

Makowski Existing Parcels



SAUK COUNTY CERTIFIED SURVEY MAP No. _____

Located in Lots 1 - 12 and Lots 20 - 27, Lower Dells Village,
NW1/4-SE1/4 and NE1/4-SE1/4, Section 9, T13N, R6E,
City of Wisconsin Dells, Sauk County, Wisconsin.

Client: RRAD Development,
400 CTH "A"
Wisconsin Dells, WI, 53965

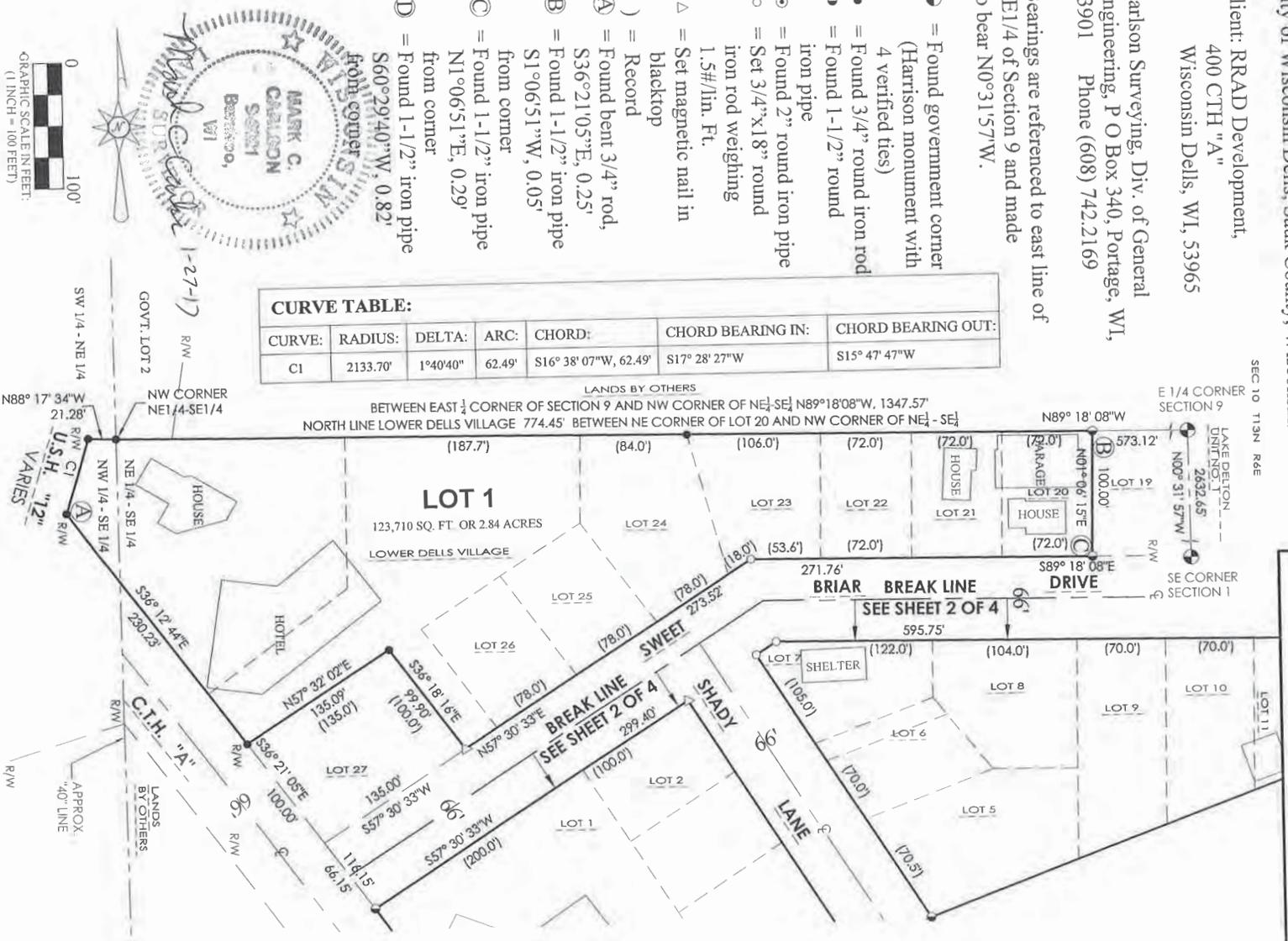
Carlson Surveying, Div. of General
Engineering, P O Box 340, Portage, WI,
53901 Phone (608) 742.2169

Bearings are referenced to east line of
SE1/4 of Section 9 and made
to bear N0°31'57"W.

- = Found government corner (Harrison monument with 4 verified ties)
- = Found 3/4" round iron rod
- = Found 1-1/2" round iron pipe
- ⊙ = Found 2" round iron pipe
- = Set 3/4"x1/8" round iron rod weighing 1.5#/lin. Ft.
- △ = Set magnetic nail in blacktop
- () = Record
- Ⓐ = Found bent 3/4" rod, S36°21'05"E, 0.25'
- Ⓑ = Found 1-1/2" iron pipe S1°06'51"W, 0.05' from corner
- Ⓒ = Found 1-1/2" iron pipe N1°06'51"E, 0.29' from corner
- Ⓓ = Found 1-1/2" iron pipe S60°29'40"W, 0.82' from corner

CURVE TABLE:

| CURVE: | RADIUS: | DELTA: | ARC: | CHORD: | CHORD BEARING IN: | CHORD BEARING OUT: |
|--------|----------|----------|--------|-----------------------|-------------------|--------------------|
| C1 | 2133.70' | 1°40'40" | 62.49' | S16° 38' 07"W, 62.49' | S17° 28' 27"W | S15° 47' 47"W |



SAUK COUNTY CERTIFIED SURVEY MAP NO. _____

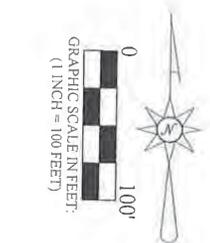
Located in Lots 1 - 12 and Lots 20 - 27, Lower Dells Village, NW1/4-SE1/4 and NE1/4-SE1/4, Section 9, T13N, R6E, City of Wisconsin Dells, Sauk County, Wisconsin.

Client: RRAD Development,
400 CTH "A"
Wisconsin Dells, WI, 53965

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Bearings are referenced to east line of
SE1/4 of Section 9 and made
to bear N0°31'57"W.

- = Found government corner
(Harrison monument with
4 verified ties)
- = Found 3/4" round iron rod
- = Found 1-1/2" round
iron pipe
- ⊙ = Found 2" round iron pipe
- = Set 3/4"x18" round
iron rod weighing
1.5#/lin. Ft.
- △ = Set magnetic nail
in blacktop.
- () = Record
- Ⓐ = Found bent 3/4" rod,
S36°21'05"E, 0.25'
- Ⓑ = Found 1-1/2" iron pipe
S1°06'51"W, 0.05'
from corner
- Ⓒ = Found 1-1/2" iron pipe
N1°06'51"E, 0.29'
from corner
- Ⓓ = Found 1-1/2" iron pipe
S60°29'40"W, 0.82'
from corner



SURVEYOR'S CERTIFICATE:

I, Mark C. Carlson, professional land surveyor, hereby certify that I have surveyed, divided and mapped a parcel of land located in Lots 1 - 12 and Lots 20 - 27, Lower Dells Village. NW1/4-SE1/4 and NE1/4-SE1/4, Section 9, T13N, R6E, City of Wisconsin Dells, Sauk County, Wisconsin. bounded by the following described line:

Commencing at the East 1/4 corner of said Section 9; thence N89°18'08"W along north line of said Lower Dells Village, 573.12 feet to the northeast corner of said Lot 20, Lower Dells Village and point of beginning; thence N89°18'08"W along said north line and its extension, 774.45 feet to the northwest corner of said NE1/4-SE1/4; thence N88°17'34"W, 21.28 feet to the east line of U. S. H. "12"; thence Southerly along east line of said U. S. H. "12" on a curve to the right, radius 2133.70 feet, whose chord bears S16°38'07"W, 62.49 feet to the northeasterly line of C. T. H. "A"; thence S36°12'44"E along said northeasterly line, 230.23 feet; thence S36°21'05"E along said northeasterly line, 166.15 feet; thence S35°48'12"E along said northeasterly line, 174.45 feet to southwest corner of lot 1, said Lower Dells Village; thence N69°43'10"E along south line of said Lots 1 and 4, 295.82 feet to the southeast corner of said Lot 4; thence N69°43'10"E, 67.52 feet to southwest corner of said Lot 5; thence N69°42'08"E along south line of said Lots 5, 9, 10, 11 and 12, 377.72 feet; thence N69°41'40"E along south line of said Lot 12, 130.45 feet to west line of Lot 1, CSM No. 4322; thence N0°45'06"E along west line of said CSM No. 4322, 38.50 to south line of Sweet Briar Drive; thence N89°18'08"W along south line of Sweet Briar Drive, 595.75 feet; thence S57°30'33"W along said south line, 19.04 feet to northeast line of Shady Lane; thence S32°26'42"E along northeast line of Shady Lane, 251.00 feet to southwest corner of said Lot 5; ; thence S69°43'10"W, 67.52 feet to southeast corner of said Lot 4; thence N32°26'42"W along southwest line of Shady Lane, 236.72 feet to south line of Sweet Briar Drive; thence S57°30'33"W along said south line, 299.40 feet to northwest corner of said Lot 1; thence N36°21'05"W along said northeasterly line of C. T. H. "A", 166.15 feet; thence N57°32'02"E, 135.09 feet; thence S36°18'16"E, 99.90 feet to north line of Sweet Briar Drive; thence N57°30'33"E along said north line, 273.52 feet; thence S89°18'08"E along said north line, 271.76 feet to southeast corner of said Lot 20; thence N1°06'15"E along east line of said Lot 20, 100.00 feet to point of beginning.

Said described parcel contains 261,190 square feet or 5.99 acres and is subject to easements of record.

That I have complied with the provisions of Chapter 236.34 Wisconsin Statutes, A-E 7 of the Wisconsin Administrative Code and the subdivision regulations of the City of Wisconsin Dells and Columbia County to the best of my knowledge, information and belief in surveying, mapping and dividing the same.

That such plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made.

That I have made such survey under the direction of Adam Makowski.

1-27-17
Date

Mark C Carlson
Mark C. Carlson



2425 Wisconsin Dells Parkway

Conditional Use Permit – Outdoor Entertainment, Outdoor commercial food and beverage service, Outdoor vender, Walk up service window, and building in excess of 45 ft in height.

Staff Report for Plan Commission, 02/13/17

The Planning & Zoning office has received a Conditional Use Permit and Site Plan application from Casco Inc. to allow outdoor entertainment on Sauk Co, City of Wis. Dells tax parcel 291-0102-00000. The principle use will be large amusement rides such as: 160' tower with two (2) Big Swings, two (2) high speed lifts, and a four (4) person observation ride; they also intend to have a 100' a vertical accelerator (used to be at Riverview Park). They may also have small smaller rides for younger children. The plan indicates and additional ride will be added in the future. The applicant intends to sell tickets from a standalone ticket booth. They also intend to construct a stand-along building for restrooms, concessions, and video. They would like to be able to sell brats and hot-dogs from outdoor grills. They may also sell a small amount of merchandise, such as T-shirts. The site map provided shows the location of these facilities and some additional storage facilities. It has been made clear that all the buildings will need to be on permanent foundations, no temporary structures will be permitted.

A Conditional Use permit is required for Outdoor entertainment venues, Outdoor commercial food and beverage service, outdoor vendors, walk up service windows, and buildings in excess of 45 ft in height. The applicant has operated similar rides at Riverview Park and Mt. Olympus.

Due to the large size of these structures, it seems possible that they could generate a significant amount of noise. Given the proximity of this project to existing businesses, any significant noise from this project could cause a legitimate nuisance. The applicant has stated that these rides do not generate any significant noises. As such, the applicant and/or operator of the rides will be held responsible for any noises that create a nuisance, and be subject to fines that may be issued as the result of noise complaints. It is also made clear that the applicant may not play any music or use any other kind of noise, amplified or not, to call attention to their facility. Any ambient music that may be played within the property will be strictly regulated so as not to cause a nuisance to surrounding properties. Given the thrilling nature of these rides, and the rather close proximity to the surrounding businesses, it seems other noises, such as screaming riders, could be significant at this site.

There may also be issues with how the applicant would like to provide concessions to their patrons. The Wisconsin State food licensing agency may not approve outdoor food preparation, such as a hotdog and brat grill. The applicant must clearly demonstrate that any food service they provide is wholly licensed and approved by the state food service licensing authority.

The proposed plan includes 24 parking spaces which is adequate for 72 patrons. It has not been made clear yet if the entire site is to be paved or otherwise improved. The City Zoning code requires the parking spaces to be paved. This property sits behind several properties, but appears to have access rights to Hwys 12 and 13. It seems possible that if the parking on the site is not properly controlled it could cause issues with the access lanes from the hways. The parking stalls are planned to be located immediately adjacent to the access road to STH 12. The parking stalls are indicated as being 28 ft deep, which is deeper than a standard parking stall. The deeper stalls may be helpful in preventing issues with the access road if a parking bumper is installed and it is clear the vehicles pull as far off the access road as possible. If issues do occur, the applicant may need to install additional parking control measures. The stalls should be marked. The applicant should also encourage their patrons to utilize the access to STH 12, as the STH 13 access currently experiences heavy traffic and congestion issues.

The applicant has stated the rides have a capacity of approximately 14 persons and they hope to have up to 40 people in the park at any one time. They appear to have adequate facilities for their use. However, it is difficult to determine how many people may be in an amusement park setting at any one time. Any approval should be contingent on the park ensuring they have adequate facilities for their customers.

Each bathroom would be adequate for 40 people, and each parking stall would be adequate for 3 people. The proposed plan includes a men's and women's bathroom, which could service 80 people.

As with any outdoor commercial activities, a major concern is with how the facility is operated and managed. The area must be well kempt and adequately controlled to ensure it does not become a nuisance to surrounding properties.

This property sits behind several properties, but appears to have access rights to Hwys 12 and 13. It seems possible that if the parking on the site is not properly controlled it could cause issues with the access lanes from the hwys.

It appears the plan includes utilizing the furthest west portions of the property, which includes steep grades and is a drainage route for the properties to the north. Adequate plans must be provided as to how the ground will be graded to accommodate the structure, and how the grading work will be stabilized so as not to impair the surrounding properties. Adequate plans must also be provided demonstrating how the storm water running through this property will be managed to ensure it does not create a new nuisance to surrounding properties.

This use itself does not initially appear to be completely out of place in the C-4 Commercial Large Scale Zoning district. The specifics of this site seem to pose some additional concerns. The somewhat landlocked position of this project, behind a number of existing restaurants seems a bit odd. It does not seem that this use should on its face present a significant nuisance to the surrounding properties. However, given the proposed layout of the rides and the grades and drainage issues on the west side of the property, it does not appear that an adequate site plan has been provided to the City to evaluate this project. It is not clear are the grades of neighboring properties will be protected, or how the storm water passing through this site will be managed to prevent the creation of nuisances to surrounding properties. The Site plan does not indicate where the utilities will be located to provide them water, sewer, and electric.

It is noted that there have been safety incidents on similar rides in the area in the past. They applicant clarified that they have no intention to have a "Terminal Velocity" type ride, such as the one on which a rider was injured on several year ago. The applicant has also responded to other safety concerns, such as a bungee incident at a Vertical Accelerator in the area. It seems reasonable for the City to consider this type of use and if it is something the City wants to allow. These rides do fall under the State Department of Safety and Professional Services regulations, and must obtain approvals from the State.

The applicant has submitted a revised site layout for their rides in an attempt to improve their fit on the site. The applicant has also stated that they will have addition Site plan information for the City soon. However, there appear to be access issues with the new plan. Until we receive and review that information the Site plan should either be tabled.

The City may want to make a decision whether or not to approve this CUP at this time based on this type of Outdoor entertainment. It is recommended that the Site plan approval for this project be tabled until adequate plans are provided that demonstrate how this project will be properly constructed.

Conditions of any CUP approval:

- 1) All associated license are obtained and in good standing.
- 2) All buildings are constructed on permanent foundations
- 3) The site does not generate any nuisances to surround properties, specifically noise nuisances.
- 4) Adequate parking and parking controls are installed to prevent this site form causing traffic flow problems on the access roads. The applicant should encourage patron to utilize the STH 12 access.
- 5) Additional Site plan approval will be obtained prior to the installation of an additional ride in the future.

Prepared by: Chris Tollaksen, City of Wisconsin Dells.

CONDITIONAL USE APPLICATION Wisconsin Dells, Wisconsin Version: May 21, 2007

General instructions. Complete this application as it applies to your project and submit one copy to the zoning administrator along with the required application fee. Before you formally submit your application and fee, you may submit one copy to the zoning administrator who will ensure it is complete. If you have any questions, don't hesitate to contact the zoning administrator at 608-253-2542. You may obtain a digital copy of this file from the zoning administrator.

- Office Use Only -

| | |
|-------------------------|-----------------|
| Initial application fee | <u>\$525.00</u> |
| Receipt number | <u>58532</u> |
| Application number | <u>2-2017</u> |

1. Applicant information

Applicant name CASCO INC RICHARD
 Street address W332 N5943 Louise Ln
 City Nashotah
 State and zip code WI 53055
 Daytime telephone number 262-391-1162
 Fax number, if any 262-966-2398
 E-mail, if any rushclark@aol.com

2. Subject property information

| | | |
|----------------------------------|-----------------|---|
| Street address | | |
| Parcel number | <u>291-0102</u> | Note: the parcel number can be found on the tax bill for the property or may be obtained from the City. |
| Current zoning classification(s) | | |
| Describe the current use | | |

3. Proposed use. Describe the proposed use.

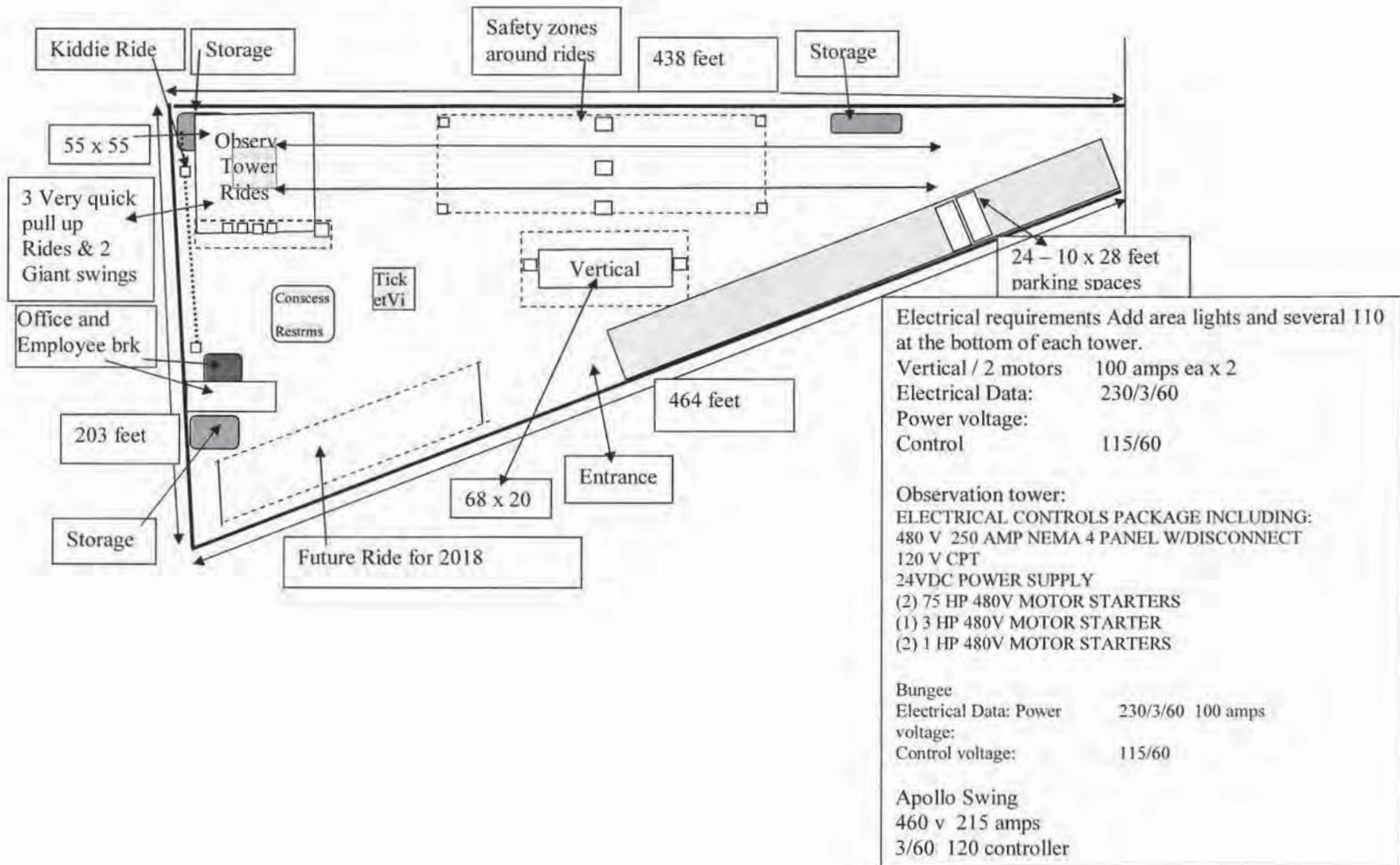
*Outdoor entertainment
 rides
 T-SHIRTS from Ticket Booth
 Walk up service window*

4. Operating conditions. For non-residential uses, describe anticipated operating conditions (hours of operation, conditions that may affect surrounding properties, etc.)

*7 days week
 10am - 12 p.m*

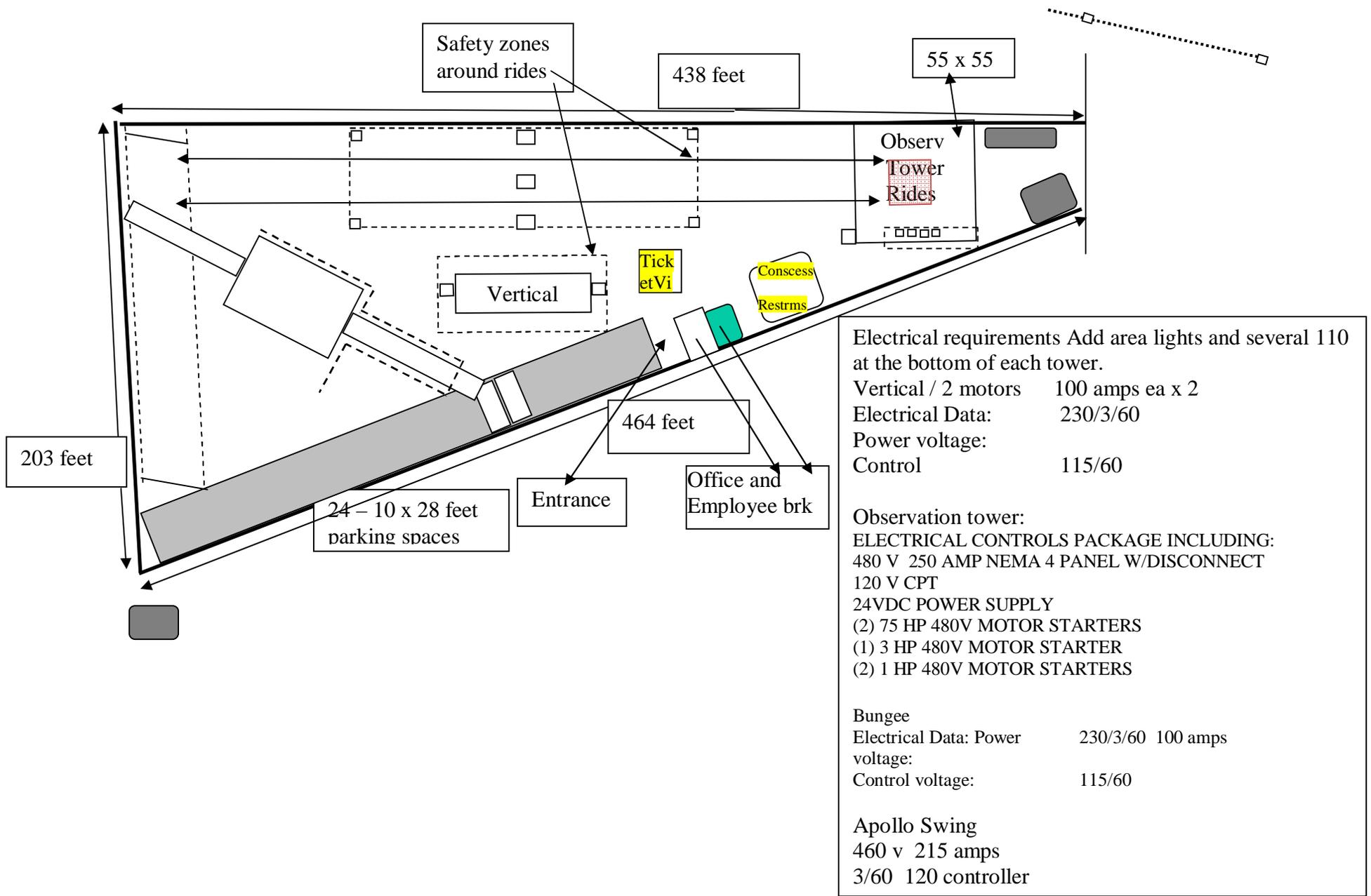
Preliminary Site layout

Richard Clark Amusement Park



REVISED SITE LAYOUT

Richard Clark Amusement Park





From: SHC [highthrill1@comcast.net]
Sent: Tuesday, February 07, 2017 2:45 PM
To: Chris Tollaksen
Cc: Richard
Subject: Re: drainage
Attachments: ob 5 IMG_0453.jpg

Mr. Tollaksen sir:

Please see attached a photo of our tower on 6 feet of non-level ground circumstances where we used foundations for the legs to level the tower. The tower is used as a pull up tower for our swings and two ghost rides and we will make certain with our engineers drainage is well considered. We may also be able to move the tower to the opposite end because the people swinging are approximately 100 feet up in the air at the end of swing and we may be able to simply swing above the 30 ft. difference elevation difference on that end. We will be meeting with our engineers this Thursday to resolve all of your issues brought up thus far.

Stat

From: "Chris Tollaksen" <ctollaksen@dellscitygov.com>
To: "SHC" <highthrill1@comcast.net>, rushclark@aol.com
Sent: Tuesday, February 7, 2017 12:16:33 PM
Subject: drainage

Further review of your site plan indicates that observation tower is planned for an elevated area that serves as a significant drainageway.

I will need significantly more detail about how you intend to prepare the site for the tower and how you will accommodate the stormwater drainage.

I have attached an overlay of your plan on the county map and contours, and if this is correct there are significant concerns. Unless I am missing something, I don't see how this plan can be approved at this time.

Chris Tollaksen
City Planner/Zoning Administrator
City of Wis. Dells
(608) 253-2542
Fax (608) 254-8904

From: SHC [highthrill1@comcast.net]
Sent: Wednesday, February 08, 2017 1:07 PM
To: Chris Tollaksen
Cc: Richard
Subject: Re: parking and rides

Please understand, a bungee cord did not snap. The cable connection became disconnected.

We have spent over \$50,000 for safety on this ride revamping the ride putting in complete double connections throughout the ride including putting dual cable winches on the ride.

Also please understand this is the first incident for the ride in over 15-20 years in the Dells and no riders have ever been injured and the same for the incident that happened at Mt. Olympus, the ride worked as it should have with the cable connection giving out while the ride was in stretch mode and not during operations.

The cable connection gave out due to an employee skipping procedures and even this has been changed in overall procedures with two employees signing off on the connection.

More will be explained about this incident in detail when we stop in to introduce ourselves this week.

Stat

From: "Chris Tollaksen" <ctollaksen@dellscitygov.com>
To: "SHC" <highthrill1@comcast.net>
Sent: Wednesday, February 8, 2017 11:23:07 AM
Subject: RE: parking and rides

Mr. Cochran,

I assume by your comment after the Vertical Accelerator ride that you are address the snapped bungee issue you had at Mt. Olympus. I will need more information about how you are revamping the safety of this ride.

Chris Tollaksen
City Planner/Zoning Administrator
City of Wis. Dells
(608) 253-2542
Fax (608) 254-8904

From: SHC [mailto:highthrill1@comcast.net]
Sent: Monday, February 06, 2017 2:59 PM
To: Chris Tollaksen
Cc: Richard
Subject: parking and rides

Mr. Clark inadvertently gave you the wrong drawing which had not been updated in his files.

Attached you will find an updated drawing with 24 - 10 feet wide x 28 feet long parking spots. (see attached drawing)

Ride # 1. The observation tower is 160 feet tall with 4 rides coming off of it. 2 swings 160 feet tall and 2 high speed lift rides 160 feet tall.

We also have a family lift ride with the Observation ride for a Husband/Wife and 2 children and a kiddie ride for the younger kids.

Ride # 2. The Vertical Accelerator ride is 100 feet tall for two rides going straight up into the air.

We at one time had this ride at Riverview Park several years back. We have revamped the overall safety of this ride.

Total capacity for the rides off the observation tower are 12 people at any one time.

Total capacity for the Vertical ride is 2 people at any one time

Park ride capacity is 14 people

Hope in park will be at any one time 40 people.

Safety Consultant

Stat Cochran

801-949 -8650

Richard,

Going through your drawing, there appear to be 14 parking spaces.

I will need an explanation from you on the maximum number of people you would expect at any one time, including the capacities of each ride.

Can you also please clarify the height of each ride? I still would like some literature of each ride.

Thank you.

Chris Tollaksen

City Planner/Zoning Administrator

City of Wis. Dells

(608) 253-2542

Fax (608) 254-8904

SITE PLAN APPLICATION
Wisconsin Dells, Wisconsin
Version: February 27, 2008

General instructions. Complete this application as it applies to your project and submit one copy to the zoning administrator along with the required application fee. Before you formally submit your application and fee, you may submit one copy to the zoning administrator who will ensure it is complete. If you have any questions, don't hesitate to contact the zoning administrator at 608-253-2542. You may obtain a digital copy of this form from the zoning administrator.

- Office Use Only -

| | |
|-------------------------|--------------|
| Initial application fee | \$300 |
| Receipt number | _____ |
| Application number | _____ |

1. Applicant information

Applicant name CASCO INC
 Street address 4332 N 57th Louise Ln
 City Nashotah WI
 State and zip code WI 53058
 Daytime telephone number 262-391-1162
 Fax number, if any 262-966-2395
 E-mail, if any rushclark@aol.com

2. Subject property information

| | | |
|----------------------------------|-----------------|---|
| Street address | | |
| Parcel number | <u>291-0102</u> | Note: the parcel number can be found on the tax bill for the property or may be obtained from the City. |
| Current zoning classification(s) | | |
| Describe the current use | | |

3. Proposed use. Describe the proposed use.

Outdoor Entertainment

4. Operating conditions. For non-residential uses, describe anticipated operating conditions (hours of operation, conditions that may affect surrounding properties, etc.)

7 day week
10AM - 12AM

5. Potential nuisances. Describe any potential nuisances relating to street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.

3.6 Residence, townhouse A building containing multiple dwelling units where they are adjacent to one another on separate lots each having separate entrances.

4.0 SPECIAL CARE FACILITIES

4.1 Adult family home A place and/or building, or portion thereof, licensed by the state under sec. 50.033 (1m), Wis. Stats.

4.2 Community living arrangement Any one of the following facilities: (1) residential care centers for children and youth, as defined in sec. 48.02 (15d), Wis. Stats., operated by a child welfare agency licensed under sec. 48.60, Wis. Stats.; (2) group homes for children, as defined in sec. 48.02 (7), Wis. Stats.; and (3) community-based residential facilities, as defined in sec. 50.01 (1g), Wis. Stats. The term does not include adult family homes, as defined in sec. 50.01, Wis. Stats., day care centers, nursing homes, general hospitals, special hospitals, prisons, and jails.

Community living arrangement, Type I A community living arrangement with 8 or fewer individuals.

Community living arrangement, Type II A community living arrangement with 9 to 15 individuals.

Community living arrangement, Type III A community living arrangement with more than 16 individuals.

4.3 Emergency shelter A place and/or building, or portion thereof, used or is intended to provide temporary housing and ancillary services to primarily indigent, needy, homeless, or transient individuals.

4.4 Foster home and treatment foster home A facility licensed by the state for the care of foster children and which is operated by a corporation, child welfare agency, church, or other such entity. (See sec. 48.62, Wis. Stats.)

4.5 Group day care center A facility licensed as a day care by the state where care is provided for 9 or more children.

4.6 Nursing home A place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require 24-hour nursing services, including limited nursing care, intermediate level nursing care, and skilled nursing services. The term does not include (1) a convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual; (2) a hospice as defined in state law; or (3) a residential care complex. (See sec. 50.01 (3), Wis. Stats.)

4.7 Retirement home A place and/or building, or portion thereof, used or is intended to provide independent living quarters, either owned or rented, to individuals generally 62 years of age or older. Limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home.

5.0 GROUP ACCOMMODATIONS

5.1 Campground A place and/or building, or portion thereof, used or is intended for public camping where people can camp, secure tents or cabins, or park trailers, camping trailers, pickup campers, automobiles, and recreational vehicles for camping and sleeping purposes. The term includes accessory buildings such as a laundromat and retail sales for the convenience of campground guests.

5.2 Group camp A place and/or building, or portion thereof, or tents or other structures maintained as living quarters that are used or is intended to be used by a group of individuals for recreational or educational purposes. The term includes youth camps and church camps.

5.3 Group lodging-Seasonal Workforce Housing facility A single unit or a multi-unit building in which 5 or more unrelated persons reside. By way of example, a group lodging facility may be a converted hotel or motel, a dormitory or a residence shared by 5 or more unrelated persons. The term does not include a bed and breakfast; a hotel, motel, or other facility regulated under chapter HRS 195, Wis. Admin. Code; an apartment building in which

the individual units have complete kitchen and bathroom facilities; and residential facilities for senior citizens or disabled persons licensed by the State.

- 5.4 Managed condominium project A building or buildings having a type of land ownership whereby individual dwelling units are sold and owned separately (i.e., condominium) but that are rented and occupied on a periodic basis by persons other than the owner. The project may include commercial amenities and activities commonly associated with hotels and clubs.
- 5.5 Overnight lodging A building, or portion thereof, ~~where sleeping accommodations are provided for pay to tourists or transients; and all related rooms, buildings, and areas. that has individual guest rooms with private bathrooms and may include recreational/fitness rooms for the exclusive use of guests.~~ The term includes hotels and motels and tourist rooming houses. It does not include bed and breakfast establishments.
- 5.6 Resort A place with lodging facilities and on-site amenities primarily intended for the use of overnight guests. Guest rooms may be located in one or more buildings and may include kitchen facilities. In addition to lodging facilities and recreational amenities such as golf, horseback riding, or lake/beach access, a resort may include a lodge or other gathering place for guests, dining facilities, administrative facilities, and maintenance and storage facilities.
- 5.7 Timeshare Project A building or buildings having a type of land ownership whereby individual dwelling units are used as time-share units pursuant to Chapter 707, Wis. Stats and any related sales activities, check-in and out services, member service centers, exchange services, and recreational or activities centers.

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|------------------------------------|
| 6.0 FOOD AND BEVERAGE SALES |
|------------------------------------|

- 6.1 Micro-brewery A place and/or building, or portion thereof, used or is intended for (1) the manufacture of malt beverages and (2) the sale and on-site consumption of those beverages, along with other beverages and food.
- 6.2 Restaurant A place and/or building, or portion thereof, used or is intended for the preparation and sale of food and beverages for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages. A restaurant may also prepare food as part of a catering business. The term does not include a grocery store with a food service section.
- 6.3 Tavern A place and/or building, or portion thereof, used or is intended for retail sales of alcoholic beverages for on-site consumption and where food consumption, if any, is clearly secondary to the sale of alcoholic beverages. The term includes bars and lounges.

| |
|--------------------------|
| 7.0 GENERAL SALES |
|--------------------------|

- 7.1 Agriculture sales A place and/or building, or portion thereof, used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations. The term includes feed/seed sales, irrigation equipment sales, farm machinery sales and repair, and the like. The term does not include wholesale sales.
- 7.2 Auction sales A place and/or building, or portion thereof, used or is intended to be used for auctioning goods to the general public. The term does not include estate sales and the like. Vehicle auctions are considered as vehicle sales and rentals.
- 7.3 Construction materials sales A place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses), and the like. The term does not include hardware stores, concrete plants, asphalt mixing plants, or any facility that manufactures building materials and offers them for retail sale on the premises.
- 7.4 Convenience sales A place and/or building, or portion thereof, used or is intended for personal services or retail sale of a limited product line of frequently needed personal items. The term includes convenience stores, small grocery stores, and the like.
- 7.5

Exhibit 5-1. Principal uses by district

| 1.0 | Agriculture | A-1 | A-2 | D-1 | R-1 | R-2 | R-3 | R-5 | R-9 | C-1 | C-2 | C-3 | C-4 | M-1 | I-1 | Special Standards |
|---|--|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------------|
| 1.1 | Agriculture – horticulture | P | P | - | - | - | - | - | - | - | - | - | - | - | - | |
| 1.2 | Agriculture - livestock | - | P | - | - | - | - | - | - | - | - | - | - | - | - | |
| 1.3 | Greenhouse | P | P | - | - | - | - | - | - | P | P | P | P | C | P | |
| 2.0 Resource-Based Uses | | | | | | | | | | | | | | | | |
| 2.1 | Aggregate extraction operation | C | C | - | - | - | - | - | - | - | - | - | - | - | C | |
| 2.2 | Forest management | P | P | P | - | - | - | - | - | - | - | - | - | - | - | |
| 2.3 | Game farm | P | P | P | - | - | - | - | - | - | - | - | - | - | - | |
| 2.4 | Hunting and fishing preserve | P | P | P | - | - | - | - | - | - | - | - | - | - | - | |
| 3.0 Residential | | | | | | | | | | | | | | | | |
| 3.1 | Mobile home park | - | - | - | - | - | - | - | P | - | - | - | - | - | - | 19.700 |
| 3.2 | Residence, single-family detached | P | P | - | P | P | P | - | - | P | C | - | - | C | - | 19.701 |
| 3.3 | Residence, two-family | - | - | - | P[2] | P | P | - | - | P | - | - | - | C | - | 19.702 |
| 3.4 | Residence, multi-family | - | - | - | - | - | C | C | - | C | - | - | C | C | - | 19.703 |
| 3.5 | Residence, townhouse | - | - | - | - | - | P | P | - | P | - | - | - | P | - | 19.704 |
| 4.0 Special Care Facilities | | | | | | | | | | | | | | | | |
| 4.1 | Adult family home | - | - | - | - | P | P | P | P | - | - | - | - | P | - | 19.705 |
| 4.2 | Community living arrangement, type I [3] | - | - | - | - | P | P | P | P | - | - | - | - | P | - | 19.706 |
| 4.2 | Community living arrangement, type II [3] | - | - | - | - | C | C | C | C | - | - | - | - | C | - | 19.706 |
| 4.2 | Community living arrangement, type III [3] | - | - | - | - | C | C | C | C | - | - | - | - | C | - | 19.706 |
| 4.3 | Emergency shelter | - | - | - | - | - | C | - | - | C | - | C | C | C | - | |
| 4.4 | Foster home and treatment foster home [4] | - | - | - | C | C | C | C | C | - | - | - | - | C | - | 19.707 |
| 4.5 | Group day care center | - | - | - | - | - | - | - | - | P | P | P | P | P | - | |
| 4.6 | Nursing home | - | - | - | - | - | C | C | - | C | - | - | - | C | - | |
| 4.7 | Retirement home | - | - | - | - | - | - | P | - | - | - | - | - | C | - | |
| 5.0 Group Accommodations¹ | | | | | | | | | | | | | | | | |
| 5.1 | Campground | - | - | - | - | - | - | - | - | - | - | P | P | - | - | 19.708 |
| 5.2 | Group camp | C | C | - | - | - | - | - | - | - | - | - | - | - | - | 19.709 |
| 5.3 | Group lodging/Seasonal Workforce facility | - | - | - | C | C | C | P | C | C | C | C | C | C | - | 19.710 |
| 5.4 | Managed condominium project | - | - | - | - | - | - | C | - | C | C | C | C | C | - | |
| 5.5 | Overnight lodging | - | - | - | - | - | - | - | - | C | C | C | C | C | - | |
| 5.6 | Resort | C | C | - | - | - | - | - | - | - | C | C | C | C | - | |
| 5.7 | Timeshare project | - | - | - | - | - | - | - | - | C | C | C | C | C | - | |
| 6.0 Food and Beverage Sales | | | | | | | | | | | | | | | | |
| 6.1 | Micro-brewery | - | - | - | - | - | - | - | - | C | P | P | P | C | - | |
| 6.2 | Restaurant | - | - | - | - | - | - | - | - | C | P | P | P | C | - | |
| 6.3 | Tavern | - | - | - | - | - | - | - | - | C | P | P | P | C | - | 19.711 |
| 7.0 General Sales | | | | | | | | | | | | | | | | |
| 7.1 | Agriculture sales | - | - | - | - | - | - | - | - | - | - | P | - | - | P | |
| 7.2 | Auction sales | - | - | - | - | - | - | - | - | - | - | P | - | - | P | |
| 7.3 | Construction materials sales | - | - | - | - | - | - | - | - | - | - | P | - | - | P | |
| 7.4 | Convenience sales | - | - | - | - | - | - | - | - | P | P | P | P | P | - | |
| 7.5 | General sales | - | - | - | - | - | - | - | - | - | P | P | P | P | - | |
| 7.6 | Manufactured housing sales | - | - | - | - | - | - | - | - | - | - | P | P | - | - | |
| 7.7 | Off-site liquor sales | - | - | - | - | - | - | - | - | - | P | P | P | - | - | |
| 7.8 | Secondhand sales | - | - | - | - | - | - | - | - | - | - | P | - | - | C | |
| 7.9 | Shopping center | - | - | - | - | - | - | - | - | - | - | P | P | - | - | |
| 7.10 | Specialty sales | - | - | - | - | - | - | - | - | P | P | P | P | P | C | |

¹ Editor’s note: A bed and breakfast is considered an accessory use and is therefore listed in Exhibit 5-2.
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**Division 6
SPECIAL STANDARDS FOR PRINCIPAL USES**

Sections:

| | | | |
|--------|---|--------|---------------------------------|
| 19.700 | Mobile home park | 19.717 | Veterinary clinic, small animal |
| 19.701 | Residence, single-family detached | 19.718 | Vehicle repair |
| 19.702 | Residence, two-family | 19.719 | Vehicle sales and rental |
| 19.703 | Residence, multi-family | 19.720 | Mini-storage facility |
| 19.704 | Residence, townhouse | 19.721 | Amusement ride |
| 19.705 | Adult family home | 19.722 | Animal menagerie/zoo |
| 19.706 | Community living arrangements | 19.723 | Animal shelter |
| 19.707 | Foster home and treatment foster home | 19.724 | Cemetery |
| 19.708 | Campground | 19.725 | Composting facility |
| 19.709 | Group camp | 19.726 | Recycling center |
| 19.710 | Group lodging <u>Seasonal Workforce</u> facility | 19.727 | Solid waste transfer station |
| 19.711 | Tavern | 19.728 | Telecommunication facility |
| 19.712 | Body-piercing establishment | 19.729 | Contractor yard |
| 19.713 | Commercial kennel | | |
| 19.714 | Sexually-oriented business | | |
| 19.715 | Tattoo establishment | | |
| 19.716 | Veterinary clinic, large animal | | |

19.700 Mobil home park

- (1) **Generally.** Mobile home parks shall comply with the provisions of this part and applicable state law.
- (2) **Minimum size.** The minimum size of a mobile home park shall be 5 acres.
- (3) **Uses.** Recreational vehicles may not be used for dwelling purposes. The following are permitted:
 - (a) one mobile home or manufactured home per designated space;
 - (b) one single-family dwelling for the operator or caretaker;
 - (c) service buildings such as administrative offices, laundromats, and recreational buildings provided that such uses are subordinate to the residential character of the park and are intended for use primarily by park residents; and
 - (d) accessory structures such as storage sheds, porches, and carports as may be approved by the park operator.
Accessory structures shall meet the minimum setback requirements prescribed for the basic mobile home unit.
- (4) **Density.** The maximum density shall be 10 spaces per gross acre.
- (5) **Park access.** The entrance to the mobile home park shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. Each access to the development shall be off of a street classified as a minor arterial, major collector, or minor collector as depicted on the official zoning map.
- (6) **Interior access.** Access to each mobile home space shall be off of a paved private street internal to the project.
- (7) **Interior street standards.** All interior streets shall be hard surfaced (concrete or asphalt). Paving requirements for interior streets shall adhere to locally applicable codes and shall meet the following width standards:
 - 2 way street, parking on both sides: 32 feet
 - 2 way street, parking on one side: 25 feet
 - 2 way street, parking prohibited: 18 feet

19.705 Adult family home

No adult family home described in sec. 50.01(1)(b), Wis. Stats., may be established within 2,500 feet of another such facility or any community living arrangement. An agent may apply for an exception to this requirement, and the common council at its discretion may grant the exception. (See sec. 56.69(15)(br), Wis. Stats.) An adult family home certified under sec. 50.032(1m)(b), Wis. Stats., are exempt from this provision. (See sec. 62.23 (7)(i)(9), Wis. Stats.)

19.706 Community living arrangements

No community living arrangement may be established within 2,500 feet of another such facility. Agents of a facility may apply for an exception to this requirement, and the common council at its discretion may grant the exception. Two community living arrangements may be adjacent if allowed by the common council and if both facilities comprise essential components of a single program. (See sec. 62.23 (7)(i)(1), Wis. Stats.) A foster home or a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under sec. 48.62, Wis. Stats., are exempt from this provision. (See sec. 62.23 (7)(i)(9), Wis. Stats.)

19.707 Foster home and treatment foster home (operated as a principal use)

- (1) **Proximity to other such facility.** No foster home or treatment foster home that is operated by a corporation, child welfare agency, church, association of public agencies, shall be established within 2,500 feet of another such facility. An agent may apply for an exception to this requirement, and the common council at its discretion may grant the exception. (See sec. 62.23 (7)(i)(2m), Wis. Stats.)
- (2) **State licensing.** Prior to establishment of this use and at periodic intervals that may be required thereafter, the operator shall obtain and maintain a license as provided for in sec. 48.75 Wis. Stats.

19.708 Campground

- (1) **Generally.** In addition to the other applicable design and improvement requirements contained in this chapter, campgrounds shall comply with the provisions of this part and applicable state law.
- (2) **Maintenance responsibility.** The owner of the campground shall maintain the campground in a clean and sanitary manner.
- (3) **Accessory facilities.** Accessory facilities (e.g., laundry, food sales) may be allowed as a service to the occupants but shall be designed, operated, and located to inhibit use by non-occupants.
- (4) **Density.** The density shall not exceed 25 spaces per acre (gross).
- (5) **Recreation area.** At least 8 percent of the gross site area or 2,500 square feet, whichever is greater, shall be dedicated for on-site recreational purposes and shall be easily accessible from all spaces.
- (6) **Access.** Recreational vehicle spaces shall be arranged to permit the safe and practical placement and removal of vehicles from a private street internal to the development.
- (7) **Setbacks from property line.** A campground space shall be no closer than 40 feet to the perimeter property line of the site.
- (8) **Solid waste collection.** An off-street area for the collection of solid waste shall be provided.
- (9) **State licensing requirements.** Prior to establishment of this use and at periodic intervals that may be required thereafter, the operator shall obtain and maintain a license from the Wisconsin Department of Health and Family Services as required by state law. (See chapter HFS 178, Wis. Admin. Code.)
- (10) **Local licensing.** Prior to establishment of this use and every year thereafter, the operator shall obtain a license from the city consistent with chapter 16 of the municipal code.

19.709 Group camp

A group camp shall meet the same standards as a campground.

19.710 ~~Group lodging~~ Seasonal Workforce facility

- (1) **Use restrictions.** No portion of an overnight lodging facility may be used as a ~~group lodging~~ Seasonal Workforce facility, except for those individuals that are employed at the overnight lodging facility.
- (2) **Local licensing.** Prior to establishment of this use and every year thereafter, the operator shall obtain a license from the city consistent with chapter 16 of the municipal code.

19.711 Tavern

- (1) **General standards.** Taverns shall comply with locational standards as may be adopted by the state.

Exhibit 6-1. Off-street parking standards

| 1.0 | Agriculture | Standard |
|------------------------------------|---|---|
| 1.1 | Agriculture, horticulture | On-site parking not required |
| 1.2 | Agriculture, livestock | On-site parking not required |
| 1.3 | Greenhouse | 1 space for each employee on the largest work shift |
| 2.0 Resource-Based Uses | | |
| 2.1 | Aggregate extraction operation | 1 space for each employee on the largest work shift |
| 2.2 | Forestry | On-site parking not required |
| 2.3 | Game farm | On-site parking not required |
| 2.4 | Hunting and fishing preserve | On-site parking not required |
| 3.0 Residential | | |
| 3.1 | Mobile home park | 2 spaces for each designated mobile home/manufactured home space; plus 1 space for visitor parking for each 8 dwelling units |
| 3.2 | Residence, single-family detached | 2 spaces |
| 3.3 | Residence, two-family | 2 spaces for each dwelling unit |
| 3.4 | Residence, multi-family | 2 spaces for every dwelling unit; plus 1 space for visitor parking for every 8 dwelling units if the building fronts a street with no on-street parking |
| 3.5 | Residence, townhouse | 2 spaces for every dwelling unit; plus 1 space for visitor parking for every 8 dwelling units if the building fronts a street with no on-street parking |
| 4.0 Special Care Facilities | | |
| 4.1 | Adult family home | 1 space for each 2 adults the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift |
| 4.2 | Community living arrangement, type I | 3 spaces for each building |
| 4.2 | Community living arrangement, type II | 4 spaces for each building |
| 4.2 | Community living arrangement, type III | 5 spaces for each building |
| 4.3 | Emergency shelter | 1 space for each 500 square feet of gross floor area devoted to patron services; plus 1 space for each employee on the largest work shift |
| 4.4 | Foster home and treatment foster home | 1 space for each employee on the largest work shift |
| 4.5 | Group day care center | 1 space for each 2 children the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift |
| 4.6 | Nursing home | 1 space for each 3 beds, plus 1 space for each employee on the largest work shift |
| 4.7 | Retirement home | 1 space for each unit; plus 1 space for each employee on the largest work shift |
| 5.0 Group Accommodations | | |
| 5.1 | Campground | 1 space at each camping space, plus 1 space for every 15 camping spaces located at the office if one is provided |
| 5.2 | Group camp | 1 space at each camping space, plus 1 space for every 15 camping spaces located at the office if one is provided |
| 5.3 | Group lodging <u>Seasonal Workforce</u> facility | 1 space for each 400 square feet in each sleeping room |
| 5.4 | Managed condominium project | 1.5 space for each dwelling unit, plus 1 space for each employee on the evening work shift |
| 5.5 | Overnight lodging | 1 space for each guest room; plus 1 space for each employee on the evening work shift |
| 5.6 | Resort | 1 space for each guest room; plus 1 space for each employee on the evening work shift |
| 5.7 | Timeshare project | 1.5 space for each dwelling unit, plus 1 space for each employee on the evening work shift |

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City of Wisconsin Dells

ORDINANCE NO. _____

(Tourist Rooming House)

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

The term "Tourist Rooming House" is used in Wisconsin in connection with the regulation of short-term rentals of residential overnight lodging accommodations. The purpose of this ordinance is set forth in the purpose section below. This measure is modeled on the Village of Lake Delton Ordinance.

SECTION II: PROVISION CREATED

Wisconsin Dells Code Sec. 16.35 is created.

SECTION III: PROVISION AS CREATED:

16.35 TOURIST ROOMING HOUSE

- (1) **Purpose.** The purpose of this section is to ensure that the quality of tourist rooming houses operating within the City is adequate to protect public health, safety and general welfare, including establishing minimum standards of space for human occupancy, for adequate levels of maintenance, determining the responsibilities of owners, operators and property managers offering these properties for tourists, to protect the character and stability of City neighborhoods, to provide minimum standards for the health and safety of persons occupying or using the regulated premises; and, provisions for the administration and enforcement.
- (2) **Definitions.**
 - (a) **Bathroom.** Full bath.
 - (b) **Clerk.** The City Clerk of the City of Wisconsin Dells, or designee.

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- (c) **Corporate Entity:** A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.
- (d) **Dwelling Unit:** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family. Dwelling Units include residential, tourist rooming house, seasonal employee housing and dormitory units.
- (e) **License.** The Property Management License issued under 16.35(4).
- (f) **Owner .** The owner of a tourist rooming house.
- (g) **Permit.** An individual tourist rooming house permit issued under sub. sec. (4).
- (h) **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, receiver or other representative appointed according to law. Whenever the word person is used in any section of this section prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members, and as to corporations, shall include the officers, agents or members who are responsible for any violation of this section.
- (i) **Resident Agent.** Any person appointed by the owner of a tourist rooming house to act as agent on behalf of the owner.
- (j) **Property Manager.** Any person providing property management services to a least five (5) tourist rooming houses.
- (k) **Short Term Rental.** The rental of a dwelling unit for a period of less than 29 consecutive days.
- (l) **State.** The State of Wisconsin Department of Health, or its designee.
- (m) **Tourist Rooming House.** Any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourists or transients. Houses, cabins, and/or condominium units operated by a hotel, motel or resort are not tourist rooming houses under this section.

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- (n) **Tourist Rooming House Complex.** A condominium with eight (8) or more units operating as tourist rooming houses.
- (3) **Operation of Tourist Rooming Houses.**
- (a) Tourist Room Houses are a form of overnight lodging (Code Sec. 19.11.5.5) conditionally permitted in the following districts: C-1, C-2, C-3, C-4 and M-1)
 - (b) No person may operate a tourist rooming house without a tourist rooming house permit. Every tourist rooming house shall be operated by a Resident Agent or licensed Property Manager.
 - (c) Each tourist rooming house is required to have the following licenses and permits:
 - 1. State of Wisconsin Department of Health Service License
 - 2. Seller's permit issued by the Wisconsin Department of Revenue;
 - 3. Conditional Use Permit;
 - 4. Wisconsin Department of Revenue Premier Resort Tax number;
 - 5. Room Tax Permit; and
 - 6. Permit or license issued pursuant to the provisions of this Section.
 - (d) Exemptions. The following activities are exempt from complying with the requirements of this section:
 - 1. Private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
 - 2. Hotel, motel or resort license issued by the State of Wisconsin Department of Health Services, pursuant to Wis. Stats. sec.254.64.
 - 3. Bed and breakfast establishments.
- (4) **Tourist Rooming House Permit; Property Manager License.**
- (a) The Clerk shall issue an original tourist rooming house permit to all applicants following the approval of an application by the Common Council and the filing of all documents and records required under this Section.

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- (b) The Clerk shall issue a property manager license to all applicants following the approval of the application by the Common Council and the filing of all documents and records required under this Section.
 - (c) No person may act as a property manager of a tourist rooming house without a property manager license issued in accordance with the provisions of this Section. The property manager license shall apply to all tourist rooming houses for which the property manager has exclusive rights for the rental of the property. The property manager must certify to the City that each tourist rooming house operating under the property manager license complies with the standards of this Section.
 - (d) All Property Managers shall carry casualty and liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than \$300,000 per individual and \$1,000,000 aggregate.
 - (e) Certification of compliance. As a condition of issuance of a license under this Chapter, the Property Manager shall certify that each managed property is in compliance with the terms and conditions of the license and this Section.
- (5) **Resident Agent; Property Manager.**
- (a) All tourist rooming houses are required to appoint a Resident Agent for the receipt of service of notice of violation of this Section's provisions and for service of process pursuant to this Section. Such a designation shall be made by the owner and shall accompany each application form. The applicant shall immediately notify the Clerk of any change in residence or information regarding the Resident Agent.
 - (b) To qualify as a Resident Agent the person must meet the following requirements:
 1. Be a natural person residing in or within twenty-five (25) miles of the City of Wisconsin Dells; or a corporate entity with offices located within twenty-five (25) miles of the City of Wisconsin Dells.

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2. The applicant does not have pending any criminal charge and has not been convicted of a felony or misdemeanor of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under Wis. Stat. Chap. 944, as amended.
 3. The applicant is authorized by owner to accept service of process for all City communications, citations and orders.
- (c) Resident Agent Permit. Application for a Resident Agent permit, and payment of the application fee, shall be filed with the Clerk, who shall issue the permit to all qualified applicants. Each Resident Agent permit shall be for a period of one (1) year commencing on July 1, or the date of issuance, and shall expire on June 30 of each year. No fee is required for the owner of a tourist rooming house residing within twenty-five (25) miles of the City of Wisconsin Dells who is serving as Resident Agent.
- (d) Property Manager License. No person may act as a property manager for a tourist rooming house without a property manager license issued in accordance with the provisions of this Section. The property manager license shall apply to all tourist rooming houses for which the property manager has exclusive rights for the rental the property. The property manager shall serve as the Resident Agent for the property owner. The property manager must certify to the City that each tourist rooming house operating under the license complies with the standards of this Section.
- (e) Property Manager qualifications. To qualify as a Property Manager the applicant must meet the following requirements:
1. Comply with the qualifications for a Resident Agent as set forth in 5(b).
 2. Shall be managing not less than five (5) tourist rooming houses operating in the City of Wisconsin Dells.
 3. Shall hold the following licenses and permits in its name:
 - a. Seller's Permit issued by the Wisconsin Department of Revenue;
 - b. Room Tax Permit issued by the City of Wisconsin Dells;

- c. Employer identification number issued by the Internal Revenue Service;
 - d. Wisconsin Department of Revenue Premier Resort Tax number.
- (f) Each Resident Agent and Property Manager shall be authorized by the property owner to act as the agent for the owner for the receipt of service of notice of violation of this Section's provisions and for service of process pursuant to this Section and shall be authorized by the owner to allow City employees, officers and their designees, to enter the owner's property for purposes of inspection and enforcement of this Chapter and/or the City Code.
- (6) **Procedure.**
- (a) All applications for a tourist rooming house permit shall be filed with the Clerk on forms provided. Applications must be filed by the property owner or on the owner's behalf by the licensed Property Manager. Each applicant shall certify that the tourist rooming house included in the permit is in compliance with the provisions of this Section. No permit shall be issued unless the completed application form is accompanied by payment of the required fee.
 - (b) Each application shall include the following information and documentation for each tourist rooming house unit:
 - 1. Conditional Use Permit (or application).
 - 2. State of Wisconsin Department of Health Services License for a tourist rooming house license issued under Wis. Stats. sec. 254.64
 - 3. Copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal.
 - 4. Wisconsin Department of Revenue Premier Resort Sales Tax Number.
 - 5. Proof of Insurance.
 - 6. Seller's Permit from the Department
 - 7. Floor plan and requested maximum occupancy
 - 8. Site plan including available onsite parking.
 - 9. Property Management Agreement (if applicable)
 - 10. Designation of the Resident Agent.

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11. Certification from the owner or licensee that the property meets the requirements of (12) below.
 12. Applications for renewal permits filed by Property Managers are not required to include the documentation for each individual unit for items listed in subparagraph 4, 5, 6, 7, 8, 9, 10, unless the information on the renewal application has changed.
- (c) Terms and Filing date. Each permit and license shall run from July 1 through June 30 of the following year. All applications must be filed on or before May 1. The filing fee shall be paid upon filing of the application. The Clerk may conditionally accept untimely filed applications, subject to payment of a penalty filing fee. Any application which does not include all of the information and documentation shall not be considered as complete.
- (d) Application/Renewal Review Procedure.
1. Initial applications for a Tourist Rooming House (TRH) site shall be accompanied by a Conditional Use Permit (CUP) application. The CUP and TRH applications shall proceed simultaneously.
 2. TRH applications and annual renewals shall be accepted and reviewed by the Building Inspector/Planning & Zoning Administration who shall prepare and submit a report and recommendation to the appropriate Common Council Committee. The Committee shall make a recommendation to the Common Council which shall approve or deny the application.
 3. Approvals may include conditions and restrictions. Denials shall be based upon specified reasons; and non-renewal denials shall be subject to due process standards of notice and opportunity to be heard.
- (e) The City shall issue a permit for each tourist rooming house approved by the Common Council . The permit shall include the following information:
1. Identify the Property Owner;

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2. Identify the Resident Agent/Property Manager with contact information;
 3. The maximum occupancy for the premises;
 4. The permit term;
 5. State lodging license number; and
 6. Contact information for the City.
- (f) No permit or license shall be issued or renewed unless there is filed with the Building Inspector a completed Fire Inspection Report dated not more than one (1) year before the date of issuance or renewal.
- (g) No permit or license shall be issued or renewed, if the applicant or property has outstanding fees, taxes or forfeitures owed to the City, unless arrangements for payment have been approved by the Common Council.
- (h) **Electronic Filing.** Applications, reports and supporting documentation filed under this section may be filed electronically in the manner and form prescribed by the City Clerk.
- (7) **Renewal.**
- (a) Each application for a renewal of a permit shall include updated information for the documentation on file with the City and payment of the applicable fee. The Building Inspector/Zoning Administrator shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Section. The Building Inspector/Zoning Administrator shall request reports from the Police Department and the Zoning Administrator regarding any complaints received, calls for service or actions taken regarding the permitted properties. The Building Inspector/Zoning Administrator shall issue renewal permits within ten (10) days of the filing of the application unless the information provided is incomplete or otherwise not in compliance with the requirements of this Section and/or the reports from the Police Department and the Zoning Administrator indicate that there are complaints or actions involving the property.
 - (b) If the Building Inspector/Zoning Administrator finds that the license or permit should not be renewed, or that the application should be considered by the designated Common Council/Committee, the Building Inspector/Zoning Administrator shall forward the application to the

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appropriate Common Council Committee for action along with a written explanation of the reason for referral.

- (c) No permit shall be issued or renewed unless there is filed with the Building Inspector/Zoning Administrator a completed Fire Inspection Report by the City fire inspector dated within one (1) year of the issue date.
 - (d) No permit or license shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the City, or is under an order issued by the Building Inspector, or designee, to bring the premises into compliance with City ordinances, unless arrangements for payment have been approved by the Common Council.
- (8) **Room Tax.**
- (a) Each tourist rooming house shall comply with the room tax reporting requirements of the City Code.
 - (b) Each Property Manager Licensee shall file consolidated room tax returns for the managed tourist rooming houses.
 - (c) All tax returns and supporting documentation filed with the Clerk are confidential and subject to the protections provided under the City Code and Wis. Stat. secs. 66.0 615(3) and 77.61.
- (9) **Inspections.**
- (a) Each separate unit which is offered for rental as a tourist rooming house is required to be inspected annually by the State and the City Fire Inspector. If the State fails to inspect the tourist rooming house, the applicant may request that the building inspector conduct the inspection.
 - (b) If the Building Inspector conducts the inspection, the holder of a permit or license shall be responsible for payment of the inspection fees.

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- (c) If the Building Inspector or Fire Inspector at any time is unable to conduct an inspection due to denial of access, the tourist rooming house shall not operate until it has passed the inspection.
- (10) **Display of Permit.** Each permit shall be displayed on the inside of the main entrance door of each tourist rooming house.
- (11) **Standards for Tourist Rooming Houses.** Each tourist rooming house shall comply with the requirements of this Section and any other applicable City ordinance; and failure to do so constitutes a nuisance. Each tourist rooming house shall comply with the following minimum standards:
 - (a) not less than one (1) bathroom for every six (6) occupants.
 - (b) not less one hundred fifty (150) square feet of floor space for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room area. Floor space is determined using interior measurements of each room. Floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people.
 - (c) each tourist rooming house complex shall have a designated manager residing on the premises.
 - (d) not less than one and one quarter (1 ¼) onsite off-street parking spaces for every four (4) occupants based upon maximum occupancy.
 - (e) a safe, unobstructed means of egress leading to safe, open space at ground level.
 - (f) shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Wis. Admin. Code Chap SPS 362.
 - (g) shall not have an accessible wood burning fireplace unless the owner provides a certificate from a licensed commercial building inspector, dated not more than thirty (30) days prior to submission, certifying that

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the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.

- (h) shall not have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose on any balcony, deck or under any overhanging structure or within ten (10) feet of any structure.
- (12) **Fees.** The City may establish by resolution fees related to TRH regulation, including, without limitation, application, inspection and renewal.
- (13) **Enforcement.**
 - (a) The provisions of this ordinance shall be enforced by the Fire Chief, Chief of Police, Building Inspector, Zoning Administrator, Code Compliance Officer, or their designees or agents.
 - (b) Owners and others shall be subject to fines or forfeitures for failure to abide by the terms of this ordinance or other relevant city or state codes or regulations; including, without limitation, the provisions of Code Sec. 17.10 "Chronic Nuisance Premises"; and, for failure to observe or implement license conditions. The penalty provisions of Code Sec. 30.04 shall apply. Each day a violation continues shall constitute a separate offense.
 - (c) Repeated and unabated violations of this cost may also subject the permit to non-renewal, suspension or revocation proceedings. Such proceedings shall include written notice to the permit holder, a hearing and decision by the Common Council.
 - (d) If a license is non-renewed, suspended or revoked, the City shall take those actions necessary to protect the interests of effected occupants.

SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

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SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication and as provided by statute.

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 16.

Brian L. Landers, Mayor

Nancy R. Holzem, Clerk

INTRODUCED: _____

PUBLISHED: _____

PASSED: _____

January 11, 2017