative)
as ____
(representative's position or type of authority, if applicable)
for ____
(name of entity on behalf of whom instrument was executed, if applicable)

SIGNATURE PRINT NAME
Notary Public, State of Wisconsin
My commission expires ____ (is permanent).

LANDOWNER/REPRESENTATIVE DATE
PRINT OR TYPE NAME: ____

State of Wisconsin)
) ss.
____ County)
This instrument was acknowledged before me on ____
(date)
by ____
(name of landowner or representative)
as ____
(representative's position or type of authority, if applicable)
for ____
(name of entity on behalf of whom instrument was executed, if applicable)

SIGNATURE PRINT NAME
Notary Public, State of Wisconsin
My commission expires ____ (is permanent).

SIGNATURE OF COUNTY REPRESENTATIVE DATE
PRINT OR TYPE NAME: CATHY COOPER

State of Wisconsin)
) ss.
____ County)
This instrument was acknowledged before me on ____
(date)
by ____
(name of county representative)
as ____ of ____

SIGNATURE PRINT NAME
Notary Public, State of Wisconsin
My commission expires ____ (is permanent)

This document was drafted by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

Personal information you provide may be used for purposes other than that for which it was originally collected (Sec. 15.04(1) (m), Wis. Stats.)

SECTION 1A. COUNTY INFORMATION**PAGE 2 of 5**

NAME OF COUNTY AGENCY Richland County Land Conservation Dept	TELEPHONE NUMBER 608-647-2100
ADDRESS 181 West Seminary	CITY, STATE, ZIP CODE Richland Center WI 53581
NAME OF AUTHORIZED REPRESENTATIVE Cathy Cooper	

SECTION 1B. LANDOWNER and GRANT RECIPIENT INFORMATION

TOTAL DATCP COST-SHARE AMOUNT (refer to page 5) \$1116.77	NON-DATCP FUNDING BY SOURCE (refer to page 5) <input type="checkbox"/> County \$ <input type="checkbox"/> Other State Agency \$ <input type="checkbox"/> Federal \$ <input type="checkbox"/> Non-Profit or Other \$
---	---

NAME OF LANDOWNER (Check the description that best applies: ☐ Individual (Note: Spouse must be included) ☐ Corporation
☒ Limited Liability Company ☐ Trust, Estate or Partnership ☐ Local Unit of Government)

ADDRESS**27930 County Hwy D**

CITY, STATE, ZIP CODE Richland Center WI 53581	TELEPHONE NUMBER 608-604-1871
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LOCATION OF COST-SHARED PRACTICE(S) (Locate by providing parcel numbers(s) or coordinates below or attach required information as Exhibit B)

Parcel Identification Number(s): **026-1311-1000**

Latitude and longitude (degrees and minutes):

43.434 ° 'N -90.313 ° 'W

Note: If this document will be recorded, attach a legal description of the location of the cost-shared practice(s) that meets the requirements of ss. 706.05(2m)(a) and 66.0217(1)(c), Wis. Stats.

NAME OF GRANT RECIPIENT, if different than above. NOTE: SPOUSE MUST BE INCLUDED**ADDRESS**

CITY, STATE, ZIP CODE	TELEPHONE NUMBER
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INSTALLATION PERIOD

Each practice must be installed, and all costs associated with the practice must be incurred, by December 31st of the cost-share contract year, or December 31st of the year of an approved extension. This contract may provide cost-sharing for more than one year for the following items as long as the parties record the number of years of cost-sharing in the appropriate column in Section 3:

- To install and maintain contour farming, cover and green manure crop, nutrient management, pest management, residue management, and strip-cropping (up to 4 years).
- For land taken out of production for 10 years or other period specified in Section 3.
- For riparian land taken out of production for 15 years or in perpetuity as specified in Section 3.

Disclosure of non-DATCP funding: By signing this contract, the landowner or grant recipient agrees to disclose all information related to any non-DATCP funding that has been or will be obtained to pay for practices described in this contract, and to authorize the county and DATCP to access files related to this funding, including release of county and federal files in accordance with the provisions of 16 U.S.C. 3844(b) (2) (D) (i).

Appeal Rights: The landowner or grant recipient may appeal to the county, in writing, any decision of the county land conservation department regarding this grant. The county will determine if the grantee is eligible for a hearing under Chapter 68, Wis. Stats.

Landowner Initials	Date	Spouse Initials	Date	Grant Recipient Initials	Date	Spouse Initials	Date	County Reps. Initials	Date
	11/19/23								

ADDENDA MAY BE ATTACHED TO THIS DOCUMENT TO RECORD SPECIAL CONDITIONS

A. The landowner/grant recipient agrees:

1. To install and maintain cost-shared practice(s) listed in Section 3, consistent with the plans and specifications referenced in Section 3, during periods identified in Section 3.
2. To make all payments for which the landowner/grant recipient (hereinafter referred to as "landowner") is obligated under this contract, as specified in Section 3. Landowners are responsible for all payments for state or local administrative permit fees.
3. To provide the county with evidence of payment, as applicable, for services, supplies, and practices performed or installed pursuant to this contract. Proof of payment may be in the form of a statement or invoice, or receipts or cancelled checks with the related vendor contract. For services provided by the landowner, the landowner shall submit a detailed invoice or cost-estimate for those services.
4. To maintain the cost-shared practice for at least 10 years from the date of installation, except for these "soft" practices: contour farming, cover and green manure crop, nutrient management, pest management, residue management, and strip-cropping. Soft practices must be maintained for each year cost-share funds are provided, as specified in Section 3. Extended maintenance periods apply if land is taken out of production for more than 10 years, as specified in Section 3.
5. To operate and maintain each cost-shared practice for the required maintenance period following the certification of installation or replace it with an equally effective practice. To refrain, during the maintenance period, from actions that may reduce a practice's effectiveness, or result in water quality problems. The landowner agrees to follow an operation and maintenance (O&M) plan or other maintenance requirements including those in ATPC 50.62, Wis. Admin. Code. All nutrient management plans must comply with s. ATPC 50.04(3), Wis. Admin. Code.
6. To repay cost-share funds immediately, upon demand by the county, if the landowner fails to operate and maintain the cost-shared practice according to the contract. Repayment of grant funds shall not be required if a practice(s) is rendered ineffective during the required maintenance period due to circumstances beyond the control of the landowner.
7. To the recording of this contract, including the legal description of the subject property, with the deed to the subject property, if cost-sharing exceeds \$14,000 unless this contract cost-shares only practices listed in s. ATPC 50.08 (5) (b). This contract shall be recorded before the county makes any cost-share payment to the landowner. Upon recording, this contract constitutes a covenant running with the land described in Section 1B, and is binding on subsequent owners, heirs, executors, administrators, successors, trustees, and assigns, and users of the land for the period set forth in Section 3.
8. To comply with (i) the performance standards, prohibitions, conservation practices and technical standards under s. 281.16, Stats., (ii) plans approved under ss. 92.14, 92.15 (1985 Stats.), 92.10 and 281.65, Stats., and (iii) the practices necessary to meet the requirements of this contract, and to continue such compliance after the term of this contract, without further cost-sharing, if the landowner has received cost-sharing for compliance at least equal to the cost-sharing required under s. ATPC 50.08, Wis. Admin. Code. There is no requirement for continuing compliance for land that is taken out of production unless cost-sharing is provided.
9. To acknowledge receipt of a notice provided by the county explaining continuing compliance requirements arising out of the installation of specific cost-shared practices. (Initial here CK, _____.)
10. Not to discriminate against contractors because of age, race, religion, color, handicap, gender, physical condition, developmental disability, or national origin, in the performance of responsibilities under this contract.
11. To make any changes to this contract, including changes in project components and costs, according to the procedures set forth in Section 2.C.3.
12. To the county's right to stop work, or withhold cost-share grant funds, if it is found that the landowner, grant recipient, or construction contractor in their employ has violated ch. 92, Wis. Stats., ch. ATPC 50, Wis. Admin. Code, or has breached this contract.


Landowner Initials	Date	Spouse Initials	Date	Grant Recipient Initials	Date	Spouse Initials	Date	County Reps. Initials	Date
CK	11/19/23								

B. The county agency agrees:

1. To enter this cost-share contract only after the Land Conservation Committee has authorized the cost-sharing of this project.
2. To provide technical assistance for the design, construction, and installation of cost-shared practice(s) according to applicable standards in ch. ATCP 50, Wis. Admin. Code. The county agrees to provide written notice, when applicable, to inform each landowner and grant recipient of the full ramifications of a cost-share contract, including future compliance obligations. The county further agrees to ensure that cost-shared practices are maintained as required in II. A. 4 by securing O&M plans and performing site checks as needed.
3. To use the most cost-effective methods to address the water quality concerns of this project, and apply cost containment procedures, consistent with ch. ATCP 50, Wis. Admin. Code, when estimating and paying for cost-shared practice(s).
4. To provide cost-share funds to the landowner, in the amounts specified in Section 3 and any amendments, upon proof that (i) the landowner has made all payments for which the landowner is responsible under the contract, (ii) the practice(s) are designed and installed according to standards in ch. ATCP 50, Wis. Admin. Code and this contract, including compliance with applicable construction site erosion control standards, and (iii) nutrient management plans comply with s. ATCP 50.04(3) Wis. Admin. Code. The county may make payments to third parties as provided in s. ATCP 50.40(13), Wis. Admin. Code.
5. To collect and retain all contract-related documents regarding operation and maintenance, proof of certification of design and installation, change orders, receipts and payments, and other referenced materials for a minimum of three years after making the last cost-share payment to the landowner, or for the duration of the maintenance period of this contract, whichever is longer. Records may be retained longer to demonstrate that a landowner meets the cost-sharing exemption under s. ATCP 50.08(5), Wis. Admin. Code. Payment records from the landowner and county must provide proof of payment in full for all cost-shared practices installed. Copies of records shall be made available to DATCP upon request.
6. To record this contract, including the legal description of the subject property, with the deed to the subject property, as required under Section 2.A.7. Contracts may be recorded if not required under Section 2.A.7.
7. To coordinate eligibility for DATCP cost-share funding, and to follow required reimbursement procedures to facilitate timely cost-share payment(s) to the landowner, including the submission of certification forms to DATCP documenting that cost-shared practice(s) have been properly installed in accordance with this contract and paid for.

C. General conditions of the contract

1. State cost-share reimbursement amounts in Section 3 are contingent on receiving DATCP funding. The county may cancel this contract, in whole or in part, due to non-availability of DATCP funds. A county is responsible for contract grant amounts when the county makes cost-share commitments beyond the amount of its DATCP annual allocation or the county fails to obtain DATCP approval required under 2.C.2.
2. Written approval from DATCP shall be obtained before this contract is executed or amended if the DATCP cost-share amount exceeds \$50,000, and such approval shall be attached to, and made part of, this contract.
3. This contract may be amended, by mutual written agreement of the parties, during the installation or maintenance periods, if the proposed changes will provide equal or greater control of water pollution. For any changes in practice components or costs, the county will determine eligibility and whether to approve such changes. Counties must use a "Cost-Share Contract Change Order" form (ARM-LR-166) for changes prior to or during the installation and maintenance periods. Except as otherwise provided in the "Change Order" form, any completed "Change Order" form must be attached to, and made part of, this contract. Changes to this contract that increase the DATCP cost-share amount over \$14,000 or \$50,000 are subject to requirements in Sections 2.A.7., regarding recording and 2.C.2., regarding DATCP approval, respectively.
4. This contract is void if, prior to installation, the county determines that due to a material change in circumstances the proposed practices will not provide cost-effective water quality benefits.

Landowner Initials	Date	Spouse Initials	Date	Grant Recipient Initials	Date	Spouse Initials	Date	County Reps. Initials	Date
	1/19/23								

COST SHARE CONTRACT NO.:

COST-SHARE CONTRACT NO.: 2-23



**SOIL AND WATER RESOURCE
MANAGEMENT GRANT PROGRAM**

Sec. 92.14, Wis. Stats

COST-SHARE CONTRACT

(DATCP approval required for cost-share amounts over \$50,000)

This contract is made and entered into by and between
Richland County Land Conservation Committee, and landowner(s) Mark S
Standish & Gary D Standish and grant recipient(s) N/A. This contract is
complete and valid as of the date signed by the county representative.

In consideration of the terms and conditions herein, the parties agree to this
contract as set forth in the following Sections 1, 2, and 3, and any addenda
that are annexed and made a part hereof.

NOTE 1: It is not necessary to notarize signatures unless this contract will
be recorded. If there are additional landowners or any grant recipients,
check here and attach Exhibit A1. **NOTE 2:** Only properly authorized
person(s) can sign in a representative capacity and must sign in such
capacity if the landowner is a corporation, trust, estate, partnership, limited
partnership, or limited liability company.

Recording Area

Agency Name & Return Address

Parcel Identification Number

Mark S Standish 01/22/23 Gary Standish 1-22-23

LANDOWNER/REPRESENTATIVE

DATE

LANDOWNER/REPRESENTATIVE

DATE

PRINT OR TYPE NAME:

PRINT OR TYPE NAME:

State of Wisconsin)) ss. County) This instrument was acknowledged before me on (date) by (name of landowner or representative) as (representative's position or type of authority, if applicable) for (name of entity on behalf of whom instrument was executed, if applicable) SIGNATURE PRINT NAME Notary Public, State of Wisconsin My commission expires (is permanent).	State of Wisconsin)) ss. County) This instrument was acknowledged before me on (date) by (name of landowner or representative) as (representative's position or type of authority, if applicable) for (name of entity on behalf of whom instrument was executed, if applicable) SIGNATURE PRINT NAME Notary Public, State of Wisconsin My commission expires (is permanent).
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SIGNATURE OF COUNTY REPRESENTATIVE

DATE

PRINT OR TYPE NAME: CATHY COOPER

State of Wisconsin)
) ss.
County)
This instrument was acknowledged before me on (date)
by

(name of county representative)
as of

SIGNATURE _____ PRINT NAME _____
Notary Public, State of Wisconsin
My commission expires _____ (is permanent)

*This document was drafted by the Wisconsin Department of
Agriculture, Trade and Consumer Protection.*

Personal information you provide may be used for purposes other than that for which it was originally collected (Sec. 15.04(1) (m), Wis. Stats.)

COST-SHARE CONTRACT NO.:
2-23

SECTION 1A. COUNTY INFORMATION		PAGE 2 of 5	
NAME OF COUNTY AGENCY Richland County Land Conservation Dept		TELEPHONE NUMBER 608-647-2100	
ADDRESS 181 West Seminary		CITY, STATE, ZIP CODE Richland Center WI 53581	
NAME OF AUTHORIZED REPRESENTATIVE Cathy Cooper			
SECTION 1B. LANDOWNER and GRANT RECIPIENT INFORMATION			
TOTAL DATCP COST-SHARE AMOUNT (refer to page 5) \$423.43		NON-DATCP FUNDING BY SOURCE (refer to page 5) County \$ Other State Agency \$ Federal \$ Non-Profit or Other \$	
NAME OF LANDOWNER (Check the description that best applies: Individual (Note: Spouse must be included) Corporation Limited Liability Company Trust, Estate or Partnership Local Unit of Government)			
ADDRESS 16904 Gault Hollow Rd			
CITY, STATE, ZIP CODE Blue River WI 53518		TELEPHONE NUMBER 608-289-5759	
LOCATION OF COST-SHARED PRACTICE(S) (Locate by providing parcel numbers(s) or coordinates below or attach required information as Exhibit B) Parcel Identification Number(s): 010-0644-0000 Latitude and longitude (degrees and minutes): 45.278° N -90.529° W Note: If this document will be recorded, attach a legal description of the location of the cost-shared practice(s) that meets the requirements of ss. 706.05(2m)(a) and 66.0217(1)(c), Wis. Stats.			
NAME OF GRANT RECIPIENT, if different than above. NOTE: SPOUSE MUST BE INCLUDED			
ADDRESS			
CITY, STATE, ZIP CODE		TELEPHONE NUMBER	
INSTALLATION PERIOD			
Each practice must be installed, and all costs associated with the practice must be incurred, by December 31 st of the cost-share contract year, or December 31 st of the year of an approved extension. This contract may provide cost-sharing for more than one year for the following items as long as the parties record the number of years of cost-sharing in the appropriate column in Section 3:			
<p>a. To install and maintain contour farming, cover and green manure crop, nutrient management, pest management, residue management, and strip-cropping (up to 4 years).</p> <p>b. For land taken out of production for 10 years or other period specified in Section 3.</p> <p>c. For riparian land taken out of production for 15 years or in perpetuity as specified in Section 3.</p>			

Disclosure of non-DATCP funding: By signing this contract, the landowner or grant recipient agrees to disclose all information related to any non-DATCP funding that has been or will be obtained to pay for practices described in this contract, and to authorize the county and DATCP to access files related to this funding, including release of county and federal files in accordance with the provisions of 16 U.S.C. 3844(b) (2) (D) (i).

Appeal Rights: The landowner or grant recipient may appeal to the county, in writing, any decision of the county land conservation department regarding this grant. The county will determine if the grantee is eligible for a hearing under Chapter 68, Wis. Stats.

Landowner Initials	Date Spouse Initials	Date Grant Recipient Initials	Date Spouse Initials	Date County Reps. Initials
MS	MS	MS		

ADDENDA MAY BE ATTACHED TO THIS DOCUMENT TO RECORD SPECIAL CONDITIONS

A. The landowner/grant recipient agrees:

1. To install and maintain cost-shared practice(s) listed in Section 3, consistent with the plans and specifications referenced in Section 3, during periods identified in Section 3.
2. To make all payments for which the landowner/grant recipient (hereinafter referred to as "landowner") is obligated under this contract, as specified in Section 3. Landowners are responsible for all payments for state or local administrative permit fees.
3. To provide the county with evidence of payment, as applicable, for services, supplies, and practices performed or installed pursuant to this contract. Proof of payment may be in the form of a statement or invoice, or receipts or cancelled checks with the related vendor contract. For services provided by the landowner, the landowner shall submit a detailed invoice or cost-estimate for those services.
4. To maintain the cost-shared practice for at least 10 years from the date of installation, except for these "soft" practices: contour farming, cover and green manure crop, nutrient management, pest management, residue management, and strip-cropping. Soft practices must be maintained for each year cost-share funds are provided, as specified in Section 3. Extended maintenance periods apply if land is taken out of production for more than 10 years, as specified in Section 3.
5. To operate and maintain each cost-shared practice for the required maintenance period following the certification of installation or replace it with an equally effective practice. To refrain, during the maintenance period, from actions that may reduce a practice's effectiveness, or result in water quality problems. The landowner agrees to follow an operation and maintenance (O&M) plan or other maintenance requirements including those in ATCP 50.62, Wis. Admin. Code. All nutrient management plans must comply with s. ATCP 50.04(3), Wis. Admin. Code.
6. To repay cost-share funds immediately, upon demand by the county, if the landowner fails to operate and maintain the cost-shared practice according to the contract. Repayment of grant funds shall not be required if a practice(s) is rendered ineffective during the required maintenance period due to circumstances beyond the control of the landowner.
7. To the recording of this contract, including the legal description of the subject property, with the deed to the subject property, if cost-sharing exceeds \$14,000 unless this contract cost-shares only practices listed in s. ATCP 50.08 (5) (b). This contract shall be recorded before the county makes any cost-share payment to the landowner. Upon recording, this contract constitutes a covenant running with the land described in Section 1B, and is binding on subsequent owners, heirs, executors, administrators, successors, trustees, and assigns, and users of the land for the period set forth in Section 3.
8. To comply with (i) the performance standards, prohibitions, conservation practices and technical standards under s. 281.16, Stats., (ii) plans approved under ss. 92.14, 92.15 (1985 Stats.), 92.10 and 281.65, Stats., and (iii) the practices necessary to meet the requirements of this contract, and to continue such compliance after the term of this contract, without further cost-sharing, if the landowner has received cost-sharing for compliance at least equal to the cost-sharing required under s. ATCP 50.08, Wis. Admin. Code. There is no requirement for continuing compliance for land that is taken out of production unless cost-sharing is provided.
9. To acknowledge receipt of a notice provided by the county explaining continuing compliance requirements arising out of the installation of specific cost-shared practices. (Initial here MS SS _____.)
10. Not to discriminate against contractors because of age, race, religion, color, handicap, gender, physical condition, developmental disability, or national origin, in the performance of responsibilities under this contract.
11. To make any changes to this contract, including changes in project components and costs, according to the procedures set forth in Section 2.C.3.
12. To the county's right to stop work, or withhold cost-share grant funds, if it is found that the landowner, grant recipient, or construction contractor in their employ has violated ch. 92, Wis. Stats., ch. ATCP 50, Wis. Admin. Code, or has breached this contract.

Landowner Initials	Date	Spouse Initial	Date	Grant Recipient Initials	Date	Spouse Initial	Date	County Reps. Initials	Date
MS	10/24	SS	10/24						

B. The county agency agrees:

1. To enter this cost-share contract only after the Land Conservation Committee has authorized the cost-sharing of this project.
2. To provide technical assistance for the design, construction, and installation of cost-shared practice(s) according to applicable standards in ch. ATPC 50, Wis. Admin. Code. The county agrees to provide written notice, when applicable, to inform each landowner and grant recipient of the full ramifications of a cost-share contract, including future compliance obligations. The county further agrees to ensure that cost-shared practices are maintained as required in II. A. 4 by securing O&M plans and performing site checks as needed.
3. To use the most cost-effective methods to address the water quality concerns of this project, and apply cost containment procedures, consistent with ch. ATPC 50, Wis. Admin. Code, when estimating and paying for cost-shared practice(s).
4. To provide cost-share funds to the landowner, in the amounts specified in Section 3 and any amendments, upon proof that (i) the landowner has made all payments for which the landowner is responsible under the contract, (ii) the practice(s) are designed and installed according to standards in ch. ATPC 50, Wis. Admin. Code and this contract, including compliance with applicable construction site erosion control standards, and (iii) nutrient management plans comply with s. ATPC 50.04(3) Wis. Admin. Code. The county may make payments to third parties as provided in s. ATPC 50.40(13), Wis. Admin. Code.
5. To collect and retain all contract-related documents regarding operation and maintenance, proof of certification of design and installation, change orders, receipts and payments, and other referenced materials for a minimum of three years after making the last cost-share payment to the landowner, or for the duration of the maintenance period of this contract, whichever is longer. Records may be retained longer to demonstrate that a landowner meets the cost-sharing exemption under s. ATPC 50.08(5), Wis. Admin. Code. Payment records from the landowner and county must provide proof of payment in full for all cost-shared practices installed. Copies of records shall be made available to DATCP upon request.
6. To record this contract, including the legal description of the subject property, with the deed to the subject property, as required under Section 2.A.7. Contracts may be recorded if not required under Section 2.A.7.
7. To coordinate eligibility for DATCP cost-share funding, and to follow required reimbursement procedures to facilitate timely cost-share payment(s) to the landowner, including the submission of certification forms to DATCP documenting that cost-shared practice(s) have been properly installed in accordance with this contract and paid for.

C. General conditions of the contract

1. State cost-share reimbursement amounts in Section 3 are contingent on receiving DATCP funding. The county may cancel this contract, in whole or in part, due to non-availability of DATCP funds. A county is responsible for contract grant amounts when the county makes cost-share commitments beyond the amount of its DATCP annual allocation or the county fails to obtain DATCP approval required under 2.C.2.
2. Written approval from DATCP shall be obtained before this contract is executed or amended if the DATCP cost-share amount exceeds \$50,000, and such approval shall be attached to, and made part of, this contract.
3. This contract may be amended, by mutual written agreement of the parties, during the installation or maintenance periods, if the proposed changes will provide equal or greater control of water pollution. For any changes in practice components or costs, the county will determine eligibility and whether to approve such changes. Counties must use a "Cost-Share Contract Change Order" form (ARM-LR-166) for changes prior to or during the installation and maintenance periods. Except as otherwise provided in the "Change Order" form, any completed "Change Order" form must be attached to, and made part of, this contract. Changes to this contract that increase the DATCP cost-share amount over \$14,000 or \$50,000 are subject to requirements in Sections 2.A.7., regarding recording and 2.C.2., regarding DATCP approval, respectively.
4. This contract is void if, prior to installation, the county determines that due to a material change in circumstances the proposed practices will not provide cost-effective water quality benefits.

Landowner Initials	Date Spouse Initials	Date Grant Recipient Initials	Date Spouse Initials	Date County Reps. Initials
MSS	04/22/03	04/22/03		

ARM-LWR-255 (Rev. May 2003)

COST SHARE CONTRACT NO.:

COST-SHARE CONTRACT NO.: 2-23

SECTION 3. PRACTICES, COST, COST-SHARE AMOUNTS, AND INSTALLATION SCHEDULEPAGE 5
of 5

The parties agree to the following related to the conservation practices, technical design and specifications, eligible costs, cost-share rates and amounts, and rate set forth below

Name of Person
Preparing
Technical Design:Technical Standards Used in the
Design: (LIST NAME AND DATE OF NRCS,
DNR OR OTHER STANDARDS EMPLOYED IN

USE OF THE 3 BOXES BELOW IS OPTIONAL

Cathy Cooper Representing: (COUNTY OR PRIVATE ENGINEERING FIRM) Richland County LCD		THE DESIGN) 351 Well Decommissioning 09/20									
						REPRESENTING:		DATE OF APPROVAL:			
						AMOUNT OF COST-SHARE CONTRACT APPROVED: \$					
*	Cost-Shared Item Description <small>ss. ATCP 50.62 to 50.98, 50.40 (15) & (18), & 50.08 (3) and (4)</small>	Yrs of CS**	Quantity (Use Standard Units)	Unit Cost or Rate \$	Estimated Total Cost \$	COST-SHARE RATE			ESTIMATED COST-SHARE AMOUNTS		
						State %***	Grantee %	County/other %	DATCP \$	Grantee \$	County/other \$
	ATCP 50.97	1	1 No.	604.90	604.90				\$423.43	\$181.47	
TOTALS					\$604.90				\$423.43	\$181.47	

* Must check if the 50% maximum rate applies based on the installation of a practice after January 1, 2014 under one of these two conditions:
 a. The practice is installed on land owned by a local governments
 b. Cost-sharing is provided for access roads (ATCP 50.65), roof runoff system (ATCP 50.85), stream bank or shoreline protection (ATCP 50.88), stream crossing (s. ATCP 50.885), or wetland development or restoration (ATCP 50.98) and the practice does not implement a farm performance standard.

** Enter the number of years the practice is cost-shared only if the contract provides for (a) more than one year of cost-sharing for soft practices (contour farming, cover and green manure crop, nutrient management, pest management, residue management, and strip-cropping), (b) land taken out of production for more than one year, or (c) CREP equivalent payments for riparian land taken out of production. For "soft practice" payments, the landowner receives the full contract amount after the practice is certified, and has a contractual obligation to maintain the practice for the number of years cost-shared. For "land out of production" payments under ATCP 50.08(3) (d), the landowner receives the sum of the landowner's annual cost for the period specified in the contract. A landowner's annual cost equals the number of affected acres multiplied by the per-acre weighted average soil rental rate in the county on the date of the cost-share contract. For CREP equivalent payments authorized under ATCP 50.08(4), the landowner receives an amount equal to the amount that would be offered under the CREP program if the affected lands were enrolled in that program. To receive a CREP-equivalent payment, a landowner must keep riparian land out of production for 15 years, or in perpetuity, and must agree to contract terms similar to those imposed by the CREP program. Insert "T" if the land is taken out of production in perpetuity. Cost-share practices must be updated and maintained in accordance with O&M plans and other requirements that may apply

*** May exceed 70 percent only if the farm landowner qualifies for economic hardship.

Landowner Initials	Date	Spouse Initials	Date	Grant Recipient Initials	Date	County Rep. Initials	Date
MS	09/28/20						

2022 Wildlife Damage Claims

	APPRAISED LOSS	CLAIM PAYMENT
Clary Tom	\$3547.06	\$3047.06
White Mike	\$9227.44	\$7981.95
	-----	-----
	\$12774.50	\$11029.01



January 26, 2023

MEMORANDUM

TO: Cheryl Dull, Richland County

FR: Ashley McCluskey, Compensation Analyst

RE: Classification Request – Assistant Zoning Administrator/Sanitarian

The scope and duties of the Assistant Zoning Administrator/Sanitarian position have changed substantially, and as a result, the County is having the position evaluated for grade placement.

The previous GIS responsibilities of the position have been removed, and essential functions of the position were expanded in the areas of leadership/budget administration and Private On-site Treatment Systems (POWTS).

The position was evaluated in a number of areas including Thinking Challenges, Decision-Making, Interactions and Communications, and Education and Experience. As a result of the evaluation, it is our recommendation that this position be placed in **Grade I** of the County's salary plan.

Please feel free to contact me with questions on this review.

Richland County Position Description

Position Title: Assistant Zoning Administrator/Sanitarian

☐ **Exempt form FLSA**

Department: Zoning

Category: Full-time

Reports to: Zoning Administrator

Pay Grade: I

Date:

Hours per Week: 40

PURPOSE OF POSITION

The purpose of this position is to assist in administering and enforcing Richland County's Zoning, Sanitary, Shoreland Zoning, Floodplain Zoning, Subdivision Ordinances and other land use ordinances to enhance and maintain the quality of life in Richland County. The Assistant Zoning Administrator provides supervision and direction to assigned staff, works in conjunction with the Zoning Administrator, County Board Supervisors, committee members, and Zoning Board of Adjustment to meet the responsibilities of their positions.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Assist in administration, implementation, and enforcement of the county's comprehensive Zoning, Sanitary, Shoreland, Floodplain, Subdivision, and Address Ordinances as well as other land use ordinances.
- Accept and review zoning permit applications to determine their compliance with the provisions of the zoning ordinance and the completeness of the application.
- Provide direction and supervision of staff assigned to department.
- Ensure zoning decisions are consistent with applicable case law.
- Responsible for the administration and interpretation of the county sanitary ordinances pertaining to private onsite wastewater treatment systems for compliance with Wisconsin Administrative Code SPS 380-391, WI Statutes and Richland County Sanitary Ordinance.
- Conduct on-site inspections relating to construction, private on-site wastewater treatment system (POWTS) installations, soil suitability for private onsite wastewater treatment systems and other land and structural uses. Review site topography, flood plain conditions, and groundwater status for proposed system sites.
- Review and approve plans and applications for private waste disposal systems submitted by licensed plumbers.
- Attend Review and approve soil test reports submitted by soil testers.
- Responsible for countywide septic system maintenance program and maintaining all associated records.
- Provide information relating to county ordinances to property owners, prospective buyers of real estate, realtors, contractors, municipalities, Certified Soil Testers, plumbers and surveyors.
- Conduct research, investigate complaints and violations, review plans, and assess compliance with applicable ordinances and land use regulations. Issue cease and desist orders and citations for noncompliance. Assist the Richland County Corporation Counsel with enforcement actions.
- Administer the Uniform Address Ordinance and issue Address numbers. Provide interdepartmental notification as needed.
- Provide assistance and answer questions from the general public and applicants.
- Draft resolutions, develop ordinances and amendments for presentation and approval of Board of Supervisors including the scheduling of public hearings and requirements of publication.

Richland County Position Description

- Provide necessary documents to the appropriate UDC Inspector for new dwellings and additions.
- Prepare minutes of committee meetings and Board of Adjustment hearings.
- Assist in the development of the annual budget; monitor revenues, expenditures, and progress reports; and assist in preparation and presentation of annual report to Board of Supervisors.
- Administer inventory of Survey Plats including scanning and indexing for the County Surveyor as submitted.
- Administer Road Right of Way plats including scanning, indexing and mapping as submitted.
- Attend professional schools, seminars and or conferences to stay up to date on zoning & sanitary changes.
- Assist the Department of Safety and Professional Services with operational audits.
- Administer the Wisconsin Fund Grant Program for replacement of failing POWTS.

MINIMUM TRAINING AND EXPERIENCE REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

- A minimum of two (2) years' experience required in natural resource management, environmental health, land use planning or other related field of progressively responsible administrative and supervisory duties within zoning administration or land use planning.
- Current State of WI Certified Soil Tester (CST) and Private On-site Wastewater Treatment System (POWTS) Certification or the ability to obtain within 6 months from hire.
- Thorough knowledge of the basic principles of environmental sanitation, state and county laws, rules and regulations.
- Knowledge and understanding of zoning regulations including county zoning laws with the ability to interpret them for others.
- Ability to read and locate land descriptions and convert a land description to a plot.
- Advanced knowledge of preparing and monitoring budgets.
- Valid drivers license and access to an insured reliable vehicle.

PHYSICAL AND MENTAL ABILITIES REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Language Ability and Interpersonal Communication

- Skills in dealing effectively and ethically with public which includes private land owners, plumbing professionals, etc, in various situations that are sometimes difficult, with tact, understanding, consistency, and clarity.
- Ability and skill to obtain facts through investigations, inspections; and interpret information effectively.

Mathematical Ability

- Ability to add, subtract, multiply and divide, calculate percentages, decimals and fractions and interpret basic descriptive statistical reports.
- Ability to convert measurements to determine proper elevations.

Judgment and Situational Reasoning Ability

- Position requires travel from the office to the field sites. At field sites may encounter people that may be under emotional stress.

Physical Requirements

- Ability to withstand long periods of sitting.
- Ability to withstand extended periods of writing and/or computer entry, including repetitive finger movement.

Richland County Position Description

- Ability to withstand infrequent lifting of +10 pounds to gain access to information in boxed storage.
- Ability to exert moderate physical effort in light to sedentary work activity, typically involving some combination of stooping, kneeling, crouching, lifting, carrying, pushing and pulling.
- Ability to perform on-site inspection of soil borings that involves climbing in and out of soil borings which are several feet deep and several feet wide.

Environmental Adaptability

- Ability, in regard to environmental factors such as temperature variations, noise, disease, and/or dust, to work under moderately safe and comfortable conditions.
- Field time could be spent in somewhat disagreeable conditions due to dust, temperature variations, wetness, odor, mud, insects and such.

Richland County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

Employee's Signature

Supervisor's Signature

Date

Date