

**ORDINANCE NO. 2024-1**

**AN ORDINANCE TO REPEAL AND RECREATE ORDINANCE NO. 2024-1 OF THE MUNICIPAL CODE OF THE TOWN OF FAIRFIELD, SAUK COUNTY, WISCONSIN RELATING TO TOURIST ROOMING HOUSES**

THE TOWN BOARD OF THE TOWN OF FAIRFIELD, SAUK COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

**Section I:** Ordinance No. 2024-1 of the Municipal Code of the Town of Fairfiled is repealed and recreated to read as follows:

**TOURIST ROOMING HOUSE ORDINANCE**

- 1.01 Purpose
- 1.02 Definitions
- 1.03 Operation of Tourist Roming Houses
- 1.04 Tourist Roming House Permit
- 1.05 Resident Agent License
- 1.06 Procedure
- 1.07 Renewal
- 1.08 Inspections
- 1.09 Display of Permit, License
- 1.10 Nontransferable License or Permit
- 1.11 Requirements for Tourist Rooming Houses
- 1.12 Fees
- 1.13 Penalties
- 1.14 Enforcement

**1.01 Purpose.** The purpose of this Ordinance is to ensure that the quality of tourist rooming houses operating within the Town of Fairfield 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 Fairfield; 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.

**1.02 Definitions.**

- (1) INTERPRETATION. For the purpose of administering and enforcing this Ordinance, the terms or words used herein shall be interpreted as follows:
  - (a) Words used in the present tense include the future.
  - (b) Words in the singular number include the plural number.

(c) Words in the plural number include the singular number.

(2) FOR THE PURPOSES OF THIS ORDINANCE. The following definitions and conditions apply unless specifically modified:

(a) *Bathroom.* Full bath.

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

(c) *Clerk.* The Town Clerk of the Town of Fairfield, or designee.

(d) *Corporate Entity.* A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.

(e) *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 two (2) or more persons maintaining a common household, to the exclusion of all others. Dwelling Units include tourist rooming house, seasonal employee housing and dormitory units.

(f) *License.* The Resident Agent License issued under Section 1.05.

(g) *Owner.* The owner or lessee of used as a tourist rooming house.

(g) *Permit.* An individual tourist rooming house permit issued under Section 1.04.

(i) *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 Ordinance 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.

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

(k) *Short Term Rental.* The rental of a dwelling unit for a period of less than thirty (30) consecutive days.

(l) *State.* The State of Wisconsin Department of Health, or its designee for purposes of regulating tourism rooming houses.

(m) *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 Ordinance.

### **1.03 Operation of Tourist Rooming Houses.**

(1) PERMIT REQUIRED. No person may operate a tourist rooming house without a tourist rooming house permit. Every tourist rooming house shall have a licensed Resident Agent, as set forth in this Ordinance.

(2) LICENSES AND PERMITS. Each tourist rooming house is required to have the following licenses and permits:

- (a) A State of Wisconsin Department of Health Service License;
- (b) A seller's permit issued by the Wisconsin Department of Revenue;
- (c) A septic verification or a sanitary permit from Sauk County;
- (d) A Room Tax Permit.
- (e) A Tourist Rooming Permit issued pursuant to the provisions of this Ordinance.
- (f) A Resident Agent License issued pursuant to the provisions of this Ordinance.

(3) 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 Wis. Stat. § 97.605.
- (c) Bed and breakfast establishments.

### **1.04 Tourist Rooming House Permit.**

(1) 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 Ordinance.

(2) ACCESS. A licensed resident agent must be authorized by the owner to allow Town employees, officers, and their designees, to enter the owner's property for purposes of inspection and enforcement of this Ordinance and/or the Town Municipal Code.

### **1.05 Resident Agent License.**

(1) APPOINTMENT. All tourist rooming houses are required to appoint a licensed Resident Agent for the receipt of service of notice of violation of this Ordinance's provisions and for service of process pursuant to this Ordinance. 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. An Owner, who is a natural

person, may appoint themselves as Resident Agent provided they meet the requirements for a Resident Agent License under subsections (2)(b) through (d).

(2) REQUIREMENTS. To qualify for a Resident Agent license the person must meet the following requirements:

(a) Be a natural person residing in or within twenty-five (25) miles of the Town of Fairfield; or a corporate entity with offices located within twenty-five (25) miles of the Town of Fairfield.

(b) 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, subject to the provisions of section 111.335 of the Wisconsin Statutes.

(c) The applicant is authorized by owner to accept service of process for all Town communications, citations and orders.

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

(3) RESIDENT AGENT LICENSE. Application for a Resident Agent license, and payment of the application fee, shall be filed with the Clerk, who shall issue the license to all qualified applicants. Each Resident Agent license 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 who is serving as Resident Agent.

#### **1.06 Procedure.**

(1) 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 Resident Agent. Each applicant shall certify to the Town that the tourist rooming house included in the permit is in compliance with the provisions of this Ordinance. No permit shall be issued unless the completed application form is accompanied by payment of the required fee.

(2) REQUIREMENTS. Each application shall include the following information and documentation for each tourist rooming house unit:

(a) State of Wisconsin Department of Health Services License for a tourist rooming house license issued Wis. Stat. § 97.605.

(b) A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal.

(c) The Wisconsin Department of Revenue Seller's Permit.

(d) Proof of Insurance showing coverage in amounts at least as required by section 1.11 below.

- (e) Floor plan and requested maximum occupancy.
- (f) Site plan including available onsite parking.
- (g) Designation and authorization of the licensed Resident Agent.
- (h) Certification from the owner or licensed resident agent that the property meets the requirements of Section 1.11 below.

(i) Applications for renewal permits filed by a licensed Resident Agent are not required to include the documentation for each individual unit for items listed in subparagraphs (c), (d), (e), (f), and (g), unless the information on the renewal application has changed.

(k) A fire inspection report pursuant to sections 1.06 or 1.07 below (as applicable) showing no violations of this Code of Ordinances or any applicable state or federal regulation.

(3) **TERMS AND FILING DATE.** Each permit and license shall run from July 1, or the date of issuance, through June 30 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 May 1<sup>st</sup>. 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 the information and documentation shall not be considered as complete.

(4) **APPLICATION REVIEW PROCEDURE.** When satisfied that the application is complete, the Clerk shall forward initial applications for permits to the Town Planning and Zoning Commission for review at the next scheduled meeting or within thirty (30) days of the filing date, whichever first occurs. The Town Planning and Zoning Commission shall consider the application and supporting documents. If the Commission determines that the application meets the requirements of this Ordinance it shall forward the application to the Town Board for approval. If the Commission determines that the application does not meet the requirements of this Ordinance, it shall deny the application. Any denial by the Commission shall be in writing setting forth the reasons for the determination.

(5) **TOWN BOARD REVIEW.** The Town Board shall consider the application and the recommendation of the Town Planning and Zoning Commission at its next scheduled meeting. The Town Board may approve or deny the application. Any denial by the Town Board shall be in writing setting forth the reasons for the determination.

(6) **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:

- (a) Identify the Property Owner;
- (b) Identify the licensed Resident Agent with contact information;
- (c) The maximum occupancy for the premises;

- (d) The permit term;
- (e) State lodging license number; and
- (f) Contact information for the Town.

(7) FIRE INSPECTION REPORT REQUIRED. No permit 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.

(8) 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.

### **1.07 Renewal.**

(1) 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 Ordinance. The Clerk shall request reports from the Sauk County Sheriff's 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 Ordinance and/or the reports from the Sauk County Sheriff's Department and the Zoning Administrator indicate that there are complaints or actions involving the property.

(2) PLANNING AND ZONING 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 Planning and Zoning Commission, the Clerk shall forward the application to the Town Planning and Zoning Commission for action along with a written explanation of the reason for referral. Upon referral to the Town Planning and Zoning Commission the procedures set forth in Section 1.06(4) shall apply.

(3) FIRE INSPECTION REPORT REQUIRED. No permit 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.

(4) 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 Zoning Administrator, or their designee, to bring the premises into compliance with Town ordinances, unless arrangements for payment have been approved by the Town Board.

### **1.08 Inspections.**

(1) 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.

(2) **PAYMENT.** If the Building Inspector conducts the inspection, the holder of a permit shall be responsible for payment of the inspection fees, as well as the applicable fire inspection fee.

(3) **SUSPENSION OF OPERATIONS.** If the Building Inspector or Fire Inspector at any time is unable to conduct an inspection due to denial of access, or an inspection occurs which determines one or more violations of any applicable law or regulation exists, the tourist rooming house shall not operate until it has passed the inspection.

**1.09 Display of Permit, License.** Each permit and license shall be displayed on the inside of the main entrance door of each tourist rooming house.

**1.10 Nontransferable License or Permit.** Any license or permit issued under this Ordinance 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.

**1.11 Requirements for Tourist Rooming Houses.** Each tourist rooming house shall comply with this Ordinance's requirements and any other applicable Town ordinance, and state and federal law and regulation. Failure to do so constitutes 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 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. 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 (1) onsite, off-street parking space 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) As a condition of issuance of a license under this Ordinance, the owner shall certify that the property is in compliance with the terms and conditions of the license and this Ordinance.

(10) 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.

**1.12 Fees.** The following fees shall apply to the provisions of this Ordinance:

Original Tourist Rooming House Permit fee

Renewal Tourist Rooming House Permit fee

Late fee

Inspection fee

Resident Agent License fee

All Fees subject to the Town of Fairfield Fee Schedule or applicable authority.

**1.13 Penalties.** The following penalties shall be assessed for violations of this Ordinance:

(1) A violation of Section 1.03 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) Any other violation of any provision of this Ordinance 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.

(3) A violation of Section 1.11 may result in the suspension of the permit or the license as it applies to the property involved.

(4) Each day a violation exists after receiving a notice of violation shall constitute a separate violation of this Ordinance.

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

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

**1.14 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 and/or the Fire Inspector or such Inspector’s designee to conduct inspections and investigate complaints of violations of this Ordinance and/or the existence of a nuisance.

**Section II:** This ordinance shall take effect upon its passage and publication or posting as required by law.

Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Eugene Larsen, Town Chair

ATTEST:

\_\_\_\_\_  
Brandie Grob, Town Clerk

Date Adopted: \_\_\_\_\_  
Date Recorded: \_\_\_\_\_  
Date Posted: \_\_\_\_\_  
Date Affidavit filed: \_\_\_\_\_  
Effective Date: \_\_\_\_\_