

ORDINANCE NO. 588

An Ordinance of the Municipal Code of the City of Kiel Creating Section 17.301 (Tourist Lodging)

The Common Council for the City of Kiel do ordain as follows:

SECTION 1: Section 17.301 is created to read as follows:

17.301 TOURIST LODGING.

- (1) **PURPOSE.** The purpose of this Section is to ensure that the quality of tourist lodging within the City of Kiel is adequate for protecting public health, safety, and general welfare, including minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators, and property managers offering these properties for tourists, to protect character and stability of all areas within the City of Kiel; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures, or premises; and provisions for the administration and enforcement.

- (2) **DEFINITIONS.** The following terms shall be defined as follows:
 - a. **Bathroom.** Full bath.
 - b. **Clerk-Treasurer.** City of Kiel Clerk-Treasurer or designee.
 - c. **Lodging Marketplace.** An entity that provides a platform through which an unaffiliated third party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant.
 - d. **Operator.** An Owner or Property Manager who is responsible for compliance with this Section, collection of rent, and payment of taxes.
 - e. **Owner.** A person who owns a tourist lodging unit.
 - f. **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 hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.
 - g. **Private Boarding or Rooming House.** A private boarding or rooming establishment, ordinarily conducted as such, not accommodating tourists or transients with occupancies exceeding six (6) days.
 - h. **Property Manager.** Any person, other than Owner, operating a tourist lodging establishment or providing management services.
 - i. **Resident Agent.** Any person appointed by the Owner to act as an agent on behalf of the Owner, as permitted in this Section.

- j. **Short-Term Rental.** A resident dwelling that if offered for rent for a fee and for fewer than 29 consecutive days.
 - k. **Tourist Lodging.** Any place offered for rent to tourists or transients for sleeping accommodations including, but not limited to, hotels, motels, tourist rooming houses, cabins, cottages, or short-term rentals.
 - l. **Tourist Lodging Unit.** A structure or part of a structure that is used for sleeping and/ or living accommodations by one tourist or a group of tourists.
- (3) **TOURIST LODGING PERMIT REQUIRED.** No tourist lodging unit may be offered to the public for rent by an owner or property manager without a tourist lodging permit.
- (4) **STANDARDS FOR TOURIST LODGING.** Each tourist lodging unit subject to this Section shall comply with all applicable City, county, state, and federal laws, and the following minimum requirements:
- a. Not less than one (1) bathroom for every six (6) occupants.
 - b. Not less than 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. Not less than one and one quarter (1 ¼) onsite off-street parking spaces for every four (4) occupants based upon maximum occupancy.
 - d. Each unit shall have a safe, unobstructed means of egress continuously maintained free of all obstructions or impediments to full and instant use in the case of fire or other emergency. Each area and room designated or used for sleeping shall have at least one (1) means of exit to the exterior, by door or egress window. An egress window shall meet the requirements of section SPS 321.03(6) of the Administrative Code. If a room does not meet these qualifications, a sign shall be posted notifying occupants that the room shall not be used for sleeping due to lack of safe egress. Escape routes shall be posted unless the room has a direct exit to the outside.
 - e. Functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 328 of the Wisconsin Administrative Code, and all other safety devices and/or systems required by law.
 - f. Shall not have a wood or solid fuel burning stove or fireplace unless the Owner provides a certificate from a licensed commercial building inspector, fire inspector, or a verified statement from a reputable stove or fireplace sales/installer entity, 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. Instructions for use of the stove or fireplace must be prominently displayed. A stove or fireplace not meeting the requirements of this section shall be blocked from access to the satisfaction of the City of Kiel Building Inspector.

- g. A minimum of one (1) 2A 10:BC fire extinguisher shall be available and maintained on an annual basis. If the extinguisher is not readily visible, one or more signs shall be posted indicating the location of the extinguisher.
- 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.
- i. Shall have insurance against claims of personal injury and property damage for tourist rooming house rentals.
- j. All agreements with Lodging Marketplaces shall indicate the City of Kiel as the taxing jurisdiction.
- k. Neither the applicant nor the property that is the subject to the application has outstanding taxes, fees, penalties or forfeitures owed to the County or room tax due and owing to any local governmental entity.
- l. The following licenses and permits are required:
 - i. Manitowoc or Calumet County Health Department permit issued under Chapter 72 of the Administrative Code for the Wisconsin Department of Agriculture, Trade, and Consumer Protection, and inspection report.
 - ii. Seller's Permit for Premier Resort Tax issued by Wisconsin Department of Revenue and State Sales Tax Seller's Permit.
 - iii. City of Kiel Conditional Use Permit, if applicable.
 - iv. Room Tax Permit.
- m. If operated by a non-resident Owner or Property Manager, have a Resident Agent licensed under this Section.
- n. LICENSE. No person shall operate a tourist rooming house without first obtaining a non-prorated license from the city. Such licenses shall expire on June 30 of each year following their issuance except that licenses initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The license shall not be transferable to a location other than the one for which it was issued, nor shall a license be transferred from one operator to another. The license must be on display at all times in a conspicuous public place.
- o. ROOM TAX. The owner and operator of tourist lodging shall comply with the room tax reporting requirements per municipal code.
- p. VIOLATIONS.
 - i. Except as otherwise provided, the penalty for violation of this chapter shall be as provided in Section 25.04 of this Municipal Code.
 - ii. The operation of tourist lodging without a license renders the property ineligible to operate as tourist lodging for a period of twelve (12) months from the date of entry of judgment.

- iii. Failure to timely pay room tax may result in suspension or revocation of a license.
 - iv. The City may seek all other remedies available at law for violations of this Section. The City shall also be entitling to all costs of enforcement of the provisions of this Section.
- q. FEES.
- i. Tourist Rooming House License
 - 1. Initial - \$50
 - 2. Renewal - \$25
 - ii. Resident Agent License
 - 1. Initial - \$50
 - 2. Renewal - \$25
 - iii. Late Fees
 - 1. Late applications and renewals are subject to double the fee.
 - iv. Inspection Fees
 - v. Inspection fees shall be as established from time to time by the City of Kiel Building Inspector.

SECTION 2: This ordinance shall take effect upon passage and publication in accordance of law.

Ordinance No. 588 introduced on June 23, 2020 by Alderperson _____,
seconded by Alderperson _____.

Upon a call of votes thereof, the result was as follows:

_____ Votes Cast
 _____ Votes Aye
 _____ Votes Nay

The Mayor declared Ordinance No. 588 introduced and approved this 23rd day of June, 2020.

 MICHAEL STEINHARDT, Mayor

COUNTERSIGNED:

 JAMIE J. AULIK, City Administrator