

**COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
MARCH 20, 2017**

Mayor Landers called the meeting to order at 7:00P.M. Notice of the meeting was provided to the *Dells Events*, WNNO Radio, and posted in accordance with State Statutes.

1. Present: First District Alderpersons Jesse DeFosse and Brian Holzem
Second District Alderperson Mike Freel
Third District Alderpersons Ed Fox and Ed Wojnicz

Excused: Second District Alderperson Dar Mor

Others: City Treasurer Karen Terry, Planning & Zoning Administrator Chris Tollaksen, Police Chief Jody Ward, Lieutenant Perry Mayer, City Attorney Joseph Hasler, Kelli Trumble, Shane Bagley, Justin Draper, Adam Makowski, Jason Hallowell, Craig Kienbaum, Ben Anderson, Jed Seidl and family, and Ed Legge from the *Dells Events*.
2. The Pledge of Allegiance was said.
3. Motion by Ald. Holzem seconded by Ald. Wojnicz to approve the following consent agenda items:
 - a. February 13, 2017 Common Council meeting minutes.
 - b. Schedule of Bills Payable dated March 20, 2017.
 - c. Approval of Bartender Licenses to Brian Godfrey-Arnold and Julie Kick; and to deny the application submitted by Matthew R. Johnson.Motion carried unanimously.
4. Updates were given by committee chairpersons.
5. During citizen appearances, Justin Draper commented about the double parking of the Greyhound buses on Broadway while they load/unload. Police Jody Ward stated that it will only be a couple more weeks until they move to a new location.
6. Mayor Landers presented retiring Officer Jed Seidl with a Proclamation honoring his 29 years of service.
7. National Service Day Proclamation was adopted.
8. Motion by Ald. Wojnicz seconded by Ald. Holzem to deny the Notice of Claim submitted by Kelly Kienbaum. Motion carried unanimously.
9. Motion by Ald. DeFosse seconded by Ald. Holzem to approve the application for a Special Events Permit submitted by San Antonio Mexican Restaurant for Cinco de Mayo Festival on Eddy Street, Friday, May 5, 2017. Motion carried unanimously.
10. Motion by Ald. DeFosse seconded by Ald. Holzem to approve the application for a Special Events Permit submitted by the BID Committee for a Sunday morning Farmers' Market in part of parking lot number 8, next to the JAG, mid-May through mid-October. Ald. Freel stated that he felt this was a bad location as it's the first area to fill up with cars and that locals who want to attend would have no place to park. He added that Elm or Cedar Streets would have been a better location. Mayor Landers stated that the farmers' market sub-committee did research other locations and we have to trust their judgment. Ald. Wojnicz stated that it could be done there for this year and changed next year if it does not work out. Motion carried 4-1 with Ald. Freel voting no.
11. Motion by Ald. Holzem seconded by Ald. Freel to approve the application for a Special Events Permit submitted by Mt. Olympus for a car show event Friday, May 19, 2017 and Saturday, May 20, 2017. Mayor Landers asked Chief Ward if he felt there would be any issues with this and Chief replied no. Motion carried unanimously.
12. Motion by Ald. DeFosse seconded by Ald. Wojnicz to approve the application for a Special Events Permit submitted by Just a Game Field House for a 5K run and street

party on Saturday, June 24, 2017 on La Crosse and Eddy Streets. Motion carried unanimously.

13. Motion by Ald. Holzem seconded by Ald. Fox to approve the application for a Special Events Permit submitted by the BID Committee for a 4th of July Celebration to include fireworks, a 5K run, live music and food vendors. Motion carried unanimously.
14. Motion by Ald. Freel seconded by Ald. DeFosse to approve the application for a Special Events Permit submitted by the Wisconsin Dells Cross Country Booster Club for a mud run on Saturday, August 5, 2017. Motion carried unanimously.
15. Motion by Ald. Holzem seconded by Ald. Freel to approve the application for an Original Class B Beer & Class C Wine License submitted by Mama Z's Grill LLC, Chris Lechnir agent, for Mama Z's Restaurant, 1101 Broadway, for the licensing period of March 27, 2017 thru June 30, 2017. Motion carried unanimously.
16. Motion by Ald. Freel seconded by Ald. Wojnicz to approve the application for an Original Class A Liquor License submitted by Carr Valley Cheese Co., Inc, Shanalee Carden agent, for Carr Valley Cheese, 420 Broadway, for the licensing period of April 1, 2017 thru June 30, 2017. Motion carried unanimously. This license is will be used to sell bottles of wine for off-premise consumption.
17. Motion by Ald. DeFosse seconded by Ald. Wojnicz to approve the requested submitted by High Rock Inc. to amend the premises description on their Class B Beer & Class B Liquor License to include the building next door (737 Oak Street) for the Side Bar. Motion carried unanimously.
18. Motion by Ald. Holzem seconded by Ald. Wojnicz to approve the following applications for renewal of Taxicab Service Licenses: Calin Bobeanu for City Taxi, Michael Coleman for Sureway Taxi Services, Keshia Gregerson for Wisconsin Dells Taxi, Jeremy Ringdahl for Kangaroo Taxi, and Larry Volkey for Dells Cab. Motion carried unanimously.
19. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4364. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the Finance Committee from their March 20, 2017 meeting; It Approves the proposal submitted by ZEBRADOG for totem art and mosaic tile design giving City Planner Chris Tollaksen the authority to ala cart the options. Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
20. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4365. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the Finance Committee from their March 20, 2017 meeting; It Approves the proposal submitted by ZEBRADOG for wayfinding sign system development and detailing for the amount of \$20,000. Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
21. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4366. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the Finance Committee from their March 20, 2017 meeting; It Approves the proposal submitted by ZEBRADOG for RiverWalk gateway entrance design, development and detail for the amount of \$14,000. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
22. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4367. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the Finance Committee from their March 20, 2017 meeting; It Approves the proposal submitted by MSA for design standards and sign ordinance updates for the amount of \$3500. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
23. Ald. DeFosse introduced and moved for adoption RESOLUTION NO. 4368. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the Parks & Rec Committee; It Approves the Risk Management Agreement between the city and UW Board of Regents, UW-Extension for use of their services, facilities, and venues at Upham Woods Outdoor Learning Center. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.

24. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4369. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the City Plan Commission from their March 13, 2017 meeting; It Approves the Certified Survey Map requested by NLS, LLC (Trappers Turn). Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
25. Ald. DeFosse introduced and moved for adoption RESOLUTION NO. 4370. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the City Plan Commission from their March 13, 2017 meeting; It Approves the Certified Survey Map requested by Luiz and Veronica Martinez (San Antonio Restaurant). Ald. Fox seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
26. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4371. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the City Plan Commission from their March 13, 2017 meeting; It Approves a Conditional Use Permit to Logging Camp Inc in order to allow commercial activity without a permanent building; and walk-up service windows for an information and ticket booth at 411 STH 13 (outside Paul Bunyan's Restaurant) with the conditions in the staff report. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
27. Ald. Fox introduced and moved for adoption RESOLUTION NO. 4372. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the City Plan Commission from their March 13, 2017 meeting; It Approves the Site Plan application submitted by Logging Camp Inc to construct a small information/ticket booth in front of Paul Bunyan's Restaurant at 411 STH 13. Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
28. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4373. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the City Plan Commission from their March 13, 2017 meeting; It Approves a Conditional Use Permit to PI Tower Development/Verizon Wireless, Shane Begley-agent, in order to allow land use 17.2 unconcealed telecommunication antennae on parcel 291-00390-0025 (Chula Vista golf course), with the conditions in the staff report. Ald. Fox seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
29. Ald. Wojnicz introduced and moved for adoption RESOLUTION NO. 4374. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the City Plan Commission from their March 13, 2017 meeting; It Approves the Site Plan application submitted by PI Tower Development/Verizon Wireless to construct a cell tower at Chula Vista. Ald. Fox seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
30. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4375. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the Public Works Committee from their March 13, 2017 meeting; It Approves the request submitted by Justin Draper and Wade Bernander to allow the front door of 737 Oak Street to swing out into the sidewalk. The building is being renovated into a bar/lounge to be used as a waiting area for High Rock Café. Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
31. Motion by Ald. Wojnicz seconded by Ald. Holzem to table the Professional Services Agreement with MSA for Eddy Street signal design work. Upon roll call vote the motion to table carried 5-0.
32. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4376. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the Public Works Committee from their March 13, 2017 meeting; It IT APPROVES the Consent & Indemnification Agreement between the City and RRAD Development LLC as well as the City and Richard Makowski and Rich and Chet Partnership for utility installation access across city property at 1022 River Road and 400 County A; contingent upon them registering the location of these cable utilities with

Diggers Hotline. Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.

33. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4377. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the Public Works Committee from their March 8, 2017 meeting; It Approves the promotion of part-time officer William Nehring to full-time effective June 1, 2017. Ald. Fox seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.

34. Ald. Wojnicz introduced and moved for adoption the first reading of the following ordinance:

**ORDINANCE NO. A-808
(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.
- (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.

(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.

(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.

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 perating 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.
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;
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 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.

(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 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 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.

SECTION V: CONFLICTING PROVISIONS 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.

Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. First reading adopted.

35. Ald. Holzem introduced and moved for adoption the first reading of the following ordinance:

**ORDINANCE NO. A-809
(Group Accommodation Definitions Updated)**

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

SECTION I: PURPOSE

To amend Land Use Definitions for Group Accommodations.

SECTION II: PROVISIONS AMENDED

19.111(5.3) & (5.5) of Group Accommodations are amended.

SECTION III: PROVISIONS AS AMENDED

5.3 ~~Group lodging facility~~ Seasonal Workforce Housing. 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.

5.5 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 & breakfast establishments.*

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.

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 as provided by statute.

SECTION VII:

This ordinance becomes a part of Wisconsin Dells Code, Chapter 19.

Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 5-0. First reading adopted.

36. Ald. Freel introduced and moved for adoption the first reading of the following ordinance:

**ORDINANCE NO. A-810
(Workforce Housing Licensing Updates)**

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

SECTION I: PURPOSE

This ordinance changes the name of Workforce Housing to Seasonal Workforce Housing as it pertains to licensing.

SECTION II: PROVISIONS AMENDED AND CREATED

Wisconsin Dells Code Sec. 16.06(1) is amended.
Wisconsin Dells Code Sec. 16.06(9)(j-m) are created.

SECTION III: PROVISIONS AS AMENDED AND CREATED

16.06 SEASONAL WORKFORCE HOUSING FACILITIES

- (1) Definition. In this section, “*Seasonal Workforce Housing Facility*” means:

- (a) A single family dwelling unit occupied by more than four unrelated persons.
- (b) A building or buildings formerly operated and occupied as a hotel or motel, now occupied for limited term residential purposes; i.e., more than thirty (30) days in a sixty (60) day period.
- (c) A dormitory; i.e., a building or buildings with private or semi-private rooms and sleeping areas for residents along with common bathroom facilities, cooking/eating areas, and recreation areas.

(9) Minimum Facility Requirements.

- (o) *Licensed premises shall provide each occupant with a lockable storage closet or cabinet of not less than twelve inches (12”) by twelve inches (12”) by eighteen inches (18”).*
- (p) *Licensed premises shall provide free internet/wifi service in common areas to its occupants.*
- (q) *Licensed premises shall provide each occupant with a separate bed.*
- (r) *All occupants of a room in a license premises must be of the same gender unless all occupants of the bedroom consent to mixed-gender occupancy.*

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.

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.

Ald. Fox seconded the motion. During discussion Jason Hallowell questioned when the ordinance would take effect as he stated he has already received notice from Chris Tollaksen that make it appears as if the new requirements are already in effect. City Attorney Joe Hasler stated that this is only the first reading. The second reading would take place next month and the ordinance would take effect after the publication. Mr. Hallowell expressed his concerns regarding equal code enforcement for all the facilities as he feels some of the illegal housing is being overlooked. He questioned if in the future things would be enforced equally. He also questioned if the city was paying MSA to do the inspections and if that was what his license fee was going for; additionally noting what he felt there was a conflict of interest for Chris Tollaksen to involved stating that he enforces things as he sees fit. Ald. Holzem asked to see a copy of the license renewal letter that Mr. Hallowell had received. He stated that although the new ordinance was not in effect yet, it appears the letter was well intended to put people on notice now. He also stated that he was not sure if making wi-fi available was a necessity. Mayor Landers stated that if an ordinance has not taken effect yet, it cannot be enforced. City Planner Chris Tollaksen stated the he sends out the license renewal letters in March of each year and that he did include the new requirements. Regarding the lockers, he stated that while he understands the concerns, he couldn't see how anyone with a good conscience could provide housing without providing a safe place for items. Regarding the requirement to provide free wi-fi, he stated that this is the student's only access for communications back home. Ald. DeFosse stated that he agreed with the requirement as it can be scary for students to come here. Upon roll call vote the motion carried 5-0. First Reading adopted.

37. Ald. Holzem introduced and moved for adoption the first reading of the following ordinance:

**ORDINANCE NO. A-811
(Sidewalk Litter & Debris)**

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

SECTION I: PURPOSE

This ordinance expands the defined sidewalk area, including café zones, to be kept clean by persons owning or occupying places of business in the city.

SECTION II: PROVISION RECREATED

Wisconsin Dells Code sec. 6.05 is recreated.

SECTION III: PROVISION AS RECREATED

6.05 SIDEWALK LITTER AND DEBRIS

(1) Merchants Duty to Keep Sidewalk and Other Areas Orderly and Free of Litter. Persons owning or occupying places of business within the city shall keep all pedestrian walkways (both public and private) and any other area between the business place and the roadway/curb, clean and free of any litter, debris or garbage. This is to include keeping

clean and in an orderly state, any city approved table, chair, bench or other part of those areas. Merchants shall report to the Public Works or Police Department, any missing, stolen or damaged property in front of their business as soon as possible.

(2) Café Zones. Any portion of the established “Cafe Zones” along Broadway in the C-2 Commercial Downtown Zoning District that are permitted to a downtown business, as approved by the City Council, shall be maintained as above at all times by the permitted business. Garbage generated by these permitted businesses shall not be placed in the garbage receptacles placed downtown by the city.

(3) Sweeping Litter Into Gutter Prohibited and Sidewalk Cleanliness. No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway.

(4) Penalty. Persons who violate this section shall first receive a warning. Thereafter, the following fines, plus cost of prosecution shall be imposed:
Second offense: \$100; Third offense: \$200; Subsequent offenses: \$300

SECTION IV: SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the City would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

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 6.

Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 5-0. First reading adopted.

38. No items for referral to the next council meeting on Monday, March 20, 2017.
39. Motion by Ald. Freel seconded by Ald. Wojnicz to adjourn. Motion carried unanimously and the meeting adjourned at 7:30PM.

Nancy R. Holzem
City Clerk/Coordinator
Published: April 1, 2017