



## Vilas County Zoning & Planning

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### Memorandum

August 31, 2023

From: David Sadenwasser  
Zoning Administrator

To: Zoning & Planning Committee Members  
Other Interested Parties

**RE: Summary of Proposed Article XII of the Vilas County General Zoning Ordinance Regulating Tourist Rooming Houses**

Please find attached a proposed Article XII to the Vilas County General Zoning Ordinance which would regulate tourist rooming houses (TRH) and require an annual permit through the Zoning Office.

Major features include:

- Limiting occupancy based on septic sizing;
- Requiring (1) parking space per each (2) occupants plus one (1) additional;
- Requiring soil borings for any TRH with a septic installed using a perc test;
- Prohibiting TRHs from mobile or manufactured home parks, campers outside of campgrounds, or homes which utilize a cesspool or privy.
- Requiring an annual permit. Permit fees will be \$250.00 for the initial permit, \$150.00 for an annual renewal, and \$80.00 for revisions to an existing permit;
- Requiring a resident agent who resides within Vilas County or within forty (40) miles of the TRH to monitor the property;
- A prohibition on renewing the permit for problem TRHs;
- A mechanism where the owner or resident agent has an opportunity to correct a problem before enforcement actions commence;
- A one-year grandfathering of occupancy and parking requirements for existing TRHs so they can meet reservations which are already secured for 2024 and giving them ample time to adjust to the new requirements;
- Requiring that renters be notified of the occupancy, parking, and other rules in place for the property.

Specific changes are listed beginning on the next page:

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### **Sections 12.1 & 12.2: Applicability and Exemptions**

This sets forth who must comply and exempts other types of commercial rentals which fall under other sections of the Ordinance, including hotels, motels, resorts, bed and breakfasts, and campgrounds.

### **Section 12.3: Prohibitions**

Section 12.3(A) (Page 75): Requires weekly rental in a Single Family Residential (R-1) Zoning District, which we already do. This codifies it in plain language.

Section 12.3 (B-F) (Page 75): Prohibits TRHs from mobile or manufactured home parks, campers located outside of a campground, houses without a septic system, or houses where a flows and loads affidavit has been used to add bedrooms.

### **Section 12.4: Permit Required**

Section 12.4(A) (Page 76): Requires a permit to operate a TRH.

Sections 12.4 (B,C & E) (Page 76): Sets requirements for initial applications, renewals, and revisions.

Section 12.4 (D) (Page 76): Sets a Feb 1-Jan 31 permit time frame. This will allow the Zoning Office to review most applications during the time when we can most absorb the work.

Section 12.4 (I) (Page 77): The prohibits a renewal for a TRH which has had numerous complaints or enforcement actions. This will act as a carrot for TRH operators to monitor and police their TRH.

Section 12.4 (J) (Page 77): This prohibits granting of a TRH permit for any property with other Zoning violations or Public Health Department violations occurring.

### **Section 12.5: Occupancy**

Sections 12.5(A) (Page 77): This limits occupancy to septic sizing or Public Health Department license occupancy, whichever is least. This means two (2) occupants per BR when looking at septic sizing.

Section 12.5(B) (Page 77): This sets the occupancy for TRHs on municipal sewer to anything the Public Health Department allows.

Section 12.5(D) (Page 78): This prohibits campers from being placed on the property to increase occupancy.

### **Section 12.6: Parking**

Section 12.6 Broadly (Page 78-79): This requires one (1) parking space per every two (2) occupants plus one (1) additional for each habitable structure. It sets parking space sizes and prohibits areas over septic systems, within the lake setback, within wetland or floodplains, on 20% slopes or greater, within easement roads or areas, within public road rights of way, or within the side yard setback for dedicated parking areas unless they are already existing improved parking areas.

### **Section 12.7: Resident Agent Required**

Section 12.7 Broadly (Page 79): This requires each TRH to have a resident agent who resides within Vilas County, or within forty (40) miles of the TRH in question. The resident agent may be a corporation with physical offices that meet the requirements. The resident agent must be allowed to receive service, handle violations, and permit access to Zoning staff for enforcement purposes.

### **Section 12.8: Other Requirements**

Section 12.8(A) (Page 79): This requires property rules to be provided to renters so that they have knowledge about how to not create violations. It also includes important information such as the Sheriff Department non-emergency numbers, septic info, and where to find local recreational laws.

Section 12.8(B) (Page 79): Requires a septic system for a TRH if it is not served by municipal sewer.

Section 12.8(C) (Page 79): Requires a soil boring and system evaluation of older septic systems before issuance of a TRH license. Older systems are particularly susceptible to overloading and failure.

### **Section 12.9: Existing Tourist Rooming Houses**

Section 12.9 Generally (Page 79): This section allows existing TRH to operate at their current occupancy for the first year of the program. This Ordinance will require a large

reduction in occupancy for many of these structures; this provision will allow them to fulfill bookings they have already taken for next year and give them time to enlarge septic systems or adjust their business models.

### **Section 12.10: Inspections**

Section 12.10: Generally (Page 80): Section 12.10 gives the Zoning Office staff authority to access the property for compliance inspections if needed.

### **Section 12.11: Enforcement and Penalties**

Section 12.11(A&B) (Page 80): These sections tie into the enforcement procedure section of the General Zoning Ordinance and specifically spell out that designated agents and renters can be held responsible for violations.

Section 12.11(C) (Page 80): This section considers advertising a TRH that exceeds the parameters of this Ordinance to be a violation. This will provide the Zoning Office another tool to help keep TRHs operating within the requirements of the Ordinance.

Section 12.11(D&E) (Page 80): These set forth how enforcement will occur. Upon discovery of a violation, Zoning Staff will notify the owner or Resident Agent by phone or e-mail, and they will have forty-eight (48) hours to correct the issue. If the issue is not resolved within that time, the Zoning Office will begin normal enforcement actions, writing an enforcement letter, and then issuing citations. Fines will be \$1000 for the first violation, \$1500 for the second, and \$2500 for the third and each thereafter. If the operators are taking care of their properties, they should never get a fine. Fines need to be large enough to be financially painful for non-compliance. 12.11(E) allows for skipping the citations and filing a long form complaint for serious violations.

### **Section 12.12 Definitions**

Section 12.12 Generally (Page 81): This section contains definitions specific to this Article. It is likely that this section will be removed eventually and these definitions added to Article XI of the General Zoning Ordinance.

## VILAS COUNTY GENERAL ZONING ORDINANCE

### ARTICLE XII: OPERATION OF A TOURIST ROOMING HOUSE

Introduction and Explanation: Article XII contains rules, regulations, and permitting requirements for tourist rooming houses in Vilas County. It is adopted to ensure that tourist rooming houses in Vilas County are appropriately managed to protect the public health, safety, general welfare, environment, character and stability of all areas within the County.

#### 12.1 APPLICABILITY

This article shall apply to all rentals of a single-family dwelling, tourist rooming house or other structure for a term of twenty-nine (29) days or less unless specifically exempted by Section 12.2 below.

#### 12.2 EXEMPTIONS

The following operations are exempt from complying with the requirements of this Article:

- (A) A private boarding or rooming house, not accommodating tourists or transients.
- (B) Hotels and motels as defined in Article XI and licensed by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625.
- (C) Resorts as defined in Article XI and licensed by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625
- (D) Bed and breakfast establishments as defined in Article XI and licensed by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625
- (E) Campgrounds as defined in Article XI and licensed by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625
- (F) February monthly rental of a single-family dwelling or multi-family dwelling unit which is normally and regularly offered for monthly rentals.

#### 12.3 PROHIBITIONS

- (A) Any advertisement, offer, or execution of a rental for a term of less than six (6) consecutive days, regardless of whether additional rentals occur within the six (6) day period, are prohibited in the Single Family Residential (R-1) zoning district unless the tourist rooming house meets the requirements of Article VIII, Section 8.1(E) of this Ordinance.
- (B) Tourist rooming house rentals are prohibited in manufactured home parks, mobile home parks, manufactured building parks, or manufactured home communities as defined in Article XI.

- (C) Camping units located outside of a campground licensed by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625 are prohibited from being offered or used as tourist rooming houses.
- (D) No flows and loads affidavit, affidavit regarding private on-site waste treatment system (POWTS) size based on occupancy, or other affidavit shall be used to determine or affect the occupancy requirements set forth in this Ordinance.
- (E) No tourist rooming house may be served by a sanitary facility which does not meet the requirements of Wisconsin Administrative Code SPS 383.32.
- (F) No tourist rooming house may be served by a non-plumbing sanitary system as its primary method of black water disposal.

#### **12.4 PERMIT REQUIRED**

- (A) No person, agent, or others acting on their behalf, shall operate or offer a tourist rooming house without having obtained a permit from the Department in accordance with the provisions of this Article.
- (B) Initial Permit
  - (1) Any property owner, agent, or other person having a contractual interest in any residential dwelling or other structure may apply for a permit to operate a tourist rooming house.
  - (2) Initial applications must be submitted at least thirty (30) days in advance of the date the property is first offered for rent.
- (C) Renewal Permit
  - (1) Any property owner, agent, or other person having a contractual interest in any residential dwelling or other structure may apply for a renewal of a permit to operate a tourist rooming house.
  - (2) Renewal applications must be submitted no later than thirty (30) days prior to their expiration date.
- (D) Permit Expiration
  - (1) Initial permits issued prior to November 1 shall expire at the end of the permit year during which they are issued.
  - (2) Initial permits issued on November 1 or later shall expire at the end of the next permit year.
  - (3) Renewal permits shall expire at the end of the next permit year.
  - (4) Both Initial and renewal permits shall expire upon such time as a document is recorded with the Vilas County Register of Deeds which changes or alters the name of the person, firm, corporation, or entity which owns the property.
- (E) Permit Revisions
  - (1) Any property owner, agent or resident agent listed on an existing Initial or Renewal Permit may apply for a revision to said permit.

- (2) All permit revisions shall be submitted to the Department on forms supplied by the Department. All requirements of the existing permit shall be in force until such time as the revisions are approved by the Department.
- (F) Initial Permit, Renewal Permit, and Permit Revision Application Requirements  
Applications for initial permits, renewal permits, or revisions to existing permits, shall include the following information:
- (1) Address and tax parcel number;
  - (2) Name, address, telephone number, and e-mail address of property owner;
  - (3) Name, address, telephone number, and e-mail address of applicant; (4)  
Name, address, telephone number, and e-mail address of resident agent;
  - (5) Signature of applicant and resident agent.
  - (6) Legal description of property;
  - (7) Proposed occupancy of the tourist rooming house;
  - (8) Proof of adequate sewage disposal facilities (POWTS);
  - (9) Proof of licensure through the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625 or a copy of the application for said license;
  - (10) A copy of the property rules required under Paragraph 12.7(B), unless already on file;
  - (11) Permit fees as set forth in the Vilas County Zoning & Sanitary Fee Schedule.
- (G) The Zoning Administrator or their designee may require any additional information necessary to decide upon the issuance of a permit under this Article including but not limited to detailed site plans, floor plans and parking area diagrams.
- (H) Issuance of a permit under this Article does not exempt a property owner from obtaining a permit or license from a local municipality under a local municipal ordinance, the Vilas County Public Health Department under Chapter 8 of the Vilas County Code of Ordinances, or the State of Wisconsin or their agents under Wis. Stat. §97.605 or §97.625.
- (I) No permit to operate a tourist rooming house shall be issued or considered when requested if three violations of this Article resulting in forfeitures have occurred on a property, or six (6) notifications of violation under Section 12.11(D) have occurred within the twelve (12) month period prior to application.
- (J) No permit to operate a tourist rooming house shall be issued or considered when requested, if a violation of any regulation enforced by the Department exists on the property, or any violation of Chapter 8 of the Vilas County Code of Ordinances exists on the property, unless the above requested permit is required to abate the violation.
- (K) Permits issued under this Article are non-transferable, and the owner or resident agent shall notify the Department in writing of any transfer of legal control of any property covered by permit.

- (L) A separate permit under this Article shall be required for each structure to be used as a tourist rooming house.

## **12.5 OCCUPANCY**

- (A) The maximum occupancy of a tourist rooming house served by a POWTS shall be limited to the number of occupants for which the POWTS was designed, or the number of occupants authorized by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625, whichever is less.
- (B) The maximum occupancy of a tourist rooming house served by a public or municipal sewer system is limited to the number of occupants authorized by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625.
- (C) The maximum occupancy allowed on a property being utilized as a tourist rooming house shall not exceed the allowed maximum of the tourist rooming house.
- (D) No camping units, recreational vehicles, or other temporary lodging arrangements shall be permitted onsite as a means of providing additional accommodation for paying guests or other invitees.

## **12.6 PARKING**

- (A) The parking requirements listed Article VII, Section 7.2 of this Ordinance shall be applicable to Tourist Rooming Houses in the Community Business (CB) zoning district.
- (B) Each tourist rooming house shall provide a minimum of one (1) off-street parking space for each two (2) occupants plus one (1) additional parking space per habitable structure.
- (C) Parking spaces as required by this section shall meet the requirements of Article VII, Section 7.1(A) of this Ordinance.
- (D) Garage areas may count as parking spaces for purposes of this Ordinance provided each space meets the size requirements of Article VII, Section 7.1(A) and the garage areas are made available to renters as part of the rental contract.
- (E) Areas located above, or within fifteen (15) feet of any POWTS component may not be used as parking areas to satisfy the requirements of this Article.
- (F) Areas located within road, access, or utility easements may not be used as parking areas to satisfy the requirements of this Article unless expressed written consent is given by all entities which have access to said easement provide written approval.
- (G) Wetland areas, mapped Special Flood Hazard areas, areas subject to a Mitigation Agreement which is already on file or otherwise reserved for compliance with Article XI of the Vilas County Shoreland Zoning Ordinance, areas within seventy-five (75) feet of

the ordinary high-water mark (OHWM) of a navigable waterway, areas located within five (5) feet of a lot line, and areas with a slope greater than 20% shall not be used as parking areas to satisfy the requirements of this Article.

- (1) Existing garages, improved driveways, and improved parking areas located within seventy-five (75) feet of the OHWM of a navigable waterway or within five (5) feet of a lot line may be used to satisfy the parking requirements of this Article if they are considered legal, non-conforming structures under Article VIII of this Ordinance.
- (H) Areas located within the right-of-way of a public road or highway may not be used as parking areas to satisfy the requirements of this Article.
- (I) The total number of vehicles and trailers allowed on site shall not exceed the number of parking spaces provided.

## **12.7 RESIDENT AGENT REQUIRED**

- (A) A resident agent is required for all tourist rooming houses. The owner may be the resident agent if they meet all requirements of this section.
- (B) The resident agent must be an adult person residing within Vilas County or within a forty (40) mile radius of the subject tourist rooming house or a corporate entity with physical offices located within Vilas County or within a forty (40) mile radius of the subject tourist rooming house.
- (C) The resident agent must be authorized by the owner to act as the agent for the owner for the following purposes:
  - (1) Receipt of service of notice of violation of the provisions of this Ordinance;
  - (2) Service of process pursuant to this Ordinance; and
  - (3) Granting permission for Vilas County or its agents to enter the property permitted under this Article for the purpose of inspection and enforcement of all Ordinances for which the Department is responsible.

## **12.8 OTHER REQUIREMENTS**

- (A) A list of property rules must be posted at the property, provided to the guests and copy submitted with the application for a license. The property rules must include the following:
  - (1) Maximum occupancy of the property as permitted by this Article.
  - (2) Contact information for the designated agent.
  - (3) The number of vehicles and trailers permitted and the location of the designated parking spaces.
  - (4) Non-emergency contact information for law enforcement, fire department, and EMS services.
  - (5) If applicable, information on the location of the high-water alarm for the POWTS, and procedures to follow if the alarm is activated.

- (6) Where to locate applicable outdoor burning regulations, hunting/fishing regulations, and local off-road vehicle, snowmobile, and boating regulations.
- (B) If a tourist rooming house is not served by a public sanitary sewer, a POWTS in full compliance with this article, the Vilas County Private Sewage System, and Wisconsin Administrative Code must serve the property.
- (C) A tourist rooming house which proposes to utilize a POWTS system which was not installed using a valid soil & site evaluation report as defined in the Vilas County Private Sewage System Ordinance, Section 15.07(38) shall provide the documentation required under the Vilas County Private Sewage System Ordinance, Section 15.25(3)(b-d).

**12.9 EXISTING TOURIST ROOMING HOUSES**

Tourist rooming houses which were licensed by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625 prior to the enactment of this Article shall be permitted to retain the maximum occupancy as permitted under such license, shall be exempted from the parking requirements of this Article, and shall be exempted from the application requirements under Section 12.4(G) until the expiration of their initial permit. Any subsequent initial permit, renewal permit, or revision to an existing permit shall conform to the requirements of this Ordinance.

**12.10 INSPECTIONS**

Application for a permit under this Article shall be considered permission to enter the property between the hours of 7:00 AM and 7:00 PM for the purpose of determining compliance with this Ordinance and any other Ordinance which the Department enforces.

**12.11 ENFORCEMENT AND PENALTIES**

- (A) Enforcement of this section shall be in accordance with the provision of Section 9.6 of this Ordinance unless otherwise set forth in this Article.
- (B) Tourist rooming house designated agents and renters shall be considered to be acting on the owners' behalf for the purposes of enforcement under this Article and Section 9.6(B) of this Ordinance.
- (C) Advertising, offering, or operating a tourist rooming house which does not meet the requirements of this Article shall be considered a violation of this Article and be subject to the procedures and penalties set forth in Paragraphs D & E below.
- (D) Upon notification of a violation of this Article, the owner, or those acting on their behalf shall abate the violation within forty-eight (48) hours to the satisfaction of the Zoning Administrator or their designee. Failure to do so shall result in forfeitures as set forth in Paragraph E below.
- (E) Penalties:
  - (1) Forfeitures  
Any person, firm, corporation, or other entity including but not limited to contractors or those acting on behalf of the property owner who violated any provision of this Article shall be subject to a forfeiture of \$1000.00 for the first

violation, \$1500.00 for the second violation, and \$2000.00 for the third and all subsequent violations of this Article, plus the cost of prosecution. Each day a violation exists shall constitute a distinct and separate violation of this Article, and as such, forfeitures shall apply accordingly. The Zoning Administrator or their designee may seek remedy through citation or any other legal means available.

(2) Injunctions

As a substitute for or in addition to forfeiture actions, Vilas County may seek enforcement of any or all parts of this Article by a court action seeking injunctive relief.

## **12.12 DEFINITIONS**

All definitions set forth in the Vilas County General Zoning Ordinance, Article XI and the Vilas County Shoreland Zoning Ordinance, Article III shall apply to this Article unless specifically defined below. The following definitions shall be applicable to this section:

- (A) Permit year: A one-year period beginning February 1, and ending the following January 31.
- (B) Initial permit: A permit secured under this section by an owner who has not had a valid permit for the last twelve months, or the first permit secured under this section by an owner after a deed has been recorded to change or alter the name of the property owner.
- (C) Renewal Permit: A permit secured under this section by an owner who has had a valid permit during the last twelve months.
- (D) Resident Agent: A person appointed by the owner of a tourist rooming house to act as an agent on their behalf to ensure compliance with this Ordinance.
- (E) Department: The Vilas County Zoning & Planning Department
- (F) Person: Any individual, corporation, firm, partnership, association, organization, any group acting as a unit, or personal representatives appointed according to law, including all partners, officers, agents, or members thereof
- (G) Tourist or Transient: A person who travels from place to place away from his or her permanent residence for vacation, pleasure, recreation, culture, business, or employment.