

ORDINANCE 2021-03

AN ORDINANCE AMENDING REGULATIONS CONCERNING TOURIST ROOMING HOUSES

Purpose: To amend current regulations concerning Tourist Rooming Houses

Sponsor: Cassandra Suettinger, Village Clerk-Treasurer

Recommended Referral: Public Safety Committee

Public Hearing: Not Required

WHEREAS, the Village of McFarland currently regulates Tourist Rooming Houses that operate within the Village; and

WHEREAS, it is recommended that certain sections of the McFarland Municipal Code concerning the regulation of Tourist Rooming Houses; and

WHEREAS, the Village Board accepts the recommendations of the Public Safety Committee and finds that adopting these amendments are in the best interest of the public; and

NOW, THEREFORE, the Village Board of the Village of McFarland, does ordain as follows:

1. Section 11-352 of the McFarland Municipal Code is amended to read as follows:

Sec. 11-352. – Operation of tourist rooming houses.

- (a) Every owner of a tourist rooming house shall appoint a local agent to manage the tourist rooming house if the owner resides outside a 30-mile radius from the tourist rooming house or if the owner will be absent while the property is being rented as a tourist rooming house. For purposes of this requirement, an owner shall be considered absent if he or she cannot be contacted and be present at the touring rooming house within 45 minutes. The owner shall provide notice to the Village of the agent's name, address, telephone number and email address. The local agent shall:
- (1) If a natural person, keep their permanent residence within 30 miles of the tourist rooming house, or if a property management company or similar business entity, have offices within 30 miles of the tourist rooming house;
 - (2) Be authorized as owner, or on behalf of the owner of the tourist rooming house, to accept service of all notices from the Village or service of legal process relating to any and all matters relating to the tourist rooming house;

- (3) Be authorized to allow Village officers, employees, or agents, to enter the owner's property for purposes of inspection and enforcement of this Article or any other ordinance, statute, rule or regulation the Village may have the duty or authority to enforce;
 - (4) Be authorized to act as owner, or on behalf of the owner, of the tourist rooming house in all matters relating to dealing with renters of the tourist rooming house;
 - (5) Be authorized to undertake, or cause to be undertaken, any repair or act of maintenance of the tourist rooming house necessary to comply with any Village ordinance, or any applicable state building regulations.
 - (6) Subject to Wis. Stats. §§ 111.321, 111.322 and 111.335 has not been convicted of or have any pending charges for any offense as a felony, misdemeanor, or civil forfeiture, involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under Wis. Stats. ch. 944; and
- (b) Each tourist rooming house shall have and maintain the following licenses and permits:
- (1) All required permits from State of Wisconsin Department of Agriculture, Trade and Consumer Protection or authorized agent including a permit for operation of a tourist rooming house under Wis. Stats. § 97.605;
 - (2) A seller's permit issued by the Wisconsin Department of Revenue;
 - (3) Any permit required under this Article.

2. Section 11-353 of the McFarland Municipal Code is amended to read as follows:

Sec. 11-353. – Tourist rooming house permit.

- (a) No person may operate or permit to be operated a tourist rooming house in the Village of McFarland for more than 10 nights each year except upon receipt of a permit under this Article and subject to all the terms and conditions thereof.
- (b) A person operating or owning a tourist rooming house in the Village of McFarland shall comply with the following Sections of this Article XI, irrespective of the permit requirement in Section 11-353(a):
 - (1) Section 11-352. - Operation of tourist rooming houses.
 - (2) Section 11-358. - Inspections.
 - (3) Section 11-361. - Standards for tourist rooming houses.
 - (4) Section 11-362. - Taxes and fees.

3. Section 11-354 of the McFarland Municipal Code is amended to read as follows:

Sec. 11-354. - Application.

- (a) All applications for a new tourist rooming house permit or renewal shall be filed with the Village Clerk-Treasurer on forms provided by the Village Clerk-Treasurer. All applications must be filed by the property owner. Each applicant shall certify to the Village 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) Each application for a new permit shall include the following information and documentation for each tourist rooming house:
 - (1) A nuisance response plan as described in Section 11-359.
 - (2) A current Tourist Rooming House License issued by Public Health of Madison & Dane County, or other applicable entity, under Wis. Stats. § 97.605, or a copy of the completed application submitted for said license if the license has not been issued.
 - (3) A copy of a completed Public Health of Madison & Dane County, or other applicable entity, tourist rooming house inspection form dated within one year of the date of issuance or renewal.
 - (4) Proof of liability insurance. Such insurance shall be a commercial general liability, hotel or short-term rental policy that specifically covers liabilities arising from rental of the tourist rooming house for short-term rentals. The policy shall provide no less than \$1,000,000.00 coverage, per occurrence. Claims-made coverage shall not be acceptable insurance under this Article.
 - (5) Seller's permit from the State of Wisconsin Department of Revenue.
 - (6) Floor plan and requested maximum occupancy.
 - (7) Site plan including available onsite parking.
 - (8) Local agent agreement reflecting the local agent's authority and acceptance of all responsibilities under this Article.
 - (9) Designation of the local agent.
 - (10) Proof of a successful inspection by the Village Building Inspector and Village Fire Inspector, required under Section 11-358.
 - (11) Any other information requested on the application form deemed necessary in the reasonable discretion of the Village Clerk-Treasurer to evaluate the application under this Article.
- (c) Applications for renewal of a permit are not required to include the documentation for items listed in paragraphs (6) through (9) unless the information has changed from the preceding application.

4. Section 11-355 of the McFarland Municipal Code is amended to read as follows:

Sec. 11-355. - Terms and filing date.

Each permit shall run from July 1 through June 30 of the following year and shall not be transferrable to any other place or person. All applications must be filed by May 1 of each year. The filing fee shall be paid upon filing of the application. The Clerk-Treasurer 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. The permit may not be issued unless and until a Tourist Rooming House License has been issued by Public Health of Madison & Dane County.

5. Section 11-356 of the McFarland Municipal Code is amended to read as follows:

Sec. 11-356. - New application review procedure.

- (a) *Committee review.* When satisfied that the application is complete, the Village Clerk-Treasurer shall forward initial applications for permits to the Public Safety Committee for review. The Clerk-Treasurer shall notify the owners of all properties lying within 300 feet of the property proposed as a tourist rooming house by regular mail that such application has been filed, the address of the proposed tourist rooming house and the date of the meeting at which the Public Safety Committee will review the application. Such notice shall be mailed no later than ten days prior to the meeting. If the application is filed 14 days or more prior to its next scheduled meeting, provided the application is complete, the application shall be considered at that meeting. Otherwise, the application, provided the application is complete, will be considered within 40 days of the filing date. The Public Safety Committee shall consider the application and supporting documents. If the Committee determines that the application meets the requirements of this Article it shall forward the application to the Village Board for approval. If the Committee determines that the application does not meet the requirements of this Chapter, it shall recommend denial of the application to the Village Board. Any denial or conditional approval by the Committee shall be in writing setting forth the reasons for the determination.
- (b) *Village Board.* The Village Board shall consider the application and the recommendation of the Public Safety Committee at its next scheduled meeting. The Village Board may approve, approve with conditions, or deny the application. Any denial or conditional approval by the Village Board shall be in writing setting forth the reasons for the determination.
- (c) *Issuance.* The Village Clerk-Treasurer shall issue a permit for each tourist rooming house approved by the Village Board, subject to any required inspections under subsection (b) and payment of taxes, assessments and claims under Section 11-1. The permit shall contain all of the following information:
 - (1) The name and address of the property owner.
 - (2) The name, address and phone number of the local agent.
 - (3) The maximum occupancy for the premises.
 - (4) The permit term.
 - (5) State lodging permit number.
 - (6) Contact information for the Village.

6. Section 11-358 of the McFarland Municipal Code is amended to read as follows:

Sec. 11-358. - Inspections.

No building may be used as a tourist rooming house unless it has been inspected by the Village Fire Inspector and Village Building Inspector and the inspection shows no violations or hazards adversely affecting the health and safety of occupants. Each separate dwelling unit that is offered for rental as a tourist rooming house is required to be inspected annually by the Village Fire Inspector and Village Building Inspector. The holder of or applicant for the temporary

rooming house permit, or property owner if no permit is required, is responsible for payment of the inspection fees.

7. Section 11-365 of the McFarland Municipal Code is created to read as follows:

11-365. – Severability

If any provision of this Article is deemed invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of other provisions of this Article which can be given effect without the invalid provision.

The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the 26th day of April, 2021.

APPROVED:

Carolyn A. Clow, Village President

ATTEST:

Cassandra Suettinger, Village Clerk-
Treasurer

ORDINANCE 2021-04	
MOTION	SECOND
St. Clair	Brassington
ACTION	DATE
Adopted	04/26/2021
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Brassington – Aye	Rupert – Aye
Clow – Aye	St. Clair – Aye
Flaherty – Aye	Vacant –
Nelson - Aye	
VOTING RESULTS	
Motion Carried:	6 – 0 – 0
Motion Defeated:	