

CHAPTER 7.07 TOURIST ROOMING HOUSES

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Sec. 7.07.01 **Purpose**

The purpose of this Chapter is to ensure the quality of tourist rooming houses operating within the Town of Sumpter to protect the public health, safety, and general welfare. The Town has determined that it can serve this purpose by establishing minimum standards of space for human occupancy; by establishing standards for adequate maintenance of these properties; by determining the responsibilities of owners, operators, and property managers offering these properties to tourists; by protecting the character and stability of all areas within the Town of Sumpter; by providing minimum standards necessary for the health and safety of persons occupying or using buildings, structures, or premises; and by providing for the administration and enforcement of such regulations.

Sec. 7.07.02 **Definitions**

- A. For purposes of this Chapter, the following definitions shall apply:
- (1) “Bathroom” means an enclosed room with a toilet, washbasin, and shower or bathtub.
 - (2) “Clerk” means the Town Clerk or its designee.
 - (3) “Owner” means the property owner of a tourist rooming house.
 - (4) “Resident operator” means a person who has been designated by the Owner to operate the tourist rooming house and who meets the qualifications within this Chapter.

- (5) “Short-term rental” means the rental of a tourist rooming house for a period of twenty-nine (29) consecutive days or less.
 - (6) “Tourist rooming house” means 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. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Ch. ATCP 73, Wis. Admin. Code.
- B. Unless the context indicates otherwise, other terms used in this Chapter that are defined in Ch. ATCP 72, Wis. Admin. Code shall have the meaning as defined therein.

Sec. 7.07.03 **Applicability; Exemptions**

- A. This Chapter applies to “tourist rooming houses” as defined herein that are offered to the public for a rental period of twenty-nine (29) consecutive days or less.
- B. Exemptions. The following businesses and operations are exempt from the requirements of this Chapter:
- (1) Any hotel, motel, or resort licensed by the State of Wisconsin under sec. 97.605, Wis. Stat.
 - (2) Private boarding or rooming houses not accommodating tourists or transients.
 - (3) Bed and breakfast establishments licensed by the State of Wisconsin under Ch. ATCP 73, Wis. Admin. Code.

Sec. 7.07.04 **Tourist Rooming House Permit**

- A. Permit Required. No person may operate a tourist rooming house without a valid tourist rooming house permit issued by the Town.
- B. Permit Duration. Each permit shall expire on June 30, except that licenses initially issued during the period beginning April 1 and ending on June 30 shall expire on June 30 of the following year.

Sec. 7.07.05 **Permit Application**

- A. All applications for a tourist rooming house permit shall be filed with the Clerk on forms provided by the Town. Each application shall be accompanied by payment of the required permit fee and shall include all the information and documentation required by this Chapter. The Clerk may refuse to accept any permit application that is incomplete or does not comply with the requirements of this Section.

- B. The tourist rooming house permit application shall include the following:
 - (1) The name, mailing address, and phone number of the owner(s).
 - (2) The name, mailing address, phone number, and email address of a resident operator.
 - (3) The address of the tourist rooming house sought to be permitted.
 - (4) Certification statement to the Town signed by the owner (or at least one owner if there are multiple owners of the property) that states the tourist rooming house identified in the permit is in compliance with the regulations of this Chapter.

- C. The tourist rooming house permit application shall include the following documentation:
 - (1) The Sauk County Special Exception Permit issued for the tourist rooming house.
 - (2) State of Wisconsin tourist rooming house license issued under Wis. Stat. §97.605 by the Department of Agriculture, Trade and Consumer Protection.
 - (3) A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of application.
 - (4) A completed fire inspection report by the Town's fire inspector dated within one (1) year of the date of application that shows no uncorrected violations.
 - (5) A septic verification or a sanitary permit issued by Sauk County.
 - (6) A valid Wisconsin Department of Revenue Seller's Permit in the name of the property owner.

- (7) Proof of insurance for the tourist rooming house the meets the standards set by this Chapter.
 - (8) Floor plan (drawn to approximate scale) with the requested maximum occupancy.
 - (9) Site plan showing available off-street parking.
 - (10) If the resident operator is different from the owner(s), a signed statement from the resident operator that (i) accepts the designation as the resident operator for the tourist rooming house, (ii) acknowledges receipt of a copy of this Chapter, and (iii) certifies that the signor qualifies as a resident operator under this Chapter.
- D. Any applicant seeking a renewal of a currently valid tourist rooming house permit for a tourist rooming house that has not been materially modified or expanded since its issuance and that requests the same maximum occupancy for the tourist rooming house shall not be required to submit a seller's permit, floor plan, or site plan under Section 7.07.05(C) with its renewal application.

Sec. 7.07.06 **Resident Operator Qualifications**

- A. To qualify as a resident operator the person must meet the following requirements:
- (1) Be a natural person residing in the Town of Sumpter or within twenty-five (25) miles of the Town of Sumpter; or be a corporate entity routinely engaged in the business of property management with offices located within the Town of Sumpter or within twenty-five (25) miles of the Town of Sumpter. An entity is "routinely engaged in the business of property management" if an owner, employee, or other contracted party is on-call to respond to property or occupancy emergencies seven days a week.
 - (2) Not have a pending criminal charge involving and not have 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) Be authorized by the owner to accept service of process for all Town notices, citations, orders, and other legal documents.

- (4) Be authorized by the owner to enter upon the property and promptly and safely respond to complaints, correct any violations of this Chapter, or handle immediate issues concerning the tourist rooming house or its occupants.

Sec. 7.07.07 Application Review Procedure

- A. When a permit application is complete, the Clerk shall forward the completed application to the Town Board for review at the next meeting for which an agenda has not yet been posted. The Town Board shall consider the applications and supporting documents. The Town Board may approve, deny, or conditionally approve the application considering the proper factors that will help ensure the quality of tourist rooming houses operating within the Town of Sumpter to protect the public health, safety, and general welfare and the applicant's compliance with the requirements of this Chapter.
- B. If the Town Board approves the permit application, the Town Clerk shall promptly issue the tourist rooming house permit.
- C. If the Town Board denies the permit application, the Town Board shall state its reasons for the denial and the Town Clerk shall promptly notify the applicant in writing setting forth the reasons for the denial.
- D. If the Town Board conditionally approves a permit application, the Town Board shall state the conditions required for approval and the Town Clerk shall promptly notify the applicant in writing stating the conditions required for approval. If the applicant has satisfied the conditions within thirty (30) days of the date of the notice, the Town Clerk shall issue the tourist rooming house permit to the applicant. If the conditions for approval are ongoing requirements, the conditions shall be stated on the issued permit.

Sec. 7.07.08 Permit Information and Display

- A. Each tourist rooming house permit issued shall contain the following information:
 - (1) Identity of the owner.
 - (2) Identity and phone number for the resident operator.
 - (3) The maximum occupancy for the licensed premises.

- (4) The permit issuance date and date of expiration.
 - (5) State lodging license number.
 - (6) Contact information for the Town.
- B. Permit Display. The current tourist rooming house permit shall be prominently displayed on the inside of the main entrance door of each tourist rooming house.

Sec. 7.07.09 Regulations for Tourist Rooming Houses

- A. Each tourist rooming house shall comply with the applicable provisions of Chapter 97, Wis. Stats., and ATCP Ch. 72, Wis. Admin. Code., which are adopted herein and incorporated by reference.
- B. Each tourist rooming house shall comply with the following minimum requirements. If any these requirements conflict with state law, the more stringent requirement shall control.
- (1) Has not less than one (1) bathroom for every four (4) occupants.
 - (2) Has 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 except for 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) Has not less than one and one quarter (1 ¼) onsite, off-street parking spaces for every four (4) occupants based upon maximum occupancy.
 - (4) Has a safe, unobstructed means of egress leading to safe, open space at ground level.
 - (5) Has functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code.
 - (6) Does not have an accessible wood burning fireplace unless the owner or resident operator 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) No gas-grill, charcoal grill, hibachi, or other similar devices with a heating element shall be placed 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 that covers liability arising from short-term rentals.
 - (9) 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 11:00 PM and 7:00AM.
- C. Each tourist rooming house shall comply and be operated in accordance with all conditions required by any state or county licenses, permits, or orders, including orders issued by the Town's building inspector or its designee.
- D. Each owner of a tourist rooming house and each property upon which a tourist rooming house is located shall have no delinquent fees, taxes, assessments, special charges, or forfeitures owed to the Town, unless the owner and the Town Board have entered into a written agreement for payment of the outstanding balances owed.

Sec. 7.07.10 Non-transferability of Permit

A tourist rooming house permit is nontransferable and shall expire upon a transfer of legal control of the tourist rooming house property. The holder of any permit or license shall promptly notify the Clerk in writing of any transfer of the legal control of any property covered by the permit. A transfer of property to an entity or trustee shall not be considered a transfer of legal control as long as the owner(s) continue to have majority control of the entity or are trustees of the trust with control of the property; however, such new form of ownership shall be identified on any permit renewal application after such transfer.

Sec. 7.07.11 **Fees**

- A. The fees for a tourist rooming house permit application and issuance shall be determined by the Town Board.
- B. All other fees for licenses, permits, or inspections that may be required by this Chapter are the responsibility of the owner.

Sec. 7.07.12 **Enforcement and Penalties**

- A. Any person, partnership, corporation, or other legal entity that violates Section 7.07.04 and operates a tourist rooming house without a valid permit shall be subject to a forfeiture of not less than Five Hundred Dollars (\$500.00) and no more than One Thousand Dollars (\$1,000.00) Dollars, plus any applicable surcharges, assessments, and costs, for each violation. Each night a tourist rooming house is rented without a tourist rooming house permit in violation of this Chapter shall constitute a separate violation.
- B. Any person, partnership, corporation, or other legal entity that violates any other provision of this Chapter shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) and no more than Five Hundred Dollars (\$500.00), plus any applicable surcharges, assessments, and costs, for each violation. Each day a violation exists or continues constitutes a separate violation under this Chapter.
- C. In addition to the issuance of citation(s) above, the Town Board may suspend or revoke a previously issued tourist rooming house permit.
- D. The Town Board may refuse to issue or renew a tourist rooming house permit for any property or owner-applicant that has violated this Chapter any time within a period of twelve (12) months prior to the date of the permit application.