

Sec 12.15 Tourist Rooming Houses

(a) *Purpose.* The purpose of this Section is to ensure that the quality of tourist rooming houses operating within the City of Dodgeville are 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 City of Dodgeville; 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.

(b) *Definitions.*

(1) Interpretation. For the purpose of administering and enforcing this Section, 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 purpose of this Section, 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 City Clerk of the City of Dodgeville, or designee.
- d. *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 rental units.
- e. *License.* The resident agent license issued under subsection (e).
- f. *Owner.* The owner or lessee of a premises used as a tourist rooming house.
- g. *Permit.* An individual tourist rooming house permit issued under subsection (d)
- h. *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 this Section prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for a violation.
- i. *Resident Agent.* Any natural person appointed by the owner of a tourist rooming house to act as agent on behalf of the owner.
- j. *Tourist Rooming House.* Any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourists or transients for a period of less than thirty (30) consecutive days. Houses,

cabins, and/or condominium units operated by a hotel, motel or resort are not tourist rooming houses under this Section.

(c) *Operation of Tourist Rooming Houses.*

- (1) Permit Required. No person may operate a tourist rooming house without a permit. Every tourist rooming house shall have a licensed resident agent, as set forth in this Section.
- (2) Licenses and Permits. Each tourist rooming house is required to have the following licenses and permits:
 - a. A State of Wisconsin Department of Agriculture, Trade and Consumer Protection license for a tourist rooming house;
 - b. A seller's permit issued by the Wisconsin Department of Revenue;
 - c. A Room Tax Permit issued pursuant to Section 3.13 of this Code;
 - d. A Tourist Rooming House Permit issued pursuant to the provisions of this Section;
 - e. A Resident Agent License issued pursuant to the provisions of this Section.
- (3) Exemptions. The following operations are exempt from complying with the requirements of this Section:
 - 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 Agriculture, Trade and Consumer Protection, pursuant to Wis. Stat. Sec. 97.605.
 - c. Bed and breakfast establishments.

(d) *Tourist Rooming House License.*

- (1) Issuance. The Clerk shall issue an original tourist rooming house permit to all applicants following the approval of an application by the Common Council and the filing of all documents and records required under this Section.
- (2) Access. A licensed resident agent must be authorized by the owner to allow City employees, officers, and their designees, to enter the owner's property for purposes of inspection and enforcement of this Section and/or the City Code.

(e) *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 Section's provisions and for service of process pursuant to this Section. Such a designation shall be made by the owner and shall accompany each application form. Said applicant shall notify the Clerk within thirty (30) days 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 license under subsections (2)(b) through (d) below.
- (2) Requirements. To qualify for a license the person must meet the following requirements:
 - a. Be a natural person residing in or within fifty (50) miles of the City of Dodgeville.
 - 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,

Commented [EH1]: Do we want to require them to live within 50 miles? Idea is that we want them close enough that they can provide access to the City if needed.

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 the owner to accept service of process for all City 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 license, and payment of the applicable fee, shall be filed with the Clerk, who shall issue the license to all qualified applicants. Each 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.

Commented [EH2]: Currently have the clerk issuing the resident agent license on their own. Do we want to do this or have another official or body approve.

Commented [EH3]: Is this term ok?

(f) *Procedure.*

(1) Forms. All applications for a permit shall be filed with the Clerk on forms provided. Applications must be filed by the property owner or the on the owner's behalf by the resident agent. Each applicant shall certify to the City that the tourist rooming house included in the permit is in compliance with the provisions of this Section. 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 Agriculture, Trade and Consumer Protection license for a tourist rooming house issued pursuant to Wis. Stat. sec. 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 subsection (k) below.
- e. Floor plan and requested maximum occupancy.
- f. Site plan including available onsite parking.
- g. Designation and authorization of the licensed registered agent.
- h. Certification from the owner or licensed registered agent that the property meets the requirements of subsection (k) below.
- i. Applications for renewal permits filed by a licensed registered agent are not required to include the documentation for each individual unit for items listed in subsections c., d., e., f., and g., unless the information on the renewal application has changed.
- j. A fire inspection report pursuant to subsection (g) or (h) below (as applicable) showing no violations of the City Code or any applicable state or federal regulation.

(3) Terms and Filing Date. Each permit and license shall run from July 1st, or the date of issuance, through June 30th of each year. All applications must be filed on or before May 1st. The filing fee shall be paid upon filing of the application. The

Commented [EH4]: Is this term ok?

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 Building Inspector for review. The Building Inspector shall consider the application and supporting documents. If the Building Inspector determines that the application meets the requirements of this Section the Building Inspector shall forward the application to the Common Council for approval. If the Building Inspector determines that the application does not meet the requirements of this Section, the Building Inspector shall deny the application. Any denial by the Building Inspector shall be in writing setting forth the reasons for the determination.
- (5) Common Council Review. The Common Council shall consider the application and recommendation of the Building Inspector at its next scheduled meeting. The Common Council may approve or deny the application. Any denial by the Common Council shall be in writing setting forth the reasons for the determination.
- (6) Information on Permit. The Clerk shall issue a permit for each tourist rooming house approved by the Common Council. The permit shall include the following information:
 - a. Identify the 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 City.
- (7) 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 City Fire Inspector 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 City, unless arrangements for payment have been approved by the Common Council.

(g) *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 Section. The Clerk shall request reports from the Police Department, Building Inspector, 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 filing the application unless the information provided is incomplete or otherwise not in compliance with the requirements of this Section and/or the reports from the Police Department, Building Inspector, and the Zoning Administrator indicate that there are complaints or actions involving the property.

Commented [EH5]: Currently have the building inspector handling review. We could use a different official or even kick it to a committee, board, or commission (like the plan commission).

Commented [EH6]: Do we want Common Council to have to approve the permits? We could delegate this to another official, board, committee, or commission. Denials could still be appealable to council.

Commented [EH7]: Any other information?

Commented [EH8]: Any other officials we want reports from? Basically looking for any violations/issues that would give us a reason to deny.

- (2) **Building Inspector Review.** If the Clerk finds that the license or permit should not be renewed, or that the application should be considered by the Building Inspector, the Clerk shall forward the application to the Building Inspector for action along with a written explanation of the reason for the referral. Upon referral to the Building Inspector the procedures set forth in subsection (f)(4) above shall apply.
- (3) **Fire Inspection Report Required.** No permit shall be issued unless there is filed with the Clerk a completed Fire Inspection Report by the City Fire Inspector dated within one (1) year of the issue date.
- (4) **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 City, or is under an order issued by the Building Inspector or Zoning Administrator, or their designee, to bring the premises into compliance with City ordinances, unless arrangements for payment have been approved by the Common Council.

Commented [EH9]: Again, do we want the building inspector to be the initial reviewer or a different official, board, commission, or committee.

(h) *Inspections.*

- (1) **Units.** Each separate unit which is offered for rental as a tourist rooming house is required to be inspected annually by the City Fire Inspector.
 - (2) **Suspension of Operations.** If the City 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.
- (i) **Display of Permit, License.** Each permit and license shall be displayed on the inside of the main entrance door of each tourist rooming house.
 - (j) **Nontransferable License or Permit.** Any license or permit issued under this Section 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.
 - (k) **Requirements for Tourist Rooming Houses.** Each tourist rooming house shall comply with this Section's requirements and any other applicable City ordinance, and state and federal law and regulation. Failure to do so constitutes a public nuisance, which may be abated pursuant to Sec. 10.07 of the City Code. Each tourist rooming house shall comply with the following minimum requirements:
 - (1) A safe unobstructed means of egress leading to safe, open space at ground level.
 - (2) Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code.
 - (3) 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.
 - (4) Shall not have a hibachi, gas-fired grill, charcoal grill, or 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.

Commented [EH10]: Any other requirements?

- (5) 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.
 - (6) As a condition of issuance of a permit under this Section, the owner shall certify that the property is in compliance with the terms and conditions of the permit and all applicable ordinances, regulations, and laws.
- (l) *Fees.* The amount for the following fees shall be as set forth in sec. 25.045 of the City's Code:
- (1) Original Tourist Rooming House Permit fee
 - (2) Renewal Tourist Rooming House Permit fee
 - (3) Late fee
 - (4) Resident Agent License fee
 - (5) Fire Inspection fee
- (m) *Penalties.* The following penalties shall be assessed for violations of this Section:
- (1) A violation of Subsection (c) shall be punishable by a forfeiture as set forth in sec. 25.04 of the City's Code for each violation committed hereunder. In addition, the 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 Section shall be punishable by a forfeiture as set forth in sec. 25.04 of the City's Code for each violation committed hereunder.
 - (3) A violation of Subsection (k) 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 Section.
 - (5) In addition to the penalties set forth above, failure to permit the inspection of a premises subject to this Section 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 Section or otherwise.
- (n) *Enforcement.* The provisions of this Section shall be enforced by the Zoning Administrator, Building Inspector, Police Department, or Fire Inspector, or their designees. It shall be the duty of the Building Inspector, Zoning Administrator, or the Fire Inspector, or their designees to conduct inspections and investigate complaints of violations of this Section and/or the existence of a nuisance.

Commented [EH11]: We'll want to consider what these fees should be.

Commented [EH12]: We'll want to consider what the forfeitures should be.

Commented [EH13]: Any one else that should be enforcing this?