

Chapter 335 TOURIST ROOMING HOUSES

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1.0 Purpose.

The purpose of this Ordinance is to ensure that the quality of tourist rooming houses operating within the County is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators and resident agents offering these properties for tourists, for the proper collection of taxes, to protect the character and stability of all areas within the County; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

2.0 Applicability

- A.** The provisions of this Article apply to all unincorporated areas of Adams County except as set forth in paragraph B.
- B.** The provisions of this Article shall not apply in municipalities which adopt a Tourist Rooming House ordinance.

3.0 Exemptions.

The following operations are exempt from complying with the requirements of this Ordinance:

- A. A private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
- B. A hotel, motel or resort license issued by the State of Wisconsin Department of Health, pursuant to § 97.605, Wis. Stats., or a designated local health department pursuant to § 97.615, Wis. Stats., directly or through its agent.
- C. Bed and breakfast establishments.

4.0 Definitions.

- A. For the purpose of administering and enforcing this Ordinance, the terms or words used herein shall be interpreted as follows:
 - 1. Words used in the present tense include the future.
 - 2. Words in the singular number include the plural number.
 - 3. Words in the plural number include the singular number.
- B. The following definitions and conditions apply unless specifically modified:
 - 1. **Bathroom** means full bath.
 - 2. **Corporate Entity** means a corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.
 - 3. **Dwelling Unit** means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family. Dwelling Units include tourist rooming houses, seasonal employee housing and dormitory units.
 - 4. **Health License** means the license described in Section 3.0 B.
 - 5. **License** means the Property Management License issued under Section 6.0 B.2.
 - 6. **Occupant** means a tourist/transient over the age of 14. Further, for the purposes of this ordinance, a tourist/transient aged 14 or younger counts as ½ (one half) an occupant.
 - 7. **Owner** means the owner of a tourist rooming house.
 - 8. **Permit** means an individual tourist rooming house permit issued under Section 6.0.
 - 9. **Resident Agent** means an owner meeting the qualifications for a Resident Agent as set forth in Section 9.0 or a person appointed by the owner of a tourist rooming house to act as agent on behalf of the owner.
 - 10. **Short Term Rental** means the rental of a Dwelling Unit for a period of twenty-nine (29) or less consecutive days.
 - 11. **State** means the State of Wisconsin Department of Health, or its designee.
 - 12. **Tourist or Transient** means a person who travels from place to place away from his or her permanent residence for vacation, pleasure recreation culture, business or employment.
 - 13. **Tourist Rooming House** means any lodging place or tourist cabin or

cottage where sleeping accommodations are offered for pay to tourists or transients, or to persons who stay, or intend to stay, for twenty-nine (29) days or less.

5.0 Tourist Rooming House Requirements.

- A.** No person may operate a tourist rooming house without a tourist rooming house permit.
- B.** Every tourist rooming house shall be operated by a Resident Agent.
- C.** Each tourist rooming house shall comply with all other Ordinances incorporated into the Adams County Code.
- D.** A tourist rooming house shall meet the following minimum requirements:
 - 1. One (1) bathroom for every eight (8) occupants.
 - 2. Not less than one hundred fifty (150) square feet of floor space for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room area and is determined using interior measurements of each room. For purposes of this Section, floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Wisconsin Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any dwelling without a separate enclosed bedroom is two (2) people.
 - 3. Sleeping rooms that meet the requirements set forth in ATCP 72.14.
 - 4. Not less than one onsite off-street parking spaces for every four (4) occupants based upon maximum occupancy. A parking space shall be a minimum of nine (9) feet wide and eighteen (18) feet long and may include area in garages, carports and open areas. Parking spaces may not extend into a setback of ten (10) feet from any lot line.
 - 5. A safe, unobstructed means of egress leading to safe, open space at ground level.
 - 6. Each area and room designated or used for sleeping shall have at least one (1) means of exit to the exterior, by door or egress window. If a room does not meet these qualifications, a sign shall be posted notifying occupants that the room shall not be used for sleeping due to lack of safe egress.
 - 7. Basement areas designated or used for sleeping shall have at least two (2) exits to the exterior, by door or egress window. If a basement does not meet these qualifications, a sign shall be posted notifying occupants that the basement area shall not be used for sleeping due to lack of safe egress.
 - 8. Functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code.
 - 9. Shall not have a wood or solid fuel burning stove or fireplace unless the owner provides a certificate from a licensed commercial building inspector, fire

inspector, or a verified statement from a reputable stove or fireplace sales/installer entity, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances; OR the applicant demonstrates that appropriate measures have been taken to block access to the woodstove or fireplace by any tourists or transients.

10. Shall not have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose on any balcony, deck or under any overhanging structure or within ten (10) feet of any structure.
11. Shall have insurance against claims of personal injury and property damage for tourist rooming house rentals.
12. Has received the appropriate zoning designation, if required, under the County or other local zoning chapter.
13. Must pass a Lodging Establishment Health Inspection by the State of Wisconsin's designee before issuance of a license under this Ordinance.
14. Has obtained an Agricultural, Trade, and Consumer Protection tourist rooming house license (issued through ATCP or its local health department designee).
15. A visible and accessible fire extinguisher that has passed a fire inspection dated not more than one (1) year before the date of issuance or renewal by the local fire department or equivalent inspector.
16. Has an available Resident Agent as is required under this Ordinance.
17. Neither the applicant nor the property that is the subject of the application has outstanding taxes, fees, penalties or forfeitures owed to the County or room tax due and owing to any local governmental entity.

E. A tourist rooming house shall not:

1. endanger, or threaten to endanger, the public health, safety, comfort or general welfare,
2. have excessive noise complaints,
3. have an excessive response required from law enforcement,
4. have poor property condition such as garbage or refuse complaints, condition complaints, and general care and maintenance complaints,
5. have traffic and parking complaints,

6.0 Tourist Rooming House Permitting Process.

- A. All applications for a tourist rooming house permit shall be filed with the Zoning Administrator on forms provided. Applications must be filed by the owner of the tourist rooming house or by a previously licensed Resident Agent. Each applicant shall certify that the tourist rooming house that is the subject of the application can meet the requirements set forth in Section 5.0 D.

- B. An application for a tourist rooming house permit shall include the following and shall not be considered complete until all of the following is submitted:
1. Proof that use of the property as a tourist rooming house is permitted by the appropriate zoning authority.
 2. A tourist rooming house license issued under § 97.605, Wis. Stats. (A permit under this Ordinance may be conditionally granted upon issuance of this license and shall not take effect unless and until this license is issued.)
 3. A copy of a completed Lodging Establishment Health Inspection form dated within two (2) years of the date of issuance or renewal.
 4. The Wisconsin Department of Revenue Sales Tax Number (Unless exclusively using a residential short-term lodging marketplace).
 5. Proof of Insurance.
 6. Floor plan (including square footage) and requested maximum occupancy.
 7. Site plan including available onsite parking.
 8. Property Management Agreement (if applicable).
 9. Designation of the Resident Agent.
 10. Certification from the Resident Agent that the property meets the requirements of Section 5.0 D.
 11. The application fee.
 12. Certification from the local governmental entity that no room tax is due and owing.
- C. **Terms and Filing date.** Each permit and license shall run for two (2) years from January 1st through December 31st. Permits and licenses issued within the two (2) year-time period will be effective until the next renewal period. The filing fee shall be paid upon filing of the application. Any application which does not include all of the information and documentation shall not be considered as complete.
- D. **Application Review Procedure.** Within thirty (30) days of determining that a tourist rooming house permit application is complete, the Zoning Administrator shall arrange for inspection of the property and act on the application which shall include providing notice of the opportunity for a public hearing under Section 16.0. All initial permits are granted by the Planning and Zoning Administrator. A permit shall be issued if the Administrator determines that the application is complete and the tourist rooming house meets the requirements of this Ordinance, unless there is a request for a public hearing, in which case the Planning and Zoning Committee shall hold a hearing before determining if a permit should be issued. If the Planning and Zoning Administrator determines that the application or the tourist rooming house does not meet the requirements of this Ordinance, the permit shall be denied and the reasons therefore shall be set forth to the applicant in writing.

7.0 Tourist Rooming House Permit.

- A. A tourist rooming house permit shall contain the following:
 - 1. The name, address and telephone number of the owner of the tourist rooming house.
 - 2. The name, address, telephone number and cell phone number for the Resident Agent.
 - 3. The maximum occupancy.
 - 4. The permit term.
 - 5. The lodging license number; and
 - 6. The name, address and telephone number for the agency responsible for the issuance of a DATCP license.
- B. **Display of Permit, License.** Each permit shall be displayed on the inside of the main entrance door of each tourist rooming house.

8.0 Inspections.

Each tourist rooming house is required to be inspected once every two (2) years by the Planning and Zoning Department, or its designee.

9.0 Resident Agent License.

- A. A licensed Resident Agent is required for all tourist rooming houses.
- B. The owner of a tourist rooming house shall designate a licensed Resident Agent.
- C. Resident Agent shall meet the following requirements:
 - 1. Be an adult person residing in or within twenty-five (25) miles of the location of the tourist rooming house or a corporate entity with offices located within twenty-five (25) miles of the tourist rooming house that is the subject of the application.
 - 2. Be authorized by the Owner to act as the agent for the Owner for: (i) the receipt of service of notice of violation of this Ordinance's provisions, (ii) service of process pursuant to this Ordinance, and (iii) to allow the County to enter property permitted under this Ordinance for purposes of inspection and enforcement.
 - 3. The applicant shall provide proof that he or she is insured for general liability for a commercial rental operation.
- D. An owner that meets the qualifications for a Resident Agent is not required to pay a fee for a Resident Agent license.

10.0 Nontransferable License or Permit.

Any license or permit issued under this Ordinance is nontransferable. The holder of any permit or license shall notify the Zoning Administrator in writing of any transfer of the legal control of any property covered by the permit or license.

11.0 Renewal.

- A. Each application for a renewal of a permit or license shall include updated information for the documentation on file with the Zoning Administrator and payment of the applicable fee. All renewal applications shall be filed no less than 60 days prior to the expiration of the license. The Zoning Administrator may conditionally accept late applications, subject to payment of the late filing fee. The Zoning Administrator shall verify that the information provided on the renewal application is complete, and in accordance with the requirements of this Ordinance, and that all local taxes, including room taxes, have been paid. The Zoning Administrator shall issue renewal licenses within thirty (30) days of the filing of the application, unless the information provided is incomplete, or otherwise not in compliance with the requirements of this Ordinance, reports from local law enforcement or the Health Department indicate that there are complaints or actions involving the property, taxes have not been paid, and/or there is a request for a public hearing.
- B. If the Zoning Administrator finds that the license or permit should not be renewed, or that there has been a complaint, the Zoning Administrator shall forward the application to the Planning and Zoning Committee for action along with a written explanation of the reason for referral. The Planning and Zoning Committee shall then determine if a renewal shall be denied. If it is denied, the reasons therefore shall be set forth in writing.
- C. No permit or license shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the County, or is under an order to bring the premises into compliance with the Code or other law.

12.0 Hardship.

- A. Any person asking to be relieved from the strict enforcement of this Ordinance's provisions may apply for a Hardship Exception. The application shall be on a form provided by the Zoning Administrator. The completed form and all supporting documents shall be filed with the Zoning Administrator along with the filing fee. Within thirty (30) days of receiving the application for Hardship Exception, the Zoning Administrator shall issue a written report to the Planning and Zoning Committee, including his recommendation.
- B. Following the review and issuance of a report by the Zoning Administrator, the application will be reviewed by the Planning and Zoning Committee. The Planning and Zoning Committee may require the applicant to furnish additional information it

deems necessary in its review of the application.

- C. When reviewing an application for a Hardship Exception, the Planning and Zoning Committee will take into consideration the following factors:
 - 1. The Hardship Exception will not be unreasonably detrimental to or endanger the public health, safety, comfort or general welfare.
 - 2. The uses, values and enjoyment of other property in the neighborhood shall not be substantially impaired or diminished by the proposed Hardship Exception.
 - 3. The Hardship Exception will not unduly create a danger to pedestrians or traffic.
 - 4. The past experience with the applicant and previous violations of this Ordinance.
 - 5. The Hardship Exception must comply with all other local ordinances and applicable state laws.
 - 6. Such other factors due to the specific circumstances that the Planning and Zoning Committee deems appropriate.

13.0 Fees.

- A. **Permits** – (Individual tourist rooming house)
 - 1. Initial Permit application fee (includes first two (2)-year permit) – three hundred dollars (\$300.00).
 - 2. Renewal application fee – one hundred and fifty dollars (\$150.00).
 - 3. Hardship Exception initial application fee – five hundred dollars (\$500.00).
 - 4. Late fees - Double Fee.
 - 5. Resident Agent – fifty dollars (\$50.00).
 - 6. Public Hearing fee – three hundred dollars (\$300.00).

Listed fees and penalties do not include those issued by other entities such as the State license issued by the State of Wisconsin, or its designee, or any rezoning fees.

- 14.0 Penalties.** The penalties for noncompliance after a judgment of conviction, in addition to the forfeiture and related court costs, for violations of the above-identified ordinances shall a minimum of \$_100_____ and a maximum of \$_300_____.

15.0 Enforcement.

The provisions of this Ordinance shall be enforced by the Planning and Zoning Department and/or its designee under Adams County Code Section 17. It shall be the duty of the Planning and Zoning Department to process applications, conduct inspections and investigate complaints of violations of this Ordinance. Violations will be prosecuted by Corporation Counsel. Any person violating this ordinance, upon conviction, shall forfeit not less than \$_100___ nor more than \$_300__ for each offense, in addition to costs of prosecution. Each day of violation constitutes a separate offense.

16.0 Public Hearing.

- A. Upon receiving an initial application under Section 6.0, the Zoning Administrator

shall provide written notice by regular mail to each property owner within five hundred (500) feet of the boundary of the property for which the permit is sought. The notice shall identify the property for which the permit is sought, the name of the property owner, reference to the online location of this Ordinance, and the statement that recipient has fifteen (15) calendar days to request a public hearing to determine whether or not a permit should be issued. The Zoning Administrator may also post notice of the same information on the Zoning Department's website, if available.

- B. Any affected person may request a public hearing under Section 16.0 A. by making a written or verbal request to the Zoning Administrator. The Zoning Administrator has discretion to accept late requests for public hearings.
- C. The Zoning Administrator has discretion to set a public hearing on any application for a permit under Section 6.0 A.
- D. Any affected person may request a hearing with regard to a permit holder to determine whether or not the permit holder has committed violations of this Ordinance such that the permit should be revoked. A person shall request a public hearing by submitting a written statement to the Zoning Administrator, setting forth in detail, complaints against the permit holder. The Zoning Administrator shall investigate the allegations and determine whether or not an enforcement proceeding should be initiated under Section 15.0, and/or whether a hearing is warranted to determine if a permit should be revoked. If the Zoning Administrator determines a hearing is warranted, it shall be held before the Planning and Zoning Committee pursuant to the procedure set forth in Section 16. E. There shall be no appeal from the Zoning Administrator's denial of a request for a hearing or to refer a matter for enforcement. The Zoning Administrator shall also have the authority to initiate enforcement or a hearing under Section Sec. 16.0.
- E. The hearing procedure shall be as follows for public hearings and hearings under Section 16.0:
 - 1. The hearing shall be held before the Planning and Zoning Committee.
 - 2. Written notice of the date, time and place of the hearing shall be mailed by regular mail to the permit applicant/holder at least ten (10) calendar days prior to the date of the hearing.
 - 3. The permit applicant/holder shall have the right to be represented by the Resident Agent and/or legal counsel and need not be present at the hearing.
 - 4. If the hearing is for possible revocation of the permit, a written summary of the alleged violations shall be provided with the written notice.
 - 5. At the public hearing, the permit applicant/holder, or representative shall have the right to make a statement, question witnesses and the Zoning Administrator regarding the basis of any complaints or alleged violations of this Ordinance.
 - 6. Written statements may be submitted by any person regarding the permit at

issue prior to the start of the hearing. The Planning and Zoning Committee shall only consider written statements that set forth the identity of the individual(s) making the statement.

7. The Planning and Zoning Committee shall hear, consider and weigh all verbal and written statements prior to making its decision.
8. The Planning and Zoning Committee shall have the right to adjourn and reconvene as it deems necessary and need not make a decision immediately upon conclusion of the hearing.
9. The Planning and Zoning Committee shall consider these factors when determining whether or not to grant or revoke a permit:
 - a. Past and present compliance with this Ordinance.
 - b. Past and present compliance with room and sale tax requirements.
 - c. Past and present compliance with federal, state and local laws.
 - d. Matters that endanger, or threaten to endanger, the public health, safety, comfort or general welfare.
 - e. Adverse environmental impact.
 - f. Noise complaints.
 - g. Excessive response required from law enforcement.
 - h. Property condition including garbage or refuse complaints, condition complaints, and general care and maintenance.
 - i. Traffic and parking complaints.
 - j. Matters that may impact the use, value and enjoyment of other property in the neighborhood.
 - k. Other matters that may be deemed a nuisance to neighboring properties.
10. If a permit is denied or revoked, the Planning and Zoning Committee shall set forth in writing the reason(s) for the denial or revocation. In order for a reason to form the basis for a denial or revocation, a majority of the Committee members present shall agree that the facts presented were sufficient to support that reason. The written decision shall set forth the Committee members who supported each reason.
11. The permit holder or applicant shall be required to pay the public hearing fee if it is determined that a public hearing is required under this Ordinance.

17.0 Application After Revocation.

No applicant may reapply for twenty-four (24) months from the date of revocation.

Recommended for enactment by the Adams County Planning and Zoning Committee on this 6th day of November, 2019.

Rocky Gilner, Chair

Barb Waugh

Barb Morgan, Vice-Chair

Jerry Kotlowski

Randy Theisen

Larry Borud

Jodi Schappe

Enacted _____
Defeated _____
Tabled _____

by the Adams County Board of Supervisors
this 12th day of November, 2019

John West, Board Chair

X Reviewed by Corporation Counsel

Cheryl Kroening, County Clerk

X Reviewed by County Manager