

CHAPTER 37: TOURIST ROOMING HOUSE

SECTION 37.01 PURPOSE.

The purpose of this Chapter is to ensure that the quality of tourist rooming houses operating within the Town of Baraboo 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 property managers offering these properties for tourists, to protect the character and stability of all areas within the Town of Baraboo; 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.

SECTION 37.02 DEFINITIONS.

A. INTERPRETATION.

For the purpose of administering and enforcing this Chapter, 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. FOR THE PURPOSES OF THIS CHAPTER.

The following definitions and conditions apply unless specifically modified:

1. Bathroom. Full bath.
2. Clerk. The Town Clerk of the Town of Baraboo, or designee.
3. Corporate Entity. A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.
4. Dwelling Unit. 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 house, seasonal employee housing and dormitory units.
5. License. The Property Management License issued under Section 37.04.
6. Owner. The owner of a tourist rooming house.
7. Permit. An individual tourist rooming house permit issued under Section 37.04.

8. Person. Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any section of this Chapter prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

9. Resident Agent. Any person appointed by the owner of a tourist rooming house to act as agent on behalf of the owner.

10. Short Term Rental. The rental of a dwelling unit for a period of less than twenty-nine (29) consecutive days.

11. State. The State of Wisconsin Department of Health, or its designee.

12. Tourist Rooming House. Any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourists or transients. Houses, cabins, and/or condominium units operated by a hotel, motel or resort are not tourist rooming houses under this Chapter.

SECTION 37.03 OPERATION OF TOURIST ROOMING HOUSES.

A. PERMIT REQUIRED.

No person may operate a tourist rooming house without a tourist rooming house permit. Every tourist rooming house shall be operated by a Resident Agent or licensed Property Manager.

B. LICENSES AND PERMITS.

Each tourist rooming house is required to have the following licenses and permits:

1. A State of Wisconsin Department of Health Service License;
2. A seller's permit issued by the Wisconsin Department of Revenue;
3. A Special Exception Permit issued by Sauk County;
4. A septic verification or a sanitary permit from Sauk County;
5. A Room Tax Permit.
6. A permit or license issued pursuant to the provisions of this Chapter.

C. EXEMPTIONS.

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

1. A private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
2. A hotel, motel, or resort license issued by the State of Wisconsin Department of Health, pursuant to Wis. Stat. § 97.605.
3. Bed and breakfast establishments.

SECTION 37.04 TOURIST ROOMING HOUSE PERMIT.

A. ISSUANCE.

The Clerk shall issue an original tourist rooming house permit to all applicants following the approval of an application by the Town Board and the filing of all documents and records required under this Chapter.

B. ACCESS.

The resident agent must be authorized to allow Town employees, officers, and their designees, to enter the owner's property for purposes of inspection and enforcement of this Chapter and/or the Town Municipal Code.

SECTION 37.05 RESIDENT AGENT.

A. APPOINTMENT.

All tourist rooming houses are required to appoint a Resident Agent for the receipt of service of notice of violation of this Chapter's provisions and for service of process pursuant to this Chapter. Such a designation shall be made by the owner and shall accompany each application form. Said applicant shall immediately notify the Clerk of any change in residence or information regarding the Resident Agent.

B. REQUIREMENTS.

To qualify as a Resident Agent the person must meet the following requirements:

1. Be a natural person residing in or within twenty-five (25) miles of the Town of Baraboo; or a corporate entity with offices located within twenty-five (25) miles of the Town of Baraboo.
2. The applicant does not have pending any criminal charge and has not been convicted of a felony or misdemeanor of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under Wis. Stat. Ch. 944 as amended.
3. The applicant is authorized by owner to accept service of process for all Town communications, citations and orders.

4. The applicant is authorized by the owner to respond to and correct any violations of any ordinance violation.

C. RESIDENT AGENT PERMIT.

Application for a Resident Agent permit, and payment of the application fee, shall be filed with the Clerk, who shall issue the permit to all qualified applicants. Each Resident Agent permit shall be for a period of one (1) year commencing on July 1, or the date of issuance, and shall expire on June 30 of each year. No fee is required for the owner of a tourist rooming house residing within twenty-five (25) miles of the Town of Baraboo who is serving as Resident Agent.

SECTION 37.06 PROCEDURE.

A. FORMS.

All applications for a tourist rooming house permit shall be filed with the Clerk on forms provided. Applications must be filed by the property owner or on the owner's behalf by the licensed Property Manager. Each applicant shall certify to the Town that the tourist rooming house included in the permit is in compliance with the provisions of this Chapter. No permit shall be issued unless the completed application form is accompanied by payment of the required fee.

B. REQUIREMENTS.

Each application shall include the following information and documentation for each tourist rooming house unit:

1. Sauk County Special Exception Permit.
2. State of Wisconsin Department of Health Services License for a tourist rooming house license issued Wis. Stat. § 97.605.
3. A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal.
4. The Wisconsin Department of Revenue Seller's Permit.
5. Proof of Insurance.
6. Floor plan and requested maximum occupancy.
7. Site plan including available onsite parking.
8. Designation and authorization of the Resident Agent.

9. Certification from the owner or licensee that the property meets the requirements of Section 37.11 below.

10. Applications for renewal permits filed by Resident Agent are not required to include the documentation for each individual unit for items listed in subparagraphs 4, 5, 6, 7 and 8, unless the information on the renewal application has changed.

C. TERMS AND FILING DATE.

Each permit and license shall run from June 1, or the date of issuance, through May 31 of the following year. All applications must be filed within thirty (30) days of the effective date of this ordinance. Thereafter all applications must be filed on or before April 1, 2018, and by April 1st of each subsequent year. The filing fee shall be paid upon filing of the application. The Clerk may conditionally accept late applications, subject to payment of the late filing fee. Any application which does not include all of the information and documentation shall not be considered as complete.

D. APPLICATION REVIEW PROCEDURE.

When satisfied that the application is complete, the Clerk shall forward initial applications for permits and licenses to the Town Plan Commission for review at the next scheduled meeting or within thirty (30) days of the filing date, whichever first occurs. The Town Plan Commission shall consider the application and supporting documents. If the Committee determines that the application meets the requirements of this Chapter it shall forward the application to the Town Board for approval. If the Committee determines that the application does not meet the requirements of this Chapter, it shall deny the application. If the applicant qualifies for a special exception permit under Section 37.11, the Committee may recommend approval to the Town Board as a special exception permit subject to the special exceptions and conditions to be placed upon the application. Any denial or conditional approval by the Committee shall be in writing setting forth the reasons for the determination.

E. TOWN BOARD REVIEW.

The Town Board shall consider the application and the recommendation of the Town Plan Commission at its next scheduled meeting. The Town Board may approve, grant a special exception permit, or deny the application. Any denial or conditional approval by the Town Board shall be in writing setting forth the reasons for the determination.

F. INFORMATION ON PERMIT.

The Town Clerk shall issue a permit for each tourist rooming house approved by the Town Board. The permit shall include the following information:

1. Identify the Property Owner;
2. Identify the Resident Agent/Property Manager with contact information;
3. The maximum occupancy for the premises;

4. The permit term;
5. State lodging license number; and
6. Contact information for the Town.

G. FIRE INSPECTION REPORT REQUIRED.

No permit or license shall be issued or renewed unless there is filed with the Clerk a completed Fire Inspection Report dated not more than one (1) year before the date of issuance or renewal.

H. OUTSTANDING FEES, TAXES, OR FORFEITURES.

No permit or license shall be issued or renewed if the applicant or property has outstanding fees, taxes, or forfeitures owed to the Town, unless arrangements for payment have been approved by the Town Board.

SECTION 37.07 RENEWAL.

A. APPLICATION.

Each application for a renewal of a permit or license shall include updated information for the documentation on file with the Clerk and payment of the applicable fee. The Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Chapter. The Clerk shall request reports from the Police Department and the Zoning Administrator regarding any complaints received, calls for service or actions taken regarding the permitted properties. The Clerk shall issue renewal licenses within ten (10) days of the filing of the application unless the information provided is incomplete or otherwise not in compliance with the requirements of this Chapter and/or the reports from the Police Department and the Zoning Administrator indicate that there are complaints or actions involving the property.

B. PLAN COMMISSION REVIEW.

If the Clerk finds that the license or permit should not be renewed, or that the application should be considered by the Town Housing and Property Maintenance Committee, the Clerk shall forward the application to the Town Housing and Property Maintenance Committee for action along with a written explanation of the reason for referral. Upon referral to the Property Maintenance Committee the procedures set forth in Section 37.06.D shall apply.

C. FIRE INSPECTION REPORT REQUIRED.

No permit or license shall be issued or renewed unless there is filed with the Clerk a completed Fire Inspection Report by the Town Fire Inspector dated within one (1) year of the issue date.

D. OUTSTANDING FEES, TAXES, OR FORFEITURES.

No permit or license shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the Town, or is under an order issued by the Building Inspector, or the Inspector's designee, to bring the premises into compliance with Town ordinances, unless arrangements for payment have been approved by the Town Board.

E. ELIGIBILITY OF EXISTING PERMITS.

All permits in effect prior to the effective date of this Chapter are eligible for renewal.

SECTION 37.08 INSPECTIONS.

A. UNITS.

Each separate unit which is offered for rental as a tourist rooming house is required to be inspected annually by the State and the Town Fire Inspector. If the State fails to inspect the tourist rooming house, the applicant may request that the Building Inspector conduct the inspection.

B. PAYMENT.

If the Building Inspector conducts the inspection, the holder of a permit or license shall be responsible for payment of the inspection fees.

C. SUSPENSION OF OPERATIONS.

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

SECTION 37.09 DISPLAY OF PERMIT, LICENSE.

Each permit shall be displayed on the inside of the main entrance door of each tourist rooming house.

SECTION 37.10 NONTRANSFERABLE LICENSE OR PERMIT.

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

SECTION 37.11 STANDARDS FOR TOURIST ROOMING HOUSES.

A. REQUIREMENTS.

Each tourist rooming house shall comply with this Chapter's requirements or any other applicable Town ordinance, or constitutes and/or causes a nuisance. Each tourist rooming house shall comply with the following minimum requirements:

1. Not less than one (1) bathroom for every four (4) occupants.
2. Not less 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. Floor space is determined using interior measurements of each room. Floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people.
3. Not less than one and one quarter (1 ¼) onsite, off-street parking spaces for every four (4) occupants based upon maximum occupancy.
4. A safe, unobstructed means of egress leading to safe, open space at ground level.
5. Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code.
6. Shall not have an accessible wood burning fireplace unless the owner provides a certificate from a licensed commercial building inspector, 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.
7. 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.
8. The owner shall carry casualty and liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than three hundred thousand dollars (\$300,000) per individual and one million dollars (\$1,000,000) aggregate.
9. Certification of compliance. As a condition of issuance of a license under this Chapter, the owner shall certify that the property is in compliance with the terms and conditions of the license and this Chapter.
10. Quiet time. The owner shall notify each guest that no person shall make or cause to be made any unreasonably loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or unreasonably disturb a person of ordinary sensibilities between the hours of 10:00 PM and 7:00AM.
11. After reviewing the application and supporting documentation the Committee shall forward the application to the Town Board for final action along with its recommendations.

SECTION 37.12 FEES.

A. SCHEDULE.

The following fees shall apply to the provisions of this Chapter:

Permits – (Individual tourist rooming house)

Original Permit fee.
Renewal Permit fee
Late fees
Inspections
Resident Agent

**All Permits and Fees subject to the Town
of Baraboo Fee Schedule**

SECTION 37.13 PENALTIES AND FEES.

A. VIOLATIONS OF THIS CHAPTER.

The following penalties shall be assessed for violations of this Chapter:

1. A violation of Section 37.03 shall be punishable by a forfeiture of not less than Five Hundred Dollars (\$500), nor more than One Thousand Dollars (\$1,000) for each violation committed hereunder. In addition, the property owner and/or the property shall be ineligible to operate as a tourist rooming house for a period of twelve (12) months from the date of entry of judgment.
2. A violation of Section 37.11 shall be subject to the penalties set forth in Chapter 22 of the Town Municipal code.
3. Any other violation of any provision of this Chapter shall be punishable by a forfeiture of not less than One Hundred Dollars (\$100), nor more than Five Hundred Dollars (\$500) for each violation committed hereunder.
4. A violation of Section 37.11 may result in the suspension of the permit or the license as it applies to the property involved.
5. Each day a violation exists after receiving the violation notice and which becomes the Building Inspector's order shall constitute a separate violation of this Chapter.

6. In addition to the penalties set forth above, failure to permit the inspection of a premises subject to this ordinance by the Assistant Zoning Administrator, Building Inspector or Fire Inspector, or such person's designee, may result in the suspension of a permit or license.

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

SECTION 37.14 ENFORCEMENT.

The provisions of this Ordinance shall be enforced by the Building Inspector and/or the Fire Inspector or such Inspector's designee. It shall be the duty of the Building Inspector to process applications, conduct inspections and investigate complaints of violations of this Chapter and/or the existence of a nuisance.