ORDINANCE # 23-02
TOWN OF NEWPORT TOURIST ROOMING HOUSES

The Town Board of the Town of Newport, Columbia County, Wisconsin, does ordain as follows:

(A) Purpose and Applicability. This Ordinance shall govern the review, approval and licensing of Tourist Rooming Houses in the Town of Newport. Aside from Ordinary Maintenance and Repair, any enlargement, modification, intensification, or change in prior approval condition for such use shall require a new review, approval and license under this section. Use of a subject property as a Tourist Rooming House, legally established by a County Conditional Use Permit and licensed by the State prior to the effective date of this section July 15, 2014, but is now allowed under this Ordinance, shall be deemed to be properly licensed if it has already received a County Conditional Use Permit. The continued use of the subject property, including any modification, is subject to the provisions of this Ordinance, as may be amended from time to time.

(B) Definitions.

(1) Ordinary Maintenance and Repair. Repairs reasonably necessary to prevent the deterioration of a Tourist Rooming House, remodeling of the Tourist Rooming House, and necessary nonstructural repairs and alterations that do not extend, enlarge, or intensify the Tourist Rooming House.

(2) Tourist Rooming House. Any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourists or transients for a period not less than 1 night and not more than 29 consecutive nights. "Tourist rooming house" does not include:

(a) A private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.

(b) A hotel under Wis. Stats. §97.01(7).

(c) Bed and breakfast establishments under Wis. Stats. §97.0l(lg).

(3) Tourist/Transient. A person who travels to a location away from his or her permanent address for a short period of time for a vacation, pleasure, recreation, culture, business or employment, and who pays to lodge at a Tourist Rooming House.

(C) General Provisions.

(1) Findings. The Town of Newport desires to maintain the essential single family, owner-occupied or fulltime renter resident occupied character of the Town, particularly in the more densely developed areas of the Town. The Town has concerns that when Tourist Rooming Houses are located at too high of densities, located in too close a proximity to one another, and/or used as an income generating business, such uses may be detrimental to or endanger the character of the area and the public health, safety, and general welfare of the residents of surrounding lands, or could impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.

(2) Density. In considering density, the Town Board, among other factors, is to give consideration to the following factors:

(a) If the house sought to be licensed has been previously used as a tourist rooming house, then whether that Tourist Rooming House was legally established and licensed by the State and has received a County Conditional Use Permit, and operated according to that license and permit prior to the effective date of this ordinance.

(b) Whether the surrounding area is largely occupied by tourist-and/or recreation-oriented uses as opposed to single-family, owner-occupied residences.

(c) Whether topography, dense vegetation, or other feature effectively mitigates the impact of a lesser distance between Tourist Rooming Houses.

(d) Other factors which, in the Town's determination, are unique to the circumstances of the new Tourist Rooming House and/or existing Tourist Rooming House.

(3) Ownership.

(a) No Tourist Rooming House License shall be issued to any person for property the applicant has not owned for at least two years prior to the date of application. Property owned by a limited liability company shall be considered to be in the same ownership as ownership by the individual members of the LLC if such ownership and membership are identical. Property in the ownership of a trust shall be considered to be in the same ownership as ownership by the trustee or beneficiary of the trust if identical.

(b) No person shall be permitted to own or operate more than one

tourist rooming house in the Town nor shall multiple persons residing in the same household be permitted to operate multiple tourist rooming houses. A tourist rooming house owned in the name of a corporation, limited liability company, partnership or similar entity shall be considered owned by the same person as another tourist rooming house for purposes of this subsection if any individual natural person derives any income from the operation of both tourist rooming houses.

(4) Amount of Use as a Tourist Rooming House or Related Occupancy. No Tourist Rooming House may be rented to more than one person/group within a consecutive 7 day period and, accordingly the Tourist Rooming House may not be rented out more than 52 times a year.

(5) License Application Review Procedure. Each applicant for a Tourist Rooming House License shall first make application for a conditional use permit with the Columbia County Planning and Zoning Department, and then fill out a Town license application so that Town consideration of the County conditional use permit takes place concurrent with its consideration of the license application. Upon receipt of a complete application meeting all of the requirements of subsection (5), and a report from the Columbia County Planning and Zoning Department, the Town Clerk shall schedule a public hearing before the Town Plan Commission. This hearing shall occur concurrently with consideration of the petitioner's application for a conditional use permit with the County. After this hearing the Plan Commission shall recommend that the Town Board approve, approve with conditions, or reject the application for a license at the same time as its recommendation on the conditional use permit. Within 30 days of the Plan Commission recommendation, the Town Board shall act to approve, approve with conditions, or reject the conditional use permit and license application. No license application which has been rejected under this subsection shall be resubmitted until the passage of a period of twelve months from the date of final Town Board action, except on grounds of new evidence or proof of change of factors found valid by the Town Board.

(6) Town License Application Information. Each complete application to the Town for a Tourist Rooming House License under this section shall include the following:

(a) Names, addresses, phone numbers and e-mail addresses (if available) of the applicant, owner(s) of the property, architect, professional engineer, or attorney, if applicable.

(b) A narrative of the proposed use which including a description of the subject property by lot, block, and recorded subdivision or metes and bounds; the date the owner acquired the property along with a copy of the deed conveying title; address and parcel number of the

site; types of structure(s); proposed use(s); and methods to ensure ongoing maintenance and adherence to this section and other applicable Town, County, and State requirements.

(c) A site plan, drawn to scale and accurately showing the location, size, number, and surfacing of all existing and proposed structures, decks, porches, drives, parking spaces, entrances, sidewalks, trails, signs, fire pits, play areas, exterior lighting, piers, landscaping/wooded areas, other improvements, and drainage patterns.

(d) A fee as required by the Town Fee Schedule, which will be used by the Town to process the application.

(7) Review Criteria. In reviewing each license application, the Town will use the following criteria as a guide for making a decision:

(a) The Tourist Rooming House will meet all requirements of this section and all other applicable requirements of the Town Code of Ordinances.

(b) The establishment, maintenance, or operation of the proposed Tourist Rooming House will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.

(c) The Tourist Rooming House will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area, and will not significantly impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.

(d) The site and proposed Tourist Rooming House shall have adequate utilities, including adequate water capacity and an acceptable waste treatment and disposal system.

(d) The site and proposed Tourist Rooming House shall have safe and adequate access to streets and highways and suitable ingress and egress, and is situated or designed to minimize traffic congestion and to have minimal negative effect on traffic flow or on-street parking.

(8) Requirements and Conditions of Use. Except where specifically waived or modified by the Town Board, each Tourist Rooming House shall meet the following requirements, which may also be restated as conditions of license approval:

(a) Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of Tourists/Transients exceed eight regardless of the number of bedrooms in the unit. Two exits are required for each bedroom.

(b) The number of Tourist/Transient vehicles allowed on site is limited to the number of bedrooms in the tourist rooming house. For purposes of this ordinance, trailers of any kind shall be considered a separate vehicle whether or not they are attached to a motor vehicle. All off-street parking shall be on a paved or gravel surface, and shall be arranged to facilitate easy ingress/egress of all vehicles. The operator of the tourist rooming house shall provide notice for guests of all local parking regulations to ensure all on-street parking is conducted in accordance with Town ordinances.

(c) No recreational vehicle, tent, or accessory building may be used for living or sleeping purposes.

(d) Must meet all requirements associated with a single-family dwelling under Town and County ordinances, except where such ordinances provide for waivers for pre-existing dwellings.

(e) The appearance or use of the Tourist Rooming House shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.

(f) The availability of the Tourist Rooming House to the public and Tourists/Transients shall not be advertised on site.

(g) The Tourist Rooming House must be licensed by the State of Wisconsin.

(h) In addition to any State required license fee, each operator of a Tourist Rooming House shall provide the Town of Newport with an annual fee and an annual report on a form furnished by the Town to enable the Town to confirm compliance with any requirements or conditions of approval, the standards of this section, and any State reporting requirements

(i) The license shall not be transferable to another owner.

(j) If pets are allowed, property lines must be physically delineated by a fence, although the fence does not have to be designed to contain the pets on the subject property. Pet behavior must meet applicable Town ordinances.

(k) Quiet hours are to be observed. On weekdays they are between 10:00 p.m. and 8:00 a.m. and on weekends and holidays they are between 11 :00 p.m. and 8:00 a.m. Quiet means that noise levels at the property line shall not exceed 55 dBA.

(l) All fires are to be in proper fire pit structures and must be extinguished during established quiet hours.

(m) No fireworks, as regulated in Section 6.08 of this Town Code, are allowed at any time.

(n) A 24 hour contact number shall be provided to the Town Clerk for the owner and any property manager. An owner or property manager shall reside within 25 miles of the tourist rooming house.

(o) A sign no larger than 12" by 18 shall be placed near the primary entrance door with a 24 hour contact number in case of a complaint or emergency.

(p) A State sales tax number must be obtained and provided to the Town Clerk.

(q) Property must remain free from citation and charges for nuisance, disorderly conduct, or other illegal activity.

(r) Garbage and recycled materials shall be properly stored and regularly removed from the property.

(s) Events where large numbers of people (more than twice the permitted number of occupants) are temporarily present on the premises, such as weddings, are prohibited.

(t) Owner's website or other advertising shall state there are local government conditions and restrictions associated with this Tourist Rooming House use in order to maintain a

predominately single-family, owner-occupied character of the surrounding area.

(u) The owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.

(9) Inspection, Enforcement and Possible Revocation. The Town Constable, with reasonable cause, shall have the right of inspection for the purpose of determining compliance with this license during normal working hours or upon reasonable notice outside of normal hours. Any license granted under this Ordinance shall be subject to revocation or suspension by the Town Board for violations of this section. Upon receipt of a written complaint, explicitly documenting the specific violation of license provisions, filed with the Town Clerk, or signed by any law enforcement officer, health officer, fire commissioner or Town Constable, the matter shall be placed on the agenda of the next regular meeting of the Town Board. The Town Board shall review the complaint and may order a public hearing on such complaint or may determine an alternative remedy is appropriate. The holder of the license shall be given 30 days notice in writing of any hearing, and shall be entitled to appear and be heard why such license should not be suspended or revoked. A license may not be revoked without a public hearing.

(D) Penalties. Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than $200.00 nor more than $500.00, plus the costs of prosecution. Each day a violation exists or continues constitutes a separate offense under this ordinance. Penalties set forth in this section shall be in addition to all other remedies available under the law including, but not limited to, injunction, abatement, and license revocation or suspension.

(E) Severability. If any provision of this section is invalid or unconstitutional, or if the application of this section to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this section which can be given effect without the invalid or unconstitutional provision or application.

This Ordinance shall be effective upon the publication and/or posting, as provided by law.

[Signature page to follow]

Dated this 11 day of June, 2023

By the Town Board of the Town of Newport, Columbia County, Wisconsin

Mathew Brunn, Town Chair

Pat Beghin, Supervisor

Christopher Davis, Supervisor

Attest: _____
Christine Graap, Town Clerk