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RESOLUTION # 55-2019  
ORDINANCE AMENDMENT #4-2019  
CHAPTER 9 OF THE ONEIDA COUNTY ZONING AND SHORELAND PROTECTION  
ORDINANCE, ARTICLE 5, SECTION 9.58 TOURIST ROOMING HOUSE

Ordinance Amendment offered by the Planning and Development Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

**WHEREAS**, the Planning & Development Committee, having considered Ordinance Amendment #4-2019, which was filed May 6, 2019, (copy attached) to create Section 9.58-Tourist Rooming House of the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon June 5, 2019, pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

**WHEREAS**, 2017 Wisconsin Act 59 creates Wis. Stats. Sec 66.0414 prohibiting municipalities from enacting an ordinance prohibiting rental of a residential dwelling for seven consecutive days or longer; and

**WHEREAS**, Oneida County previously prohibited the rental of a residential dwelling for 30 consecutive days or less in certain zoning districts such as District #02-Single Family Residential; and

**WHEREAS**, the Planning and Development Committee believed rentals of six (6) consecutive days or less should be prohibited in zoning districts that previously restricted rentals of 30 consecutive days or less; and

**WHEREAS**, the Planning & Development Committee and numerous towns believed tourist rooming houses should be regulated through the Administrative Review Permit process; and

**WHEREAS**, the Planning and Development Committee solicited input from all Towns in Oneida County and held three (3) separate public hearings November 28, 2018, April 3, 2019, and June 5, 2019; and

**WHEREAS**, the Planning and Development committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval.

**NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:**

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is

52 amended as follows [additions noted by underline, deletions noted by ~~strikethrough~~]:

53  
54 9.58 TOURIST ROOMING HOUSE

55  
56 A. PURPOSE

57  
58 The purpose of this ordinance is to ensure the quality of tourist  
59 rooming houses operating within the county is adequate for protecting  
60 public health, safety and general welfare, including establishing  
61 minimum standards of space for human occupancy and for an  
62 adequate level of maintenance; determining the responsibilities of  
63 owners, operators, and resident agents offering these properties for  
64 tourists, for collection of taxes, to protect the character and stability of  
65 all areas within the county; to provide minimum standards necessary  
66 for the health and safety of persons occupying or using buildings,  
67 structures or premises; and provisions for the administration and  
68 enforcement thereof.

69  
70 B. EXEMPTIONS

71  
72 The following operations are exempt from complying with the  
73 requirements of this article:

- 74  
75 1. A private boarding or rooming house, ordinarily conducted as such,  
76 not accommodating tourists or transients.  
77 2. A hotel, motel, or resort license issued by the State of Wisconsin  
78 Department of Agriculture, Trade and Consumer Protection  
79 (DATCP), pursuant to §97.605, Wis. Stats., or a designated local  
80 health department pursuant to §97.625, Wis. Stats., directly or  
81 through its agent.  
82 3. Bed and breakfast establishments.

83  
84 C. DEFINITIONS

- 85  
86 1. The following definitions and conditions apply unless specifically  
87 modified:  
88 a. **Corporate Entity:** A corporation, partnership, limited liability  
89 company, or sole proprietorship authorized to conduct business  
90 in this state.  
91 b. **Department:** Oneida County Planning and Zoning Department.  
92 c. **Dwelling:** A detached structure or part thereof designed or used  
93 as a residence or sleeping place and includes a manufactured  
94 home, but does not include boarding or lodging houses, motels,  
95 hotels, tents, or tourist cabins.

- 96 d. **Dwelling Unit:** A room or group of rooms constituting all or part  
97 of a dwelling, which are arranged, designed, used or intended  
98 for use as a living quarters for one family.  
99 e. **Owner:** The owner of a short-term rental.  
100 f. **Permit:** Administrative Review Permit issued under Article 3,  
101 Section 9.36-Procedure for Administrative Review Permits.  
102 g. **Person:** Shall include a corporation firm, partnership,  
103 association, organization, and any other group acting as a unit  
104 as well as individuals including a personal representative  
105 appointed according to law. Whenever the word person is used  
106 in any section of this article prescribing a penalty or fine as to  
107 partnerships or associations, the word shall include the partners  
108 or members hereof, and as to corporations, shall include the  
109 officers, agents, or members thereof who are responsible for  
110 any violation of such section.  
111 h. **Resident Agent:** An owner meeting the qualifications for a  
112 Resident Agent as set forth in section 9.58(G) or a person  
113 appointed by the owner of a tourist rooming house to act as  
114 agent on behalf of the owner.  
115 i. **State:** State of Wisconsin Department of Agriculture, Trade and  
116 Consumer Protection, or its designee.  
117 j. **Tourist or Transient:** A person who travels from place to place  
118 away from his or her permanent residence for vacation,  
119 pleasure, recreation, culture, business, or employment.  
120 k. **Tourist Rooming House (TRH):** Any lodging, place, tourist  
121 cabin, or cottage where sleeping accommodations are offered  
122 for pay to tourist or transients, or to persons who stay or intend  
123 to stay for thirty (30) days or less.

124  
125 D. **TOURIST ROOMING HOUSE REQUIREMENTS**

- 126  
127 1. **No person may operate a tourist rooming house without an**  
128 **Administrative Review Permit (ARP).**  
129 2. **Every tourist rooming house shall be operated by a Resident Agent.**  
130 3. **A tourist rooming house shall meet the following minimum**  
131 **requirements:**  
132 a. **Tourist rooming house rentals of six (6) consecutive days or**  
133 **less are prohibited in the following zoning districts:**  
134 **(1) District #1B Forestry**  
135 **(2) District #1C Forestry**  
136 **(3) District #02 Single Family**  
137 **(4) District #08 Manufacturing/Industrial**  
138 **(5) District #15 Rural Residential**

- 139 b. Maximum occupancy for a tourist rooming house served by a  
140 Private Onsite Wastewater Treatment System (POWTS) is  
141 limited to the number of occupants for which the POWTS was  
142 designed, or the occupancy granted by the State tourist rooming  
143 house license, whichever is less.  
144 c. Maximum occupancy for a tourist rooming house served by a  
145 public sewage facility is limited to the number of occupants  
146 authorized by the State tourist rooming house license issued by  
147 the State of Wisconsin Department of Agriculture, Trade and  
148 Consumer Protection in accordance with Wisconsin  
149 Administrative Code ATCP 72.  
150 d. Off-street parking of 1.1 parking space for each bedroom in  
151 compliance with Article 7, Section 9.77(E).  
152 e. On-street parking is prohibited, unless allowed by the  
153 governmental entity having jurisdiction over the public road.  
154 f. No recreational vehicles, campers, tents, or other temporary  
155 lodging arrangements shall be permitted onsite as a means of  
156 providing additional accommodations for paying guests or other  
157 invitees.  
158 g. Compliance with all state, county, and town regulations.  
159 h. Signage. Signage shall not exceed twelve square feet. No other  
160 signage is permitted on site or any adjoining lake or water body.  
161 A sign permit is required pursuant to Article 7, Section  
162 9.78(A)(2).  
163 i. Advertising the availability of the rental may take place only after  
164 all town, county, and state permits and licenses have been  
165 obtained.  
166 j. Trash and garbage removal shall be provided on a weekly  
167 basis. Such service shall be evident by a contract with a  
168 licensed garbage hauler or, if not contracted, by name of a  
169 private party responsible for weekly trash removal.  
170 k. Each tourist rooming house shall comply with all other  
171 provisions of Chapter 9 of the Oneida County Zoning and  
172 Shoreland Protection Ordinance.

173  
174 E. TOURIST ROOMING HOUSE ADMINISTRATIVE REVIEW PROCESS  
175

- 176 1. All applications for a Tourist Rooming House Administrative Review  
177 Permit shall be filed with the zoning director on forms provided.  
178 Applications must be filed by the owner of the tourist rooming  
179 house or by the Resident Agent. Each applicant shall certify that  
180 the tourist rooming house that is the subject of the application can  
181 meet the requirements set forth in section 9.58(D).

- 182 2. An application for a Tourist Rooming House Administrative Review  
183 Permit shall include the following and shall not be considered  
184 complete until all of the following are submitted:  
185 a. Floor plan and requested maximum occupancy.  
186 b. Site plan including available onsite parking.  
187 c. POWTS information.  
188 d. Designation of the Resident Agent.  
189 e. Certification from the owner and Resident Agent that the  
190 property meets the requirements of section 9.58(D).  
191 f. The application fee.

192  
193 F. APPLICATION REVIEW PROCEDURE

194  
195 A Tourist Rooming House Administrative Review Permit shall follow  
196 the procedure for administrative review permits as specified in Article  
197 3, Section 9.36-Procedure for Administrative Review Permits.  
198

199 G. RESIDENT AGENT

- 200  
201 1. A Resident Agent and/or his/her designee is required for all tourist  
202 rooming houses.  
203 2. Resident Agent shall meet the following requirements:  
204 a. Be an adult person residing in or within a twenty-five (25) mile  
205 radius of the location of the tourist rooming house or a corporate  
206 entity with offices located within a twenty-five (25) mile radius of  
207 the tourist rooming house that is the subject of the application.  
208 b. Be authorized by the owner to act as the agent for the owner for:  
209 (i) the receipt of service of notice of violation of this article's  
210 provisions, (ii) service of process pursuant to this article, and (iii)  
211 to allow the county to enter the property permitted under this  
212 article for inspection and enforcement.

213  
214 H. NONTRANSFERABLE

215  
216 Any permit issued under this article is nontransferable. The holder of  
217 any permit or license shall notify the zoning director in writing of any  
218 transfer of the legal control of any property covered by the permit.  
219

220 I. FEES

221  
222 The application fee, as periodically designated by the county board,  
223 shall be paid when the application is filed.  
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225 J. ENFORCEMENT AND PENALTIES  
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Enforcement and penalties as specified by Article 8, Section 9.82 of the Oneida County Zoning and Shoreland Protection Ordinance.

K. 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.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #4-2019 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources.

Approved for presentation to the County Board by the Planning and Development Committee this 5th day of June 2019.

Consent Agenda Item:  YES  NO

Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ 3/4 Majority = \_\_\_\_\_

The County Board has the legal authority to adopt: Yes  No  as reviewed by the Corporation Counsel, \_\_\_\_\_, Date:

6/10/19

Offered and passage moved by:

[Signature]  
Supervisor  
[Signature]  
Supervisor  
[Signature]  
Supervisor  
[Signature]  
Supervisor

\_\_\_\_\_ Ayes

\_\_\_\_\_ Nays

\_\_\_\_\_ Absent

\_\_\_\_\_ Abstain

\_\_\_\_\_ Enacted

by the County Board of Supervisors this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_ Defeated

\_\_\_\_\_  
Tracy Hartman, Clerk

\_\_\_\_\_  
David Hintz, County Board Chair

**ORDINANCE AMENDMENT #4-2019**  
**CHAPTER 9**  
**ARTICLE 5 – ADDITIONAL TYPES OF USES**  
**9.58 – TOURIST ROOMING HOUSE**

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 authorized 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 (TRH):** 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 #1B Forestry
    - (2) District #1C Forestry
    - (3) District #02 Single Family
    - (4) District #08 Manufacturing/Industrial
    - (5) District #15 Rural Residential
  - b. Maximum occupancy for a tourist rooming house served by a Private Onsite Wastewater Treatment System (POWTS) is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house license, whichever is less.
  - c. Maximum occupancy for a tourist rooming house served by a public sewage facility is limited to the number of occupants authorized by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Wisconsin Administrative Code ATCP 72.
  - d. Off-street parking of 1.1 parking space for each bedroom in compliance with Article 7, Section 9.77(E).
  - e. On-street parking is prohibited, unless allowed by the governmental entity having jurisdiction over the public road.

- f. 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.
- g. Compliance with all state, county, and town regulations.
- h. Signage. Signage shall not exceed twelve square feet. No other signage is permitted on site or any adjoining lake or water body. A sign permit is required pursuant to Article 7, Section 9.78(A)(2).
- i. Advertising the availability of the rental may take place only after all town, county, and state permits and licenses have been obtained.
- j. 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.
- k. 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. 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 and/or his/her designee 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.

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. 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.