

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE Oneida County Planning & Development Committee will hold a public hearing on Wednesday, April 3, 2019 at 2:00 p.m. in the County Board Room, Oneida County Courthouse, Rhinelander, WI 54501 on the following:

Ordinance Amendment #15-2018 authored by the Planning and Development Committee to add Section 9.58-Tourist Rooming House to Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance.

Additions noted by Underlined; deletions noted by ~~strikethrough~~

9.58 TOURIST ROOMING HOUSE

A. PURPOSE

The purpose of this ordinance is to ensure the quality of tourist rooming houses operating within the county 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 resident agents offering these properties for tourists, for collection of taxes, to protect the character and stability of all areas within the county; 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. EXEMPTIONS

The following operations are exempt from complying with the requirements of this article:

1. A private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
2. A hotel, motel, or resort license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), pursuant to §97.605, Wis. Stats., or a designated local health department pursuant to §97.625, Wis. Stats., directly or through its agent.
3. Bed and breakfast establishments.

C. DEFINITIONS

1. The following definitions and conditions apply unless specifically modified:

- a. **Corporate Entity:** A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.
- b. **Department:** Oneida County Planning and Zoning Department.
- c. **Dwelling:** A detached structure or part thereof designed or used as a residence or sleeping place and includes a manufactured home, but does not include boarding or lodging houses, motels, hotels, tents, or tourist cabins.
- d. **Dwelling Unit:** A room or group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use as a living quarters for one family.
- e. **Owner:** The owner of a short-term rental.
- f. **Permit:** Administrative Review Permit issued under Article 3, Section 9.36-Procedure for Administrative Review Permits.
- g. **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 appointed according to law. Whenever the word person is used in any section of this article 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.
- h. **Resident Agent:** An owner meeting the qualifications for a Resident Agent as set forth in section 9.58(G) or a person appointed by the owner of a tourist rooming house to act as agent on behalf of the owner.
- i. **Short Term Rental:** A residential dwelling that is offered by rent for a fee and for fewer than twenty-nine (29) consecutive days as defined in §66.0615(1)(dk), Wis. Stats.
- j. **State:** State of Wisconsin Department of Agriculture, Trade and Consumer Protection, or its designee.
- k. **Tourist or Transient:** A person who travels from place to place away from his or her permanent residence for vacation, pleasure, recreation, culture, business, or employment.
- l. **Tourist Rooming House:** Any lodging, place, tourist cabin, or cottage where sleeping accommodations are offered for pay to tourist or transients, or to persons who stay or intend to stay for thirty (30) days or less.

D. TOURIST ROOMING HOUSE REQUIREMENTS

1. No person may operate a tourist rooming house without an Administrative Review Permit (ARP).
2. Every tourist rooming house shall be operated by a Resident Agent.
3. A tourist rooming house shall meet the following minimum requirements:
 - a. Tourist rooming house rentals of six (6) consecutive days or less are prohibited in the following zoning districts:
 - (1) District #1A Forestry
 - (2) District #1B Forestry
 - (3) District #1C Forestry
 - (4) District #02 Single Family
 - (5) District #08 Manufacturing/Industrial
 - (6) District #14 Residential & Retail
 - (7) District #15 Rural Residential
 - b. Maximum occupancy based upon the Private Onsite Wastewater Treatment System (POWTS) sizing for the number of bedrooms. Two (2) people per bedroom.
 - c. Off-street parking of 1.1 parking space for each bedroom in compliance with Article 7, Section 9.77(E).
 - d. On-street parking is prohibited, unless allowed by the governmental entity having jurisdiction over the public road.
 - e. No recreational vehicles, campers, tents, or other temporary lodging arrangements shall be permitted onsite as a means of providing additional accommodations for paying guests or other invitees.
 - f. Any outdoor events held at the tourist rooming house shall last no longer than one (1) day occurring between the hours of 10:00 A.M. and 9:00 P.M.
 - g. Compliance with all state, county, and town regulations.
 - h. Signage. Nameplates or other signage shall not exceed one square foot. No other signage advertising the rental is permitted on site or any adjoining lake or water body. Off-site advertising in media channels relating to the availability of the rental may take place only after all town, county, and state permits and licenses have been obtained.
 - i. Trash and garbage removal shall be provided on a weekly basis. Such service shall be evident by a contract with a licensed garbage hauler or, if not contracted, by name of a private party responsible for weekly trash removal.
 - j. Each tourist rooming house shall comply with all other provisions of Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance.

E. TOURIST ROOMING HOUSE ADMINISTRATIVE REVIEW PROCESS

1. All applications for a Tourist Rooming House Administrative Review Permit shall be filed with the zoning director on forms provided. Applications must be filed by the owner of the tourist rooming house or by the Resident Agent. Each applicant shall certify that the tourist rooming house that is the subject of the application can meet the requirements set forth in section 9.58(D).
 2. An application for a Tourist Rooming House Administrative Review Permit shall include the following and shall not be considered complete until all of the following are submitted:
 - a. Floor plan and requested maximum occupancy.
 - b. Site plan including available onsite parking.
 - c. POWTS information.
 - d. Designation of the Resident Agent.
 - e. Certification from the owner and Resident Agent that the property meets the requirements of section 9.58(D).
 - f. Proof of general liability insurance in the amount of one million dollars (\$1,000,000) with thirty (30) days' notice of cancellation to be provided to the county.
 - g. The application fee.
- F. Application Review Procedure. A Tourist Rooming House Administrative Review Permit shall follow the procedure for administrative review permits as specified in Article 3, Section 9.36- Procedure for Administrative Review Permits.

G. RESIDENT AGENT

1. A Resident Agent is required for all tourist rooming houses.
2. Resident Agent shall meet the following requirements:
 - a. Be an adult person residing in or within a twenty-five (25) mile radius of the location of the tourist rooming house or a corporate entity with offices located within a twenty-five (25) mile radius of the tourist rooming house that is the subject of the application.
 - b. Be authorized by the owner to act as the agent for the owner for: (i) the receipt of service of notice of violation of this article's provisions, (ii) service of process pursuant to this article, and (iii) to allow the county to enter the property permitted under this article for inspection and enforcement.
 - c. Proof of general liability insurance in the amount of one million dollars (\$1,000,000) with thirty (30) days' notice of cancellation to be provided to the county.

H. NONTRANSFERABLE

Any permit issued under this article is nontransferable. The holder of any permit or license shall notify the zoning director in writing of any transfer of the legal control of any property covered by the permit.

I. FEES

The application fee, as periodically designated by the county board, shall be paid when the application is filed.

J. ENFORCEMENT AND PENALTIES

Enforcement and penalties as specified by Article 8, Section 9.82 of the Oneida County Zoning and Shoreland Protection Ordinance.

K. APPLICATION AFTER DENIAL OR REVOCATION

No applicant may reapply for twelve (12) months from the date of denial or revocation.

L. CONDITIONS ON PERMIT

The department shall have the authority to place reasonable conditions on a permit when necessary to meet the requirements of section 9.58(D) with regard to the matters set forth in this article.

Ordinance Amendment #1-2019 authored by the Planning and Development Committee to amend Chapter 13, Section 13.15-Definitions and Section 13.51-Septic Tank Maintenance Program of Chapter 13 the Oneida County Private Onsite Wastewater Treatment System Ordinance.

Additions noted by Underlined; deletions noted by ~~strikethrough~~

13.15 DEFINITIONS.

13.15 Remaining definitions remain unchanged.

Occasional Occupancy. Occupying a building that is serviced by a POWTS for less than 120 calendar days per year.

13.51 SEPTIC TANK MAINTENANCE PROGRAM.

13.51 (1) and (4) through (7) remain unchanged.

2. All new and existing POWTS shall be visually inspected within three years of the date of installation and at least once every three years thereafter. Exception: the department may extend the required three-year visual inspection interval to a maximum period of five years for a POWTS

serving an occasional occupied structure or facility, providing the owner of the POWTS makes a request in writing.

3. All new and existing septic tanks shall be pumped within three (3) years of the date of installation and at least once every three (3) years thereafter, unless upon visual inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.

Copies of the foregoing documents are available for public inspection during normal business hours at the Planning & Zoning Office, Oneida County Courthouse, 2nd Floor, Rhinelander, Wisconsin 54501 or phone 715-369-6130. The Oneida County Zoning and Shoreland Protection Ordinance is available online at www.co.oneida.wi.us.

Anyone having interest may attend and be heard. Interested parties who are unable to attend may send written comments to the undersigned.

Dated this 13th day of March 2019.

/s/Scott Holewinski, Chairman
Oneida County Planning & Development Committee
PO Box 400
Rhinelander WI 54501