Sawyer County

Agenda

Tourist Rooming House Committee Meeting
Thursday, February 29, 2024 @ 10:00 AM
Sawyer County Board Room

Page

1. CALL TO ORDER

a. To view or participate in the **virtual meeting** from a computer, iPad, or Android device please go to: https://us06web.zoom.us/j/87403034030. You can also use the dial in at 1-312-626-6799 with the Meeting ID: 874 0303 4030. Use *9 to Raise/lower hand and *6 to Unmute/mute. If additional assistance is needed please contact the County Clerk's Office at 715-634-4866 prior to the meeting. If you are on a computer, click the "Raise Hand" button and wait to be recognized. If you are on a telephone, dial *9 and wait to be recognized.

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. CERTIFICATION OF COMPLIANCE WITH THE OPEN MEETINGS LAW

5. PUBLIC COMMENTS

At this time, members of the public will be given the opportunity to address the Committee. Please adhere to the following when addressing the Committee:

- Comments will be limited to 3 minutes or less per individual.
- Comments should be directed to the Committee as a whole and not directed to individual Committee members.
- The Committee cannot respond to your comments during this time.
- Please sign in and fill out a public comment sheet if you wish to speak.

6. CONSIDER APPROVAL OF MINUTES FROM PREVIOUS MEETING

3 - 4 a. 10.19.23 TRH Minutes DRAFT

7. INFORMATION TO BE PROVIDED TO THE COMMITTEE BY STAFF AND LEGAL COUNSEL ON THE DEVELOPMENT OF THE DRAFT ORDINANCE (DISCUSSION ONLY)

8. INTRODUCTION OF DRAFT ORDINANCE (DISCUSSION ONLY)

Consider whether or not the Draft Ordinance complies with the TRH Recommendation V3. If a committee member feels that something does not comply, or something was left out, they may have that discussion at this time.

5 - 20 a. TRH114941 2.26.24 (003)

9. CONSIDERATION OF A MOTION FOR CONTACT INFORMATION AND NOTIFICATION TO NEIGHBORING PROPERTIES (DISCUSSION/ACTION)

10. CONSIDERATION OF A MOTION TO APPROVE DRAFT ORDINANCE TO COMMITTEES OF JURISDICTION (DISCUSSION/ACTION)

11. FUTURE AGENDA ITEMS AND MEETING DATE

12. ADJOURNMENT

DISCLAIMER:

A quorum of the County Board of Supervisors or of any of its committees may be present at this meeting to listen and observe. Neither the Board nor any of the committees have established attendance at this meeting as an official function of the Board or committee(s) or otherwise made a determination that attendance at the meeting is necessary to carry out the Board or committee's function. The only purpose for other supervisors attending the meeting is to listen to the information presented. Neither the Board nor any committee (other than the committee providing this notice and agenda) will take any official action with respect to this noticed meeting.

Copy sent via email to: County Clerk and News Media. Note: Any person wishing to attend whom, because of a disability, requires accommodation should call the Sawyer County Clerk's Office (715.634.4866) at least 24 hours before the scheduled meeting so appropriate arrangements can be made.

Mission Statement: The Sawyer County Board of Supervisors will strive to provide excellent services and responsible leadership to protect and enhance Sawyer County citizens, businesses, and resources, while preserving our unique heritage.

Minutes of the October 19, 2023 meeting of the Sawyer County Tourist Rooming House Sub Committee Board; Sawyer County Courthouse/Virtual

Voting Committee Members Present (X)		Others Present
☒ Ginny Chabek – Chair	☒ Lynn Fitch	
☒ Phil Nies – Vice Chair	☒ Jay Kozlowski	
☒ Tweed Shuman	☒ Eric Wellauer	
☒ Stacey Hessel	☒ Matt McKay	
☒ Chris Rusk - virtual	☐ Julia Lyons	
☐ Gary Nathan	☐ Doug Mrotek	
☐ Matt Dale	☒ Andy Albarado	
☐ Cheryl Treland	☒ Brian DeVries	
☐ Kris Viecceli	☐ Rick Peters	
☒ Martin Hanson - virtual	☒ Julie McCallum	
☐ Ryan Cari		**Others Present**
☒ Laura Rusk	Rebecca Roeker	

Call to Order/Pledge of Allegiance– Chair Chabek called the meeting to order at 10:00 am. Roll call was taken; quorum was met.

Certification of Compliance with the open meeting law was met.

Public Comments – Linda Zillmer, Terry Hogan read into record

Minutes from the previous meeting dated: September 28, 2023
Motion to approve made by: Mr Nies Second by: Mr. Shuman
Motion carried without negative vote.

Other TRH Ordinances for Consideration -
A copy of the Marquette County Tourist Rooming House ordinance was included in the packet and shared. Ms. Chabek introduced the ordinance as being in line with many Sawyer County objectives. Ms. Roeker advised that the WCA model ordinance is still under review. Staff members of zoning and HHS were asked to provide verbal input.

Legal Counsel Update on Previously Adopted 2017 Sawyer County Tourist Rooming House Ordinance
A copy of the previous 2017 Sawyer County proposed ordinance was shared. Ms. Roeker provided a review of her examination of the document. The opinion that the County used to rescind this document in the past was not based on our Corporate Counsel opinion at that time. She reviewed a high-level summary of points that are questionable in that document. Careful drafting of a future ordinance would require that zoning elements are clearly identified separately from a licensing ordinance. Policing powers of any future ordinance must be clearly identified. The by-products of short-term rental are commercial in nature.

Committee Recommendation Document -
A proposed resolution was presented for review and consideration. Ms. Chabek provided some background details regarding this document. Aspects of the Marquette ordinance, our legal opinion, and statutory requirements will all be considered in the drafting of our process. Contact information sharing is vital for the process to be successful. She

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would like to move this draft resolution document into the committees of jurisdiction to then provide further guidance and recommendations in its final crafting. Clarification on codes ATP 72 and DTCAP code were identified and recommended to be changed to ATCP 72 and DSTSAP. Potential licensure conditions were identified in the document as starting points for development. Recommendations for verbiage edits for each point of the sample document were heard and noted. Septic system capacity identification measures need to be clearly outlined. Ms. Hessel stepped out of the meeting at 10:56 am and returned at 10:58 am. Sawyer County will develop an educational webpage to outline the entire process including such things as: Licensing Resources, Program Contacts, a brief explanation of the purpose and history of the process, and Good Neighbor Guidelines, including contact information for Lake Associations and other entities that provide visitors guides to be displayed in TRHs based on property location. One goal is to have the owners of TRHs take more responsibility in the enforcement of any process that is developed once it is adopted. A motion was made by Ms. Hessel to approve the resolution to be further crafted by Mr. Kozlowski, Mr. Wellauer, Mr. McKay and legal counsel; second by Mr. Nies. A voice vote was taken and passed 6-1; one nay vote from Mr. Hanson. A motion was made by Mr. Nies that the committee stand adjourned until a document is ready for review; second by Mr. Shuman. Motion carried without negative vote.

Future Agenda Items -

Adjournment –

Next Meeting: TBD **Time:** 10:00 am **Location:** Board Room
Minutes recorded by Lynn Fitch, County Clerk

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SAWYER COUNTY CODE OF ORDINANCES
CHAPTER 14 - HEALTH AND HUMAN SERVICES
ARTICLE IV- TOURIST ROOMING HOUSES AND SHORT-TERM RENTALS

AUTHORITY. This Chapter 14, Article IV – Tourist Rooming Houses and Short-Term Rentals, is adopted pursuant to the authority granted by Chapters 59, 66, 251 and 254 of the Wisconsin Statutes and shall be administered by the Sawyer County Department of Health and Human Services.

COMPLIANCE WITH STATE AND OTHER APPLICABLE LAW. This Article IV is subject to all provisions set forth in the Wisconsin Statutes and other applicable law, as each may amended. Nothing in this Article IV is intended to, and shall not be construed to, amend or otherwise modify the Sawyer County Health Officer's rights, obligations and authority set forth in the Wisconsin Statutes and other applicable law, as each may be amended.

PURPOSE AND INTENT. The purpose of this Article IV shall be to protect the health, safety, and welfare of persons and property in Sawyer County by setting forth clear standards under which a Dwelling may be used as a Tourist Rooming House or Short-Term Rental (as each are defined below). Additional purposes and intent of this Article IV are:

1. Establish minimum standards of space for human occupancy;

2. Establish minimum standards of maintenance and use of property for short term rentals and tourist rooming houses;

3. Establish responsibilities of owners, operators, and owner's agents that offer properties for short term rent to tourists or other users;

4. Protect the character and stability of persons and property in the areas surrounding properties being offered as short-term rentals or tourist rooming houses;

5. Ensure that short term rentals and tourist rooming houses do not become a nuisance or threaten the public health, safety or welfare of neighboring properties or property owners and users; and

6. Provide for the administration and enforcement of this Article IV and to provide penalties for its violation.

14-4-1. DEFINITIONS

A. *Bedroom* means a room furnished with one (1) or more beds, intended primarily for sleeping by two (2) persons to the exclusion of all others and accessible through an interior door without going through another bedroom for entry. A bedroom must have four (4) walls, a ceiling at least 7 feet high, and at least one window suitable for egress in emergencies. All Bedrooms must comply with the building code restrictions set forth in Wis. Admin. Code Ch. SPS 320 to 325, as may be amended.

B. *Call for Service* means a call made or forwarded to the Sawyer County Sheriff or other law enforcement body with jurisdiction over the TRH Property.

C. *County* means Sawyer County, Wisconsin.

D. *County Health Department* means the Public Health Unit of the County Health and Human Services Department.

E. *County Health Officer* means the County Public Health Supervisor/Officer, or the Supervisor/Officer's authorized agent or designee. When used in this Article IV, "County Health Officer" includes any duly appointed County Health Officer Designee.

F. *County Health Officer Designee* means a subordinate personnel appointed by the County Health Officer to investigate and supervise the sanitary conditions within the jurisdiction of the Health Department.

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G. *Dwelling* means a building designed or used exclusively as the living quarters for one or more families, including manufactured homes which meet the dimensional requirements as originally designed.

H. *License* or *TRH License* means the granting of permission in a written/certificate form from the County Health Officer to operate a Tourist Rooming House on the TRH Property, and carry on the activities permitted by this Article IV.

I. *Licensee* means the Person to whom a TRH License is issued pursuant to this Article IV.

J. *Lodging Marketplace* means an entity that provides a platform through which an unaffiliated third party offers to rent a Tourist Rooming House to an occupant and collects the consideration for the rental from the occupant.

K. *Occupant* means an individual using any portion of a TRH property as a tenant or guest for overnight stays.

L. *Operating* means the offering, operating, advertisement or rental of a TRH Property or any part thereof.

M. *Owner* means the Person or Persons holding title to the real and personal property that makes up the TRH Property.

N. *Owner's Agent* means the Person appointed by the Owner of a Tourist Rooming House to act as agent on behalf of the Owner.

O. *Person* means an individual, a natural person, firm, partnership, association, company, corporation, organization, municipality, County, town, or State agency, whether tenant, owner, lessee or licensee, or the agent, receiver, heir, or assignee, or of any of these or any other group acting as a unit. Whenever the word Person is used in any section of this Article IV prescribing a penalty or forfeiture, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the shareholders thereof.

P. *Renter* means any Person that rents or uses any portion of a TRH Property.

Q. *POWTS* means a private on-site wastewater treatment system.

R. *Sale* means transfer of title by the Owner or transfer of controlling interest in an entity holding title to TRH Property.

S. *Sanitary Permit* means a valid permit issued by the County Zoning and Conservation Department with a Soil Morphology Test "Non EH115 form" as issuing agent for the Wisconsin Department of Safety and Professional Services for a POWTS.

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T. *Secondary Habitable Structure* means a structure that features habitable conditions on the same parcel of land as primary structure.

U. *Short Term Rental* means a residential dwelling that is offered for rent or fee for fewer than thirty (30) consecutive days.

V. *Tourist Rooming House* ~~also known as short term rentals,~~ means all lodging places~~d~~ and tourist cabins and cottages,, including Short Term Rentals, -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 Wis. Admin. Code Ch. ATCP 73.

~~V.~~W. *Tourist Rooming House Property* or *TRH Property* means the real property on which the Tourist Rooming House sits or is located, any real property that a Renter may use as part of the rental of the Tourist Rooming House, and any personal property that is used in the operation or use of the Tourist Rooming House. TRH Property does not need to be contiguous or adjacent.

14-4-2. TOURIST ROOMING HOUSE LICENSE REQUIRED

No Person or entity shall advertise, rent or Operate a Short Term Rental or Tourist Rooming House in the County unless a TRH License has been issued by the County pursuant to this Article IV. An Owner, Licensee or other Person Operating the Tourist Rooming House shall be responsible for all requirements of this Article IV. Application for a TRH License shall be in a form prescribed by the County Public County Health Officer and be consistent with this Article IV.

14-4-3. APPLICATION FOR TRH LICENSE

A. *Application Forms*.

1. Application for a TRH License shall be made in writing to the County Health Department on forms developed and provided by the County Health Department.

2. The Applicant shall comply with any requirements for application and approval required by the County Zoning and Conservation Department.

B. *Required Information*. The applicant shall provide all of the following with the application for TRH License:

1. Name of party submitting the application, and name of the Person intending to hold the TRH License (if different than the applicant).

2. Name of the Owner(s). If Owner is an entity, proof of the entity's ability to conduct business in the State of Wisconsin.

3. Address of TRH Property and tax ID number.

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4. A copy of the State of Wisconsin Department of Agriculture, Trade and Consumer Protection License for a Tourist Rooming House issued pursuant to Wis. Stat. § 97.605.

5. The Wisconsin Department of Revenue Sales Tax Number.

6. Requested maximum occupancy~~.~~

7. Copy of Sanitary Permit (if applicable) or other proof of sufficient sanitary capabilities.

8. Detailed site plan of the TRH Property, including lot lines and property map, available onsite parking, garbage receptacle locations, and any other information reasonably requested by the County Health Officer.

9. Designation of the Owner's Agent and contact information for the Owner's Agent, or a statement that the Owner meets the requirements of an Owner's Agent pursuant to _____ herein and agrees to perform the obligations of an Owner's Agent for the TRH Property.

10. Any other information the County Health Department deems necessary in order to make an informed determination of the application.

11. Applications for renewal TRH Licenses are not required to include the documentation for items listed in subparagraphs _____ unless the information on the renewal application has changed.

14-4-4. DECISION ON APPLICATION

A. *Decision Time*. The County Health Officer shall either approve or deny the application within 3~~6~~0 days after the receipt of a complete application. The County Health Officer and applicant may mutually agree to an additional 3~~6~~0 day review period if circumstances require a longer review period.

~~B.~~ *Issuance*. A TRH License may be issued only after compliance with the requirements of this Article IV, compliance with Sec. 14-3 of the County Ordinances, and compliance with all other applicable laws, including but not limited to issuance of the State of of Wisconsin Department of Agriculture, Trade and Consumer Protection License for a Tourist Rooming House issued pursuant to Wis. Stat. § 97.605. Under no circumstances shall the County Health Officer approve an application and grant a TRH License unless the all governmental approvals set forth in Sec. 14-4-3 are issued prior to or in conjunction with the TRH License

Commented [RR1]: Yes, that works. The intent here was to list off known legal/governmental approvals that are required, and to reiterate the DATCP license requirement given the desire to avoid duplication. Note that 14-4-3 is what is required for an application to be considered.

Commented [JK2]: RR to work on

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~~C.~~B. *Denial of Application for TRH License*.

1. The County Health Officer may deny an application for a TRH License for any of the following reasons:

   a. Applicant's and/or Owner's failure to provide any materials or information required by Sec. 1.3 herein.

   b. Applicant and/or Owner's filing or providing inaccurate, false or misleading information with the TRH License application.

   c. Reasonable information from a local law enforcement agency documenting any complaints or citations that may have been issued due to an Owner or Applicant's operation of another Tourist Rooming House in the County or in another jurisdiction.

   d. Reasonable information that issuance of the TRH License would negatively impact the health, welfare and safety of the County, residents and visitors in the County, or other property in the County.

2. The following procedure shall be followed in the denial of any TRH License:

   a. A decision by the County Health Officer to deny an application for a TRH License shall be in writing and shall state, with specificity, the reasons for the County Heath Officer's decision and shall reference all applicable statutes, ordinances, rules, regulations or orders.

   b. The County Health Officer shall send to the applicant a copy of the written decision as required by this Sec. _____.

   c. Applicant or Owner may seek review of the County Health Officer's decision to deny an application for a TRH License by following requirements as set forth in Sec. 14-~~3~~4-1~~2~~3.

14.-4-5. TERM

A. *Term*. A TRH License shall not be prorated and shall expire annually on June 30 of each year following issuance.

B. *Renewal of TRH License*:

1. An Owner or Licensee may request renewal of a TRH License between May 1 and June 30 by filing a renewal request with the County Health Department.

2. Each renewal request shall include:

Commented [JB3]: Omit?

Commented [JB4]: Omit

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a. Any updated information that is different from the information submitted with the original application or the most recent TRH renewal;

b. The renewal fee; and

c. Any additional information that the County Health Officer may reasonably request in order to make an informed determination on the renewal request.

3. Upon receipt of the renewal request, the County Health Officer shall review the renewal request and information required therein to ensure compliance with all terms and conditions of the original TRH License and all applicable laws. The County Health Officer may contact the local law enforcement agency, the County Sheriff, and the County Zoning and Conservation Department to determine whether any complaints or citations have been issued due to the Tourist Rooming House's operation.

4. The County Health Officer shall issue a decision on the renewal request within thirty (30) days of receipt of the renewal request.

C. *Change of Ownership or Transfer of Interest*. The Owner shall notify the County Health Officer of any transfer of ownership interest of any portion of the TRH Property. A TRH License is not transferable or assignable between any Persons other than immediate family members as defined in Wis. Stat. § 97.605(4)(a)(2), as may be amended~~.~~

14-4-6. INSPECTION

Authorized employees of the County Health Department, upon presenting proper identification, shall have the authority and duty to enter any licensed TRH Property during regular business hours to inspect the same, with respect to a business open at least 40 hours per week~~.~~. In the absence of regular business hours, inspections shall be made at any reasonable hour. In the event of an emergency, an inspection may be made at any time.

14-4-7. FEES

Fees for a TRH License application, penalties, processing charges or other fees required by this Article IV shall be as provided through the fee schedule approved by the County Health and Human Services Board and available for review in the County Health Department.

14-4-8. OWNER'S AGENT

A. *Appointment by Owner*. Every Owner shall appoint an Owner's Agent as a local contact and authorized party to act on Owner's behalf. An Owner's Agent shall not be required if the Owner meets the requirements of an Owner's Agent set forth in this Artile IV and agrees to perform the obligations of an Owner's Agent required in this Article IV. No written agreement pursuant to Sec. 1.9(D)(2) shall be required if Owner acts as Owner's

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Agent.

B. *Designation*. The Owner's Agent shall be designated by the Owner in the TRH License application. The Owner shall provide the County Health Officer written notice of any change in residence or information regarding the Owner's Agent within ten (10) days of any change in designation.

C. *Required Qualifications*. To qualify as an Owner's Agent under this Article IV, the Owner's Agent must meet the following requirements:

1. Be a ~~natural~~ ~~P~~person residing within 60 minute~~s'~~ drive (in normal conditions) of the TRH Property.

D. *Authority.*

1. An Owner's Agent shall be authorized by the Owner to act as Owner's agent and representative in all matters involving the operation of the TRH Property, including but not limited to the following:

   a. To act as the point of contact for any citizen or neighbor complaints.

   b. To accept service of process for all County communications, citations, orders, and complaints.

   c. To be authorized by the Owner to allow County employees, officers and their designees, to enter the TRH Property or any portion thereof for purposes of inspection and enforcement of this Article IV and/or any other Applicable Law.

   d. To satisfy any obligation of the Owner required herein, including the Owner's Obligations set forth in Sec. _____.

2. The Owner's Agent may perform, on Owner's behalf, any of the duties required in this Article IV.

3. The Owner and Owner's Agent shall be party to a written agreement that sets forth these obligations, and a copy of the complete and current written agreement between Owner and Owner's Agent shall be provided to the County.

E. *Contact Information*. The Owner shall provide a current telephone number for the Owner's Agent to each owner of any land within 300 feet of the TRH Property, in accordance with Sec. _____ herein.

14-4-9. OWNER RESPONSIBILITIES

A. *Code of Conduct.* Owner shall provide a code of conduct, regulations and restrictions to Renters and any Person using the TRH Property that includes the relevant provisions of this Article IV, and other information to address behavioral, safety, security, and other matters, The Owner or Owner's Agent

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shall immediately address and correct any violation arising at the TRH Property.

B. *Records*. Owner and Licensee shall keep records for a period of at least one (1) year as required in Wis. Admin. Code Ch. ATCP 72.16 regarding each rental stay, including the name of the Renters, contact information, dates and length of stay, and the price paid for each stay. The Owner or Owner's Agent shall acknowledge and consent to inspection of records at all reasonable times and places for purposes of enforcement of this Article IV.

C. *Lodging Marketplace Authorization*. Owner and Licensee shall authorize any Lodging Marketplace on which the TRH Property is listed to provide to the County the listings, rentals, and other information required under the County Ordinances or other applicable law.

D. *Receipt of Notices*. Owner and Licensee shall consent to receive all County notices and citations regarding the TRH Property by ~~email~~electronic means or US Mail.

E. *Notification to Neighboring Properties*.

1. Owner shall provide, by certified mail to each owner of real property within 300 feet of the TRH Property, the following information:

   a. Address of the TRH Property.

   b. TRH License number.

   c. A copy of the regulations set forth in Sec. _____.

   d. Notice of the maximum number of occupants permitted in the Tourist Rooming House.

   e. Current contact information for the Owner and Owner's Agent for issues arising on the TRH Property.

2. The Owner shall provide updated information upon the change of any information required in Sec. _____ by certified mail to the owner of each real property within 300 feet for the TRH Property within ten ~~(10)~~ days of such change.

3. The Owner shall provide a copy upon request of all notifications to neighboring properties to the County Health Officer. Failure to provide notification to neighboring properties as required by this Sec. _____ shall be a basis upon which to terminate the TRH License.

4. The Owner shall take reasonable measures to respond to any complaint within ~~thirty~~ (60~~)~~ minutes after the complaint is received.

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14-4-10. ROOM TAX.

Every Owner and Licensee shall comply with the room tax reporting requirements of Wis. Stat. § 66.0615, as it may be amended, or as required by a local municipality with room taxation authority over the TRH Property.

14-4-11. OCCUPANCY AND MINIMUM REQUIREMENTS.

A. *Occupancy Requirements*.

1. Occupancy ~~s~~shall comply with the size requirements set forth in Wis. Admin. Code Ch. ATCP 72.14(2)(b), as may be amended.

2. If a TRH Property does not have access to a public sewer facility, a POWTS may be used to serve the TRH Property upon approval by the County Zoning and Conservation Department. The POWTS shall be designed, constructed, and operated in accordance with Wis. Admin. Code Ch. SPS 382,383, and ATCP 72.10(5), and any other restrictions imposed by the County Ordinances.

~~3.~~ Maximum occupancy of a TRH served by a POWTS shall be limited to residential design flow calculations of two (2) Persons/Occupants per bedroom, or any other non-residential design flow calculations approved by the Department of Safety and Professional Services (DSPS). ~~If the Owner or Licensee seeks to exceed occupancy permitted by the private sewage disposal system, the Owner shall install a water meter on the water service entering the TRH Property. If the water meter calculated daily flows exceeds the daily design flow of the private sewage disposal system, the occupancy shall be reduced. The occupancy limit may increase if the private sewage disposal system is upgraded to meet the increased flow, and evidence of such upgrade and increased capacity is provided to the County Health Officer.~~

4. Campers, RVs, tents, yurts, or other means of shelter to increase~~for~~ occupancy ~~increase~~ on the TRH Property are prohibited.

14-4-12. TOURIST ROOMING HOUSE REGULATIONS. In addition to all other applicable laws, every Renter or Person using or occupying any portion of a TRH Property shall comply with the following:

A. *Smoke Detectors and Carbon Monoxide Detectors*. Each Tourist Rooming House shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Wis. Admin. Code Ch. SPS 362, ATCP 72.14(c), and ATCP 72.145~~.~~

Commented [JB5]: Omit….add residential size, Eric to revise.

Commented [JB6]: Alarms?

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B. *Fire Extinguisher*. Each Tourist Rooming House shall provide at least one (1) 2A 10:BC fire extinguisher within the TRH Property, which shall be maintained on an annual basis. If the extinguisher is not readily visible, one or more signs shall be posted indicating the location of the extinguisher.

~~B.~~C. *Fireworks.* Fireworks, as defined in Wis. Stat. § 167.10, as may be amended, may not be used or operated on a TRH Property at any time.

D. *Pets.* Any Renter or Person using or occupying the TRH Property shall comply with all provisions of the County Ordinance No.----- relating to control of animals. Renters or any other Person using the TRH Property shall maintain control of pets at all times.

E. *Minimum Parking Requirements*. All guest parking must be contained on TRH property or meet other local parking regulations for public parking shall be complied with. Parking may only occur in areas designated on the site plan submitted as part of the TRH License application.

F. *Ingress and Egress*. Each Tourist Rooming House shall provide a safe, unobstructed means of egress leading to safe, open space at ground level as defined in SPS 321.03.

G. *Secondary Habitable Structures* will not be allowed for overnight sleeping accommodation unless permitted as such by the Sawyer County Zoning and Conservation Department and meets all other licensing requirements.

Commented [JK7]: Formatting help needed!

14-4-13. ENFORCEMENT AND VIOLATIONS.

A. *Enforcement.* The provisions of this Article IV shall be enforced by the County Health Officer, the County Zoning and Conservation Department, or an appropriate law enforcement body, and each may issue citations for any violations of this Article IV pursuant to Sec. 1-2-3 and Sec. 1-2-4 of the County Ordinances, as may be amended.

B. *Notice of Violation to Owner and Licensee.* Notice of any violation of the Article IV or other applicable law that is issued to a Person using the TRH Property shall also be delivered to the Owner and Licensee, at the Owner and Licensee's expense.

C. *Owner Obligations.* An Owner shall be responsible for the conduct of each Person using the TRH Property. An Owner shall be jointly and severally liable for payment of any penalty or forfeiture incurred by a Renter or Person using or occupying the TRH Property, and any unpaid penalty or forfeiture shall be included on the tax roll for the TRH Property if unpaid within six (6) months of issuance.

Commented [RR8]: Need to discuss. Not a special assessment or "special charge," but a mechanism of collection and would require lis pendens. *See Village of Wales* case.

Commented [JK9]: Additional AD HOC discussion needed

Commented [RR10]: Let's discuss - I am not sure what you mean by "current process."

~~D.~~ *Penalties.* The following penalties shall be assessed for violations of this Article IV:

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1. Any Licensee or Person who operates any establishment, business, or other operation without a valid License required under this article shall be subject to any applicable fees, penalties and processing charges, including, but not limited to, a fee for operating without a License for each day in which the Licensee or Person operates without the required License. Fees, penalties and processing charges shall be determined by the County Health and Human Services Board and may be amended from time to time.

2. In addition to forfeitures listed above, any violation of a provision of this Article IV may result in the suspension or termination of the TRH License.

3. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement, or costs whether existing under this Article IV or otherwise.

E. *Other Remedies for any Violation of Applicable Laws.* Nothing in this Article IV shall be construed as prohibiting enforcement of any other applicable law, including but not limited to County Ordinances for public nuisance, public health hazards, or disorderly conduct.

F. *Calls for Service.* If three Calls for Service are received and verified by the County for any TRH Property within one month, the County Health Officer may initially suspend the TRH License for a period of not more than 35 days during which time the County Health Officer shall determine whether corrective action is needed, whether to commence suspension or revocation proceedings pursuant to Sec. _____, or the TRH License may be reinstated without further action. Five or more Calls for Service within one calendar year may result in the revocation of the TRH License.

~~F. *Calls for Service.* In the event that three (3) or more valid complaints for noise or Calls for Service are received and verified by the County for any TRH Property within one (1) month, the County Health Officer may initially suspend the TRH License for a period of not more than 35 days during which time the County Health Officer shall determine whether corrective action is needed, whether to commence suspension or revocation proceedings pursuant to Sec. _____, or the TRH License may be reinstated without further action. Five (5) or more excessive noise or Calls for Service within one (1) calendar year may result in the revocation of the TRH License.~~

Commented [JK11]: Still would like to brainstorm on this one. We can see this being an issue for the Health Dept. We can see neighbors using this as a way to "shut people down". May not want to have a specified number of events

Commented [JK12]: Ad Hoc discussion needed

~~4-4-14. SUSPENSION OR REVOCATION OF TOURIST ROOMING HOUSE LICENSE.~~

14-4-14. DENIAL, SUSPENSION OR REVOCATION OF TOURIST ROOMING HOUSE LICENSE.

A. *–Authority.* The Health Officer may deny any TRH License application or suspend or revoke any TRH License issued under this Article IV for noncompliance with this Article IV or noncompliance with any other State or local statute, ordinance, rule, regulation, order, or other applicable requirement. All time sensitive mailings, on the part of the Health Department, will be done through the United States Postal Service

Certified Mail Return Receipt Requested mail service or personally with signature of delivery.

Commented [RR13]: This is part of 14-12-3 - keep?

B. *Procedures.* The following procedure shall be followed in the denial, suspension or revocation of any License issued under this Article IV:

1. A decision by the County Health Officer to deny, suspend or revoke a TRH License shall be in writing and shall state, with specificity, the reasons for the County Heath Officer's decision and shall state any and all applicable statutes, ordinances, rules, regulations or orders which may have been violated. The County Health Officer shall send to the TRH Licensee copy of the written decision as required by this Article IV. Said notice shall inform the Licensee or applicant of the right to have the decision reviewed and a summary of the procedure for such review required by this Article IV.

2. A TRH Licensee aggrieved by a decision of the County Health Officer to deny, suspend or revoke a TRH License must send a written Request for Review and Reconsideration to the County Health Officer within ten (10) working days of receipt of the notice of the County Health Officer's decision. The Request for Review and Reconsideration shall state the grounds upon which the Person or Licensee aggrieved contends that the decision should be reversed or modified.

3. Within ten (10) working days of receipt of the Request for Review and Reconsideration, the County Health Officer shall review its initial determination. The County Health Officer may affirm, reverse or modify the initial determination. The County Health Officer shall mail or deliver to the TRH Licensee or applicant a copy of the County Health Officer's decision on review, and shall state the reasons for such decision. The decision shall advise the TRH Licensee or applicant of the right to appeal the decision by filing a notice of appeal, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.

4. A TRH Licensee or applicant who wishes to appeal a decision made by the County Health Officer on review must file a notice of appeal within ten days of receipt of the County Health Officer's decision on review. The notice of appeal shall be filed or mailed to the County Health Officer. The County Health Officer shall immediately file said notice of appeal with the County Health and Human Services Board.

5. A TRH Licensee or applicant shall be provided a hearing on appeal within 30 days of receipt of the notice of appeal. The County Health Officer shall serve the TRH Licensee or applicant with notice of hearing by mail or personal service at least five days before the hearing.

6. The hearing shall be conducted before the County Health and Human Services Board and shall be conducted in accordance with the procedures outlined in Wis. Stats. § 68.11(2) and (3).

7. Within 15 days of the hearing, the County Health and Human Services Board shall mail or deliver to the TRH Licensee or applicant the County Health and Human Services Board's written determination stating the reasons for its decision.

Commented [RR14]: This process requires an evidentiary hearing and may require a court reporter that is paid for by the County.

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A. *Authority.* The County Health Officer may suspend or revoke any TRH License issued under this Article IV for any of the following:

1. Owner's or Licensee's noncompliance with this Article IV or non-compliance with any other applicable law to the Operating of the Tourist Rooming House or TRH Property.

2. Owner's or Licensee's failure to provide required notifications of change in information required by Sec. 1.3 herein.

3. Discovery that Owner, Licensee, or the TRH License applicant filed or provided inaccurate, false or misleading information with the TRH License application.

B. *Notices.* All notices pursuant to this Sec. _____ shall be provided through the United States Postal Service Certified Mail Return Receipt Requested mail service or personally with signature of delivery, and by electronic mail to the addresses included on the TRH License application.

C. *Procedures.* The following procedure shall be followed in the suspension or revocation of any TRH License:

1. A decision by the County Health Officer to suspend or revoke a TRH License shall be in writing and shall state, with specificity, the reasons for the County Heath Officer's decision and shall state any and all applicable statutes, ordinances, rules, regulations or orders which are alleged have been violated. The County Health Officer shall send to the Licensee and Owner a copy of the written decision as required by this Sec. ____. Said notice shall inform the Licensee and Owner of the right to have the decision reviewed and a summary of the procedure for such review required by this Sec. _____.

2. A Licensee or Owner aggrieved by a decision of the County Health Officer to suspend or revoke a TRH License must send a written Request for Review and Reconsideration to the County Health Officer within ten (10) working days of receipt of the notice of the County Health Officer's decision. The Request for Review and Reconsideration shall state the grounds upon which the Owner or Licensee aggrieved contends that the decision should be reversed or modified.

3. Within ten (10) working days of receipt of the Request for Review and Reconsideration, the County Health Officer shall review the initial determination. The County Health Officer may affirm, reverse or modify the initial determination. The County Health Officer shall mail or deliver to the Licensee and Owner a copy of the County Health Officer's decision on review, and shall state the reasons for such decision. The decision shall advise the Licensee and Owner of the right to appeal the decision by filing a notice of appeal, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.

4. An Owner or Licensee may seek review of the County Health Officer's decision to terminate or suspend a TRH License by filing an action as set forth in Sec. 14-3-12.

Commented [JK15]: RR will revise

Commented [JK16]: Ok, lets discuss. 30 days?

Commented [JK17]: Mirror state code 10 days vs 30 days?

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14-4-15. EFFECTIVE DATE.

This Article IV shall be effective upon passage and publication as provided by law.

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