

ARTICLE IV. TOURIST ROOMING HOUSES AND SHORT-TERM RENTALS

Sec. 14-4-1. Authority.

This article is adopted pursuant to the authority granted by Wis. Stats. Chs. 59, 66, 251 and 254 and shall be administered by the County Department of Health and Human Services.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-2. Compliance with state and other applicable law.

This article is subject to all provisions set forth in the Wisconsin Statutes and other applicable law, as each may be amended. Nothing in this article is intended to, and shall not be construed to, amend or otherwise modify the County Health Officer's rights, obligations and authority set forth in the Wisconsin Statutes and other applicable law, as each may be amended.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-3. Purpose and intent.

The purpose of this article is to respect the rights of private property owners to use and enjoy their property, and to ensure that lodging units rented for tourist rooming houses or short-term rentals are operated in a manner that protects the health, safety, and quality of life for the residents and visitors of the county.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-4. Definitions.

Bedroom means a term found in SPS 382 and 383, used to calculate residential estimated wastewater flow for POWTS. Number of bedrooms is based on two persons per bedroom, unless otherwise approved by DSPS.

Call for service means a call made or forwarded to the County Sheriff or other law enforcement body with jurisdiction over the TRH property.

County means Sawyer County, Wisconsin.

County Health Department means the public health unit of the County Health and Human Services Department.

County Health Officer means the County Public Health Supervisor/Officer, or the Supervisor/Officer's authorized agent or designee.

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.

Licensee means the person to whom a TRH license is issued pursuant to this article.

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

Owner means the person or persons holding title to the real and personal property that makes up the TRH property.

Owner's agent means the person appointed by the owner of a tourist rooming house to act as agent on behalf of the owner.

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 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.

Renter means any person that rents or uses any portion of a TRH property.

POWTS means a private on-site wastewater treatment system.

Sanitary permit means a permit of record, approved by the County Zoning Department as issuing agent for the State Department of Safety and Professional Services indicating wastewater performance capabilities of existing POWTS.

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

Short-term rental means a residential dwelling that is offered for rent or fee for fewer than 30 consecutive days.

Tourist rooming house means all lodging places 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.

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.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-5. 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. An owner, licensee or other person operating the tourist rooming house shall be responsible for all requirements of this article. Application for a TRH license shall be in a form prescribed by the County Public Health Officer and be consistent with this article.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-6. 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.

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- (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) Address of TRH property and tax ID number.
 - (2) Name, billing and contact information of the owner(s).
 - (3) Name, billing and contact information of the party submitting the application, and name of the person (licensee) intending to hold the TRH license (if different than the applicant).
 - (4) Designation of the owner's agent and contact information for the owner's agent, if required.
 - (5) The State Department of Revenue Sales Tax Number.
 - (6) Name of local municipality establishment resides in (township, city, village, etc.).
 - (7) Requested maximum occupancy.
 - (8) Any other information the County Health Department deems necessary in order to make an informed determination of the application.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-7. Decision on application.

- (a) *Decision time.* The County Health Officer shall either approve or deny the application within 30 days after the receipt of a complete application. The County Health Officer and applicant may mutually agree to an additional 30-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, compliance with Section 14-3 of this Code, and compliance with all other applicable laws, including but not limited to issuance of the state Department of Agriculture, trade and consumer protection license for a tourist rooming house issued pursuant to Wis. Stats. § 97.605. Under no circumstances shall the County Health Officer approve an application and grant a TRH license unless all governmental approvals set forth in Section 14-4-6(a)(2) are issued prior to or in conjunction with the TRH license.
- (c) *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 Section 14-4-6 herein.
 - b. Applicant and/or owner's filing or providing inaccurate, false or misleading information with the TRH license application.
 - c. 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. Information that issuance of this 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 Health Officer's decision and shall reference all applicable statutes, ordinances, rules, regulations or orders.

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- b. The County Health Officer shall send to the applicant a copy of the written decision as required by this Section 14-4-7(b)(2).
 - 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 Section 14-4-17(b).

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-8. 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:
 - a. Any updated information that is different from the information submitted with the original application or the most recent TRH renewal;
 - b. Any additional information that the County Health Officer may reasonably request in order to make an informed determination on the renewal request;
 - c. The renewal fee, as required by this article shall be as provided through the fee schedule approved by county;
 - d. The TRH owner providing notification annually to neighboring properties, by mail to each owner of real property within 300 feet of the perimeter of the TRH property as required by Section 14-4-12(d) herein.
 - (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 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. Stats. § 97.605(4)(a)(2), as maybe amended.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-9. Inspection.

[Inspection] will be enforced by Wis. Stats. § 97.615(2) and Wis. Admin. Code Ch. ATCP 72.06(1) as each may be amended.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-10. Fees.

Fees for a TRH license application, penalties, processing charges or other fees required by this article 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.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-11. 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 article and agrees to perform the obligations of an owner's 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 days of any change in designation.
- (c) *Required qualifications.* To qualify as an owner's agent under this article, the owner's agent must be a person who can respond within a 60-minute drive (in normal conditions) to the TRH property.
- (d) *Authority.* 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. The owner and owner's agent shall be party to a written agreement that sets forth these obligations.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-12. Owner responsibilities.

- (a) *Records.* owner and Licensee shall keep records for a period of at least one year as required in Wis. Admin. Code Ch. ATCP 72.16.
- (b) *Posting of license.* owner shall post current license(s) issued by the County Health and Human Services in a place visible to guests.
- (c) *Required signage.* A weather-proof sign measuring at least eight inches by ten inches shall be posted on the property on which there is a tourist rooming house in a location that is legible from the roadway providing access to the TRH property and close to the driveway. The signage is not required to be displayed when the owner is not operating the property as a rental. The sign must be maintained and contain the information as follows:
 - (1) Address of TRH facility.
 - (2) Name of owner or owner's agent.
 - (3) Owner or owner's agent phone number(s).
 - (4) Owner or owner's agent email address.
 - (5) License number(s).
 - (6) Maximum number of occupants allowed.
 - (7) The County Health and Human Services complaint website:

Sawyercountygov.org/healthcomplaint

(d) *Notification to neighboring properties.*

- (1) Owner shall provide annually, by mail to each owner of real property within 300 feet of the perimeter of the TRH property, the following information:
 - a. Address of the TRH property.
 - b. TRH license number.
 - c. 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 Section 14-4-12(d)(1) by mail to the owner of each real property within 300 feet of the perimeter of the TRH property within ten days of such change.
- (3) The owner shall provide, upon request by the County Health Officer, a copy of the letter and list of all notification sent to neighboring properties. Failure to provide said letter/list of notifications to neighboring properties as required by this Section 14-4-12(d) shall be a basis upon which to terminate the TRH license.
- (4) The owner shall take all reasonable measures to respond and resolve any complaints.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-13. Room tax.

Every owner and licensee shall comply with the room tax reporting requirements of Wis. Stats. § 66.0615, as it may be amended, or as required by a local municipality with room taxation authority over the TRH property.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-14. Occupancy and minimum requirements.

(a) *Occupancy requirements.*

- (1) Occupancy 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 this Code.
- (3) Maximum occupancy of a TRH served by a POWTS shall be limited to residential wastewater design flow calculations of two persons per bedroom, plus two additional persons per licensed facility, or any other technologies, methods, or wastewater design flow estimates approved by Wisconsin Department of Safety and Professional Services (DSPS) in accordance with SPS 382 and 383.
- (4) Campers, RVs, tents, yurts, or other means of shelter to increase occupancy on the TRH property are prohibited.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-15. 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:

- (1) *Fire extinguisher.* Each tourist rooming house shall provide at least one fire extinguisher within the TRH property. If the extinguisher is not readily visible, one or more signs shall be posted indicating the location of the extinguisher.
- (2) *Fireworks.* Fireworks, as defined in Wis. Stats. § 167.10, as may be amended, may not be used or operated on a TRH property at anytime.
- (3) *Pets.* Any renter or person using or occupying the TRH property shall comply with all provisions of Sections 4-2-10 and 4-2-11 relating to control of animals. Renters or any other person using the TRH property shall maintain control of pets at all times.
- (4) *Minimum parking requirements.* All guest "off-street" parking must be contained on the TRH property. All guest "on-street" parking is prohibited, unless allowed by the governing entity having jurisdiction over the public road. Private roads, access, easements (including utility) may not be used as parking areas unless expressed written consent is given by all entities which have access to said easement.
- (5) *Secondary habitable structures.* Will not be allowed for overnight sleeping accommodation unless permitted as such by the County Zoning and Conservation Department and meets all other licensing requirements.
- (6) *Recreational burning.* Will be limited to fires contained within a pit or ring and must be at least 25 feet from the property line and any building, structure, or other combustible materials.
- (7) *Waste and recyclables.* Receptacles for waste and recyclables shall be stored in an enclosed structure or secured as to prevent wildlife, vermin, and insects from accessing and must be kept in a leak-proof, non-absorbent containers equipped with tight fitting covers. Containers must be emptied often and cleaned inside and outside regularly.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-16. Enforcement and violations.

- (a) *Enforcement.* The provisions of this article 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 pursuant to Sections 1-2-3 and 1-2-4 of this Code, as may be amended.
- (b) *Notice of violation to owner and licensee.* Notice of any violation of this article 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.
- (d) *Penalties.* The following penalties shall be assessed for violations of this article:
 - (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.

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- (2) In addition to forfeitures listed above, any violation of a provision of this article 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 or otherwise.
 - (e) *Other remedies for any violation of applicable laws.* Nothing in this article shall be construed as prohibiting enforcement of any other applicable law, including but not limited to this Code for public nuisance, public health hazards, or disorderly conduct.
 - (f) *Calls for service.* If three calls for service are received and verified by (affidavit) 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 Section 14-4-17, or the TRH license may be reinstated without further action. Three or more calls for service within three months may result in the revocation of the TRH license.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-17. Denial, suspension or revocation of tourist rooming house license.

- (a) *Authority.* The County Health Officer may deny any TRH license application, or suspend or revoke any TRH license issued under this article for noncompliance with this article or 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.
- (b) *Process.* The denial, suspension or revocation of any TRH license under this article shall follow the process set forth in Section 14-3-12 of this Code, as may be amended.
- (c) *Revocation of a license.* Sawyer County Health and Human Services shall provide notification to each owner of real property within 300 feet of the perimeter of a TRH property should a TRH license be revoked.

(Res. No. 2024-36, Exh. A, 10-17-2024)

Sec. 14-4-18. Effective date.

This article shall be effective upon passage and publication of the ordinance from which this article is derived as provided by law.

(Res. No. 2024-36, Exh. A, 10-17-2024)