

AGENDA

CITY OF STURGEON BAY
COMMUNITY PROTECTION & SERVICES COMMITTEE
Monday, March 1, 2021
4:30 p.m.
Council Chambers, City Hall – 421 Michigan Street

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from February 4, 2021
4. Public Comment on Agenda Items
5. Consideration of: Mobile Food Vendors
6. Consideration of: Tourist Rooming House Ordinance
7. Adjourn

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Posted:
Date: 02/25/21
Time: 2:30 p.m.
By: SSO

Committee: Community Protection & Services
Dan Williams, Chr.
Kirsten Reeths
Seth Wiederanders

COMMUNITY PROTECTION & SERVICES COMMITTEE

February 4, 2021

A meeting of the Community Protection & Services Committee was called to order at 4:30 p.m. by Chairperson Williams in the Council Chambers, City Hall. **Roll Call:** Members Ald. Williams, Ald. Reeths and Ald. Wiederanders were present. Also present from City Departments were Mr. VanLieshout, Chief Dietman, Mr. Olejniczak, Mr. Sullivan-Robinson, Mr. Barker and Ald. Gustafson.

Moved by Ald. Reeths, seconded by Ald. Wiederanders to adopt the following amended agenda:

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from January 7, 2021
4. Public Comment on Agenda Items
5. **Consideration of: Amendment to Section 6.18 of the Fire Prevention Code Relating to Variances**
6. Consideration of: Mobile Food Vendors
7. Consideration of: Tourist Rooming House Ordinance
8. Adjourn

All Ayes. Carried.

Approval of Meeting Minutes

Moved by Ald. Reeths, seconded by Ald. Wiederanders to approve the January 7, 2021 minutes. All Ayes. Carried.

Public Comment

Will Gregory: 187 N. 9th Avenue, Sturgeon Bay, WI

Fire Prevention Code Amendment

Mr. Olejniczak distributed a proposed amendment to the Sturgeon Bay Fire Code Section 6.18. The amendment removes wording and adds language to mirror that of the State, in order to show compliance.

Moved by Ald. Williams, seconded by Ald. Wiederanders to recommend the Common Council approve the amendments to Section 6.18 of the Fire Prevention Code relating to variances as presented. All ayes. Carried.

Mobile Food Vendors

The intent of the creation of Section 9.025 – Mobile Food Vendors ordinance is to set parameters for vendors, not limiting the number of vendors. A draft of staff recommendations was distributed and discussed, which included: allowable locations, hours of operation, seating, restroom availability, signage, safety and health inspections, licenses, fees and regulations.

Comments:

Ald. Reeths agrees with staff recommendations. She does not want to see a limit placed on the number of allowed trucks in the city, or where trucks are allowed. Mr. Olejniczak stated application fees would be established based on staff time and materials required to issue a permit. Ald. Wiederanders feels restrooms should be available and supplied by the property owner if needed. Serving alcohol should only be allowed if the vendor has a separate alcohol sellers permit issued, can only sell out of that location. If the food trucks are participating in a sanctioned event such as one hosted by Destination Sturgeon Bay, the vendor does not need a separate permit; they will be included with that specific event. Mr. Olejniczak suggested some vendors may want to operate past 10pm; therefore place an exemption to do this in downtown locations. Ald. Williams likes the idea of starting with a time frame for operating, it can be altered if deemed too restrictive. Another consideration would be to allow an extension to midnight on Friday and Saturday. Marcy Struck, owner of Jolly Street Pizza truck, suggested including insurance language and require vendors have insurance. Ald. Gustafson spoke on requiring table and chairs to be put away each night; having to do this may account for vendors to buy cheap items that do not look as appealing. Not requiring this may allow for vendors to purchase nicer items.

Redrafting Section 9.025 of the Mobile Food Vendor ordinance will be done and the item will be placed on the next CPS meeting agenda for further consideration.

Tourist Rooming House Ordinance

Mr. Sullivan-Robinson listed items to consider to include parking, garbage, noise and RV's and travel trailers parked on the property. Most are already standardized in the municipal code and are enforceable. Ald. Williams stated the intent of the ordinance is to make sure a short-term rental property is safe and well maintained. He would like to see requiring limited liability insurance added to the code. Ald. Reeths would like to see limiting the number of people staying based off the number of bedrooms; that would be difficult to enforce unless a complaint was made per Mr. Sullivan-Robinson. He stated that the application process is well regulated with check prior to issuing a permit. Ald. Reeths also suggests doing an analysis in a few years to see how short-term rentals affect available housing to be sold.

Redrafting Chapter 20 of the Tourist Rooming House ordinance will be done and the item will be placed on the next CPS meeting agenda for further consideration.

Moved by Ald. Wiederanders, seconded by Ald. Reeths, to adjourn the meeting of the Community Protection Services Committee. All ayes. Carried. The meeting was adjourned at 5:32 p.m.

Respectfully submitted,

Sarah Spude-Olson
Police Department Office Manager

Draft Ordinance: Mobile Food Vendor

ORDINANCE NO. _____

THE COMMON COUNCIL OF THE CITY OF STURGEON BAY, WISCONSIN DO
ORDAIN AS FOLLOWS:

SECTION 1: Section 9.025 – Mobile Food Vendors of the Municipal Code (LICENSES
AND PERMITS) of the City of Sturgeon Bay, Wisconsin is hereby created
as follows:

(1) *Purpose.* The purpose of this ordinance is to regulate mobile food vendors in a way that supports economic development, and fostering opportunities for small business within the City of Sturgeon Bay while maintaining the protection to public health and safety by ensuring that mobile food vendors meet local and state laws that mitigate potential health and safety risks.

(2) *Definitions.* As used in this section, the following shall mean:

(a) *Food Vending Vehicle:* Any motorized vehicle including trailers and carts used to sell food or beverages by a mobile food vendor.

(b) *Mobile Food Vendor:* Any person who dispenses food or beverages from a food vending vehicle for immediate service and/or consumption.

(c) *Public Property:* Any property owned by the City of Sturgeon Bay or the right-of-way of any street or highway.

(d) *Person:* Any individual, group of individuals, firm, partnership, company, corporation, trustee, association, or any public or private entity and includes the individual or entities employees or agents.

(e) *Sell:* To transfer or exchange for value, to expose or offer for sale or exchange, or to procure, store, keep or have in one's possession or control for the purpose of selling.

(3) *General Requirements.*

(a) No person may operate as a mobile food vendor in the City of Sturgeon Bay without being registered as required under section 9.02.

(b) A food vendor license from the Department of Agriculture, Trade and Consumer Protection is required.

(c) A separate transient merchant permit shall be required for each food vending vehicle operated by a mobile food vendor.

(d) Mobile food vendors shall follow any applicable state and local laws, including but not limited to all fire codes, zoning codes, occupational tax codes, and any other applicable state and local code provisions.

(e) Mobile food vendors are not allowed on public property unless approved by the Common Council.

Commented [SC1]: Should there be a setback from property lines, other vending vehicles, and structures?

(f) A site plan must be provided that illustrates mobile food vendor/food vending vehicle location(s), access, seating, bathroom facilities, stored equipment and service area on the property.

(g) Mobile food vendors shall be inspected by the Sturgeon Bay Fire Department and the Department of Agriculture, Trade and Consumer Protection regarding health and safety related issues prior to commencing operations.

(h) Local and state permits must be displayed in a conspicuous location visible to the public with health grades, if applicable.

(i) There shall be no onsite sales of liquors or fermented malt beverages without obtaining a license as required elsewhere in this chapter.

Commented [SC2]: Per the committees request at the last meeting.

(j) Flashing lights are prohibited.

(k) Public address (PA) systems are prohibited.

(4) Operation Standards.

(a) Mobile food vendors are prohibited from operating from 10:00 p.m. to 6:00 a.m. Sunday to Thursday and 12:00 a.m. to 6:00 a.m. Friday and Saturday.

Commented [SC3]: There wasn't a clear consensus if there should be a separate set of hours for the weekend.

(b) Seating and tables, if provided, shall not block ingress, egress or fire exits from or to the food vending vehicle or any other structure on the property.

(c) Mobile food vendors must provide at least one onsite, conveniently located waste receptacle for customers. Garbage and refuse must be kept in durable, disposable or cleanable, insect/rodent proof containers that do not leak and do not absorb liquids. Mobile food vendors shall be responsible for the removal and disposal of all garbage and refuse within the immediate area around the food vending vehicle.

(d) Bathroom facilities must be provided onsite unless public bathrooms are located within 150 feet of the mobile food vendor site or a written agreement has been provided from a business from an adjoining property allowing the use of their bathroom facilities.

(e) Food vending vehicles must be oriented so that the service windows face the street right-of-way and sales shall only be conducted through the service windows.

(f) Food vending vehicles and the surrounding site they occupy must be maintained in good operating order and visual appearance.

Commented [SC4]: Should sales be conducted entirely within the property? If the service vehicle is closer to the right-of-way should the service window be directed away from the right-of-way?

SECTION 2: The ordinance shall take effect on the day after its publication.

Approved:

David J. Ward
Mayor

Attest:

Stephanie L. Reinhardt
City Clerk

Draft 1: Tourist Rooming House Regulations

ORDINANCE NO. _____

THE COMMON COUNCIL OF THE CITY OF STURGEON BAY, WISCONSIN DO
ORDAIN AS FOLLOWS:

SECTION 1: Section 20.09(1)(i) of the Sturgeon Bay Municipal Code (Zoning) is hereby amended as follows:

4. The property owner shall have and maintain homeowner's liability or business liability insurance for the premises used as a Tourist Rooming House. Written evidence of the liability insurance shall be submitted with the Tourist Rooming House application.
5. The number of occupants in a Tourist Rooming House shall not exceed the limits set forth in Wisconsin Administrative Code ATCP ATCP 72.14.
6. No recreational vehicles, campers, tents, or other temporary lodging arrangements shall be permitted on site as a means of providing additional accommodations.
7. Trash containers shall be placed for collection no later than 7:00 a.m. on the day of collection and no more than 12 hours prior to collection date and shall be removed within 12 hours of that date.

SECTION 2: Section 20.31(2)(a) of the Sturgeon Bay Municipal (Code Zoning) is hereby amended to include the follows:

Tourist Rooming House	A minimum of 2 off-street parking spaces must be provided.
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SECTION 3: The ordinance shall take effect on the day after its publication.

Approved: _____
David J. Ward, Mayor

Attest: _____
Stephanie L. Reinhardt, City Clerk

Draft 2: Tourist Rooming House Regulations

ORDINANCE NO. _____

THE COMMON COUNCIL OF THE CITY OF STURGEON BAY, WISCONSIN DO
ORDAIN AS FOLLOWS:

SECTION 1: Section 9.05 – Reserved. (Licenses and Permits Chapter) of the City of
Sturgeon Bay Municipal Code is hereby repealed and recreated as follows:

9.05 – Tourist Rooming House Permit

- (1) Permit Required. No property owner shall use their property for the purposes of short term renting within the city without obtaining a Tourist Rooming House Permit.
- (2) Definition. Tourist Rooming House is a dwelling unit in which sleeping accommodations are offered for pay to tourists or transients for periods of less than one calendar month or 30 days, whichever is less, counting the first day of the rental and not counting the last day of rental. It does not include a boardinghouse not accommodating tourists or transients, or bed & breakfast establishments. These facilities are sometimes referred to as vacation rentals.
- (3) Tourist Rooming House are subject to the following:
 - (a) The facility shall be licensed by the Wisconsin Department of Health Services, the City of Sturgeon Bay, and The Door County Tourism Zone Commission.
 - (1) New tourist rooming house permits issued by the City of Sturgeon Bay are valid for one year and expire on June 30. If a new tourist rooming house permit is issued after April 1, the City permit shall expire on June 30 the following year.
 - (2) Renewal Tourist rooming house permits are valid for two years and expire on June 30. Renewal permits may be applied for no sooner than six months prior to expiration, but are not valid until July 1.
 - (3) The Community Development Department will oversee the issuing or renewal of tourist rooming house permits. In the event City staff denies a permit, the applicant may appeal the denial decision to the City Plan Commission

- (b) The owner/operator must reside within Door, Kewaunee, or Brown Counties during periods in which the tourist rooming house is rented. This requirement may be waived if there is a valid management contract with a management company located within Door County.
- (c) Designated Tourist Rooming Houses may have an unlit sign no larger than 2 square feet in size
- (d) The property owner shall have and maintain homeowner's liability or business liability insurance for the premises used as a Tourist Rooming House. Written evidence of the liability insurance shall be submitted with the Tourist Rooming House application.
- (e) The number of occupants in a Tourist Rooming House shall not exceed the limits set forth Wisconsin Administrative Code ATCP 72.14.
- (f) A minimum of 2 off-street parking spaces shall be provided.
- (g) No recreational vehicles, campers, tents, or other temporary lodging arrangements shall be permitted on site as a means of providing additional accommodations.
- (h) Trash containers shall be placed for collection no later than 7:00 a.m. on the day of collection and no more than 12 hours prior to collection date and shall be removed within 12 hours of that date.

Commented [SC1]: Based on research, the type of insurance needed is based on whether is renting a bedroom or a full dwelling unit.

Commented [SC2]: ATCP 72.14: Every sleeping room shall be of sufficient size to afford at least 400 cubic feet (12 cu m) of air space for each occupant over 12 years of age and 200 cubic feet (6 cu m) for each occupant 12 years and under. Every sleeping room shall have a minimum ceiling height of 7 feet (2.13 m). No greater number of sleeping occupants than the number established by application of these standards is permitted in any sleeping room.

Commented [SC3]: This was requested by Committee and staff.

Commented [SC4]: The Municipal Code has clear rules on the use of travel trailers on private property as well as other rules regarding tent camping.

Commented [SC5]: This was pulled from Chapter 21 (Health and Sanitation).

SECTION 2: Section 20.09(1)(i) of the Municipal Code (Zoning) of the City of Sturgeon Bay is hereby repealed and recreated as follows:

- (i) Tourist Rooming Houses. Subject to the requirements set forth in Section 9.05.

SECTION 3: Section 20.22(1)(k) of the Municipal Code (Zoning) of the City of Sturgeon Bay is hereby repealed and recreated as follows:

- (k) Tourist rooming houses. Subject to the requirements set forth in section 9.05.

SECTION 4: Section 20.31(2)(a) of the Sturgeon Bay Municipal (Code Zoning) is hereby amended to include the follows:

Tourist Rooming Houses	A minimum of 2 off-street parking spaces must be provided for a dwelling.
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SECTION 5: The ordinance shall take effect on the day after its publication.

Approved: _____
David J. Ward, Mayor

Attest: _____
Stephanie L. Reinhardt, City Clerk