

CODE OF ORDINANCES

Town of Willard, Rusk County, Wisconsin

CHAPTER 18

CAMPGROUND, LODGING, AND RECREATIONAL FACILITY ORDINANCE

18.01 AUTHORITY, STATEMENT OF PURPOSE

- (a) **PURPOSE.** The purpose of this ordinance is to regulate the construction, installation, maintenance, and operation of campgrounds, temporary or seasonal dwellings, tourist rooming houses, and other temporary lodging in the Town of Willard in order to assure such lodging is adequate to protect the health and safety of the public.
- (b) **AUTHORITY.** The Town Board has the specific authority under the State of Wisconsin Statutes and the Town's Village Powers to adopt and enforce this ordinance.
- (c) **SEVERABILITY.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.
- (d) **EFFECTIVE DATE.** This code shall take effect and be in force after its adoption, passage, publication, posting, filing, and recording in accordance with Wisconsin Statutes, a copy of said code, when printed, is to be kept on file, and open for public inspection in the Office of the Town Clerk of the Town of Willard.

18.02 DEFINITIONS

Bed and Breakfast Establishment means any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists, or other transients, for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Campground means any parcel or tract of land in the Town that is owned by a person, entity, the State, or a local government, that is designed, maintained, intended, or used for the purpose of offering campsites, with or without charge, for temporary overnight sleeping accommodations for use by four (4) or more camping units.

Camping Cabin means a building or other structure that is 400 square feet or less in area. A camping cabin includes a yurt, but does not include a tent, recreational vehicle, tourist rooming house, mobile home, or manufactured home.

Camping Unit means a structure, including a tent, camping cabin, yurt, recreational vehicle, mobile home, or manufactured home, bus, van, or pickup truck.

Individual camping unit means any portable device that is equipped with a self-contained water storage tank and toilet facility which discharges to a holding or transfer tank.

Dependent camping unit means a camping unit that is not equipped with a toilet or toilet facilities.

Campsite means an area of a campground that is designated by the operator as capable of accommodating an independent or dependent camping unit. A campsite may be one or a combination of the following:

Individual campsite – a campsite designated for use by six (6) or less campers unless the campers are members of an individual family.

Group campsite means a campsite designated for use by seven (7) or more campers.

Seasonal campsite means a campsite in which the operator allows a camper to park a privately owned camping unit for thirty (30) or more consecutive days.

Rustic campsite means an individual campsite that is accessible only by canoe, boat, horse, walking, or a nonmotorized vehicle and for which there are no operator-provided campground attributes.

Hotels and Motels

Hotel means a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings, and areas.

Motel means a hotel that furnishes parking on the premises for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a motel rather than a hotel at the request of the operator.

Recreational Vehicle means a vehicle that has walls of rigid construction, does not exceed 45 feet in length, is designed to be towed upon a highway by a motor vehicle or has a motor of its own, and is equipped, used, or intended to be used, primarily for temporary or recreational human habitation. A recreational vehicle includes camping trailers, motor homes, and park models.

Camping trailer to mean a recreational vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.

Motor home means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Park model means a recreational vehicle that is built on a single chassis mounted on wheels, that has a gross trailer area of not more than 400 square feet in the setup mode, and that bears a label, symbol, or other identifying mark indicating construction to nationally recognized standards ANSI 119.5.

Special Event Campground means a campground temporarily created to provide campsites in conjunction with a special event, such as a fair, rally, carnival, music festival, sporting event, community festival, or other similar event.

Tourist or Transient means a person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business, or employment.

Tourist Rooming House means a lodging place, other than a hotel, or motel, that is more than 400 square feet in which sleeping accommodations are offered for pay to a tourist or transient. A tourist rooming house does not include private boarding or rooming houses not accommodating a tourist or transient, or a bed and breakfast establishment regulated under Chapter ATCP 73, Wisconsin Statutes.

Yurt (or ger) means a round domed structure constructed of wood and fabric.

18.03 GENERAL PROVISIONS

(a) COMPLIANCE WITH TOWN ORDINANCES. The holder of any Town of Willard Campground License, Tourist Rooming House License, Hotel License, Bed and Breakfast License, Hotel, Motel, or other Lodging License, property managers, tourists, transients, and their guests shall comply with all Town of Willard Ordinances, including but not limited to:

(1) PUBLIC SAFETY.

- a. **Noise.** Any activities occurring at the licensed property shall comply with applicable noise regulations. Noise created by a tourist or a transient shall be considered noise directly under the control of the holder of the Town of Willard License.
- b. **Pets.** Pets are not allowed to run at large.

(2) SNOWMOBILE AND ATV/UTV REGULATIONS.

(3) FIREWORKS REGULATIONS.

(b) ROOM TAX. Lodging and recreational facility rentals may be subject to applicable room tax, if any.

(c) SIGN. One (1) business sign may be placed on the property with a maximum display area of twelve (12) square feet. More than one (1) sign, or any sign exceeding the maximum display area, must be approved by the Town Board before installation.

18.04 CAMPGROUND

(a) CAMPING UNITS OUTSIDE OF A LICENSED CAMPGROUND.

- (1)** Parking of camping units must follow all minimum setbacks set forth in Chapter 20 Zoning Ordinance.
- (2)** Any addition, deck, or attachment to any camping unit, whether used for habitation or means of ingress or egress, may require a Town of Willard building permit. (Note: a landing under 50 sq. ft. excluding steps, used for ingress and egress, cannot require a permit.)
- (3)** A building permit shall be required if the chassis, axles, tow bar, wheels, or hitch are removed from any camping unit. Per Wisconsin Statutes, recreational vehicles require a tow bar (hitch), chassis, axles, and wheels for transportation. At the installation site, the chassis and axles shall remain on the unit, with the tow bar (hitch), and wheels left at the site. Otherwise, the unit, including a park model, is subject to the UDC.
- (4)** A building permit shall be required if the manufacturer-equipped toilet, or toileting facilities are altered or removed from a camping unit so as to create a public health, safety, or environmental hazard.

(b) LICENSE REQUIRED. No person, partnership, corporation, nor other legal entity, after the effective date of this ordinance, may construct, install, operate, maintain, or cause the construction, installation, operation, or maintenance of, a campground without obtaining a Town Campground License. No Town Campground License shall be issued for a campground for which a permit has not been issued by the State of Wisconsin under Chapter 254.47, Wisconsin Statutes.

- (1)** Any parcel or tract of land in the Town that is owned by a person, entity, the State, or a local government, that is designed, maintained, intended, or used for the purpose of offering campsites, with or without charge, for temporary overnight sleeping accommodations for use by four (4) or more camping units requires a Campground License.
- (2)** A Campground License is required if three (3) or fewer camping units on any parcel or tract of land in the Town are *represented* as a campground by a sign, or promotion through any other media.
- (3)** Per Wisconsin Statutes, if there are three (3) or more manufactured or mobile homes in the campground, then a Manufactured or Mobile Home Community License is required instead of a Campground License.

(c) GENERAL LICENSE AND PERMIT PROVISIONS.

- (1)** No person may conduct, or cause, any activity, or use, enumerated in this ordinance without a license or permit required in this ordinance.
- (2)** Application for a license or permit under this ordinance shall be made to the Town Clerk on a form furnished by the Town. The application shall contain such information as may be required by the Town Board.
- (3)** All license or permit fees imposed under this ordinance shall be collected by the Town Clerk and paid into the Town treasury. If a license or permit is denied after payment of a license fee, the license or permit fee shall be returned to the applicant.

- (4) A license or permit under this ordinance may be issued by the Town Clerk, with the approval of the Town Board. If the Town Clerk has reason to believe that the applicant's conduct, use or activity is not in compliance with Federal or State law or regulations, or any county, extraterritorial, or Town ordinance, or that the parcel for the conduct, use, or activity is not suitable, the Town Clerk shall refer the license or permit to the Town Board, or its designee, for investigation or inspection. If as a result of the investigation or inspection, the Town Clerk, with the approval of the Town Board, denies the license or permit, an appeal may be made by the applicant in writing to the Town Clerk within 5 days after the date of the denial. Upon receipt of a written appeal, the Town Clerk shall set a public hearing before the Town Board not less than 10 days after receipt of the written appeal and provide written notice of the hearing to the appellant. At the hearing, the appellant is entitled to be represented by counsel. After hearing the evidence the Town Board may confirm or reverse the denial. The determination of the Town Board is final.
- (5) All annual licenses or permits issued under this ordinance shall expire on the succeeding June 30.
- (6) All licenses or permits issued under this ordinance shall be displayed upon the parcel or vehicle for which issued, or, if carried on the person, shall be displayed to any officer of the Town upon request.
- (7) It is a condition of holding a license or permit under this ordinance that the licensee or permittee fully comply with all federal and state law or regulations and all county, extraterritorial, and Town ordinances. Failure to do so is cause for revocation of the license or permit.
- (8) All licenses or permits issued under this ordinance are personal and are not transferable except by written approval of the Town Board.
- (9) Any license or permit issued under this ordinance may be revoked for cause by the Town Board. Any licensee or permittee whose license or permit is so revoked may apply within 5 days after the revocation for a public hearing before the Town Board. At the hearing, the licensee or permittee is entitled to be represented by counsel. The hearing shall be conducted upon publication of a Class 1 Notice under s. 985.07, Wisconsin Statutes, prior to hearing, with the costs for publication and public hearing paid by the licensee or permittee to the Town Clerk prior to publication. After hearing the evidence, the Town Board may confirm or reverse the revocation, or modify the revocation by imposing a limited period of suspension.
- (10) The determination of the Town Board shall be in writing, shall state the reasons for the Board's action, and is final.

(d) BUILDING PERMIT.

- (1) A Town of Willard building permit shall be required if the chassis, axles, tow bar, wheels, or hitch are removed from a camping cabin, recreational vehicle, mobile home or manufactured home within a campground. At the installation site, the chassis and axles shall remain on the unit, with the tow bar (hitch), and wheels left at the site. Otherwise the unit, including a park model, is subject to the UDC.
- (2) A Town of Willard building permit shall be required if a camping cabin constructed without axles, tow bar, wheels, or hitch within a campground.
- (3) Any addition, deck, or attachment to any camping unit within a campground, whether used for habitation or means of ingress or egress, may require a Town of Willard building permit. (Note: a landing under 50 sq. ft. excluding steps, used for ingress and egress, cannot require a permit.)

(e) FEES. Fees are listed in Appendix A.

18.05 TOURIST ROOMING HOUSE

(a) LICENSE REQUIRED. No person, partnership, corporation, nor other legal entity, shall operate a Tourist Rooming House without first obtaining a Tourist Rooming House License from the Town of Willard.

- (1) Each Tourist Rooming House shall hold a valid State of Wisconsin Tourist Rooming House License and it shall provide proof of such license by:
 - a. Attaching a copy of the State of Wisconsin Tourist Rooming House License to the initial License application and all subsequent renewal applications
 - b. Attaching a copy of the Conditional Use Permit to the initial License application and all subsequent renewal applications
- (2) A separate license is required for each Tourist Rooming House.
- (3) Proof of the License and Property Rules shall be posted in a conspicuous location at all times while the property is rented and made available upon request for inspection.

(a) APPLICABILITY. This article shall apply to all rentals of a Residential Dwelling as a Tourist Rooming House as defined in Wisconsin Statutes, for periods of less than thirty (30) days within the Town of Willard.

(b) DETERMINATION OF APPLICATION COMPLETENESS. The Willard Town Board shall make a finding of completeness of the application. Applications determined to be complete will be approved and the license shall be issued. Upon license issuance, the Town Clerk will attempt to notify all owners located within 150 feet of the property boundary and shall provide said owners with the name and contact information of the applicant and the Designated Operator. Once approved, each license shall be valid for a period of one year from January 1st to December 31st.

- (c) **PROPERTY MANAGER.** The Property Manager must be over the age of eighteen (18), and a responsible adult, able to take remedial action and promptly respond to any violation of this Chapter or the Town Code relating to the licensed premises. A local property management contact (either the Property Owner or an appointed Property Manager) must be on file with the Town of Willard at all times and The Property Owner and/or Property Manager must provide the Town of Willard with current contact information and must be available twenty-four (24) hours a day, seven (7) days a week by telephone. The Town of Willard must be notified within twenty-four (24) hours of any change in contact information.
- (d) **OCCUPANCY.** If the property is served by public sanitary sewer, occupancy is limited to the number of occupants authorized by the State Tourist Rooming House License issued by the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection in accordance with Wisconsin Administrative Code ATCP 72. If the property is served by a Private Onsite Wastewater Treatment Systems (POWTS), occupancy is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State Tourist Rooming House License, whichever is less.
- (e) **PARKING.** A minimum of two parking spaces shall be provided. No on street parking for renters of the property will be allowed. Parking may be provided off-site.
- (f) **TEMPORARY EXPANSION OF ACCOMMODATIONS.** No camping unit, or any other temporary lodging arrangements, shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
- (g) **SOLID WASTE DISPOSAL.** Adequate refuse containers shall be available to prevent the accumulation or scattering of solid waste, garbage, and rubbish on the ground.
- (h) **GUEST REGISTRY.** Each license holder shall keep a registry of the party responsible for securing the rental property, including their name, address, phone number, dates of stay, and the number of occupants in the party. Each Short-term Rental shall require all guests to register with their actual names and addresses. The register shall also include the period of time for the rental and the monetary amount or consideration paid for the rental. The register shall be kept on file for at least one year, as required by the Wisconsin Administrative Code. If the Property Owner or Property Manager does not consent to inspection of the guest register, the register shall be subject to disclosure to an authorized official, pursuant only to a proper search warrant, administrative subpoena, judicial subpoena, or other lawful procedure to compel the production of records that affords the Property Owner or Property Manager an opportunity for pre-compliance review by a neutral decision-maker.
- (i) **OUTDOOR EVENTS.** Any outdoor event held at the Tourist Rooming House shall last no longer than one day occurring between the hours of 8 am and 10 pm. At minimum, a seven consecutive day interval must occur between outdoor events held at the Tourist Rooming House.
- (j) **POSTING OF PROPERTY RULES.** A list of property rules must be posted at the property, provided to the guests, and a copy submitted with the application for a license. Property rules must include the following minimum information:
 - (1) A copy of the State of Wisconsin License
 - (2) A copy of the Town of Willard License
 - (3) Maximum occupancy of the property
 - (4) Contact information for the local property manager
 - (5) Non-emergency contact information for law enforcement and fire
 - (6) Where to park
 - (7) Quiet hours
 - (8) Pet Policy
 - (9) Outdoor burning regulations
 - (10) Information on the location of the high water alarm for the POWTS (Septic System), and procedure to follow if the alarm is activated, if applicable
 - (11) What to do with the garbage after the rental period is done
 - (12) Fireworks Policy
- (k) **PERMIT RENEWAL.** A copy of the conditional use permit shall be attached to annual permit forms.
- (l) **FEES.** Fees are listed in Appendix A.

18.06 HOTELS, MOTELS

- (a) **LICENSE REQUIRED.** Per Wisconsin Statutes, no person may conduct, maintain, manage, or operate a hotel, or motel, if the person has not been issued an annual license by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), or by a local health department that is granted agent status under Wisconsin Statutes. Each license issued by the DATCP expires June 30 of each year.

18.07 BED AND BREAKFAST

- (a) **LICENSE REQUIRED.** Per Wisconsin Statutes, no person may maintain, manage, or operate a bed and breakfast establishment for more than 10 nights in a year without having first obtained an annual license from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). Each license issued by the DATCP expires June 30 of each year.

18.08 REVOCATION OF TOWN OF WILLARD LICENSE

- (a) Any person may submit a written request for a public hearing to determine whether the current Town of Willard Campground License, Tourist Rooming House License, Bed and Breakfast License, or Lodging License should be revoked. The written request shall be outlined in detail, regarding all complaints against the license holder.
- (b) The Town Chair, or appointed designee, shall then investigate the allegations and determine whether or not enforcement proceedings should be initiated against the license holder.
- (c) The license holder shall have the right to legal counsel and need not be present at the hearing.
- (d) The Town Board may take into consideration the following:
 - (1) Past and present compliance with this chapter, the conditional use permit, and Town of Willard License
 - (2) Past and present compliance with Federal, State, and local law
 - (3) Environmental impact
 - (4) More than three (3) responses are required from law enforcement in any twelve (12) month period

18.09 PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$250.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

CHAPTER 18 Campground, Lodging, and Recreational Facility Ordinance
Adopted this 14th day of March, 2022

Robert Nelson	Yea	<u> X </u>	Nay	<u> </u>
Mark Taft	Yea	<u> X </u>	Nay	<u> </u>
Linda Bentley	Yea	<u> X </u>	Nay	<u> </u>

Attest: Mary Jane Nelson, Town Clerk