

## Ordinance #2005-05 Rooming Houses

The Town of Mercer Supervisors do ordain as follows:

1. **Purpose and authority:** For the purpose of promoting the public health, safety and general welfare and determining, establishing, regulating and restricting Rooming Houses within the Town of Mercer, under Wisconsin Statutes 60.10(2)(c) and 61.34.
2. **Definitions.**
  - 2.1 **Rooming House.** Tourist rooming house means all lodging places and tourist cabins and cottages, other than hotel and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under ch. HFS 197, or licensed resorts.
  - 2.2 **Responsible Person.** An individual who is empowered to accept legal Notice, Service of Process and/or issuance of a citation.
  - 2.3 **Owner.** An individual holding interest in Real Estate in the Town of Mercer.
3. **License and Permit.**

The Town Clerk is directed to issue license to those who provide the Town with an individual who shall act as a responsible person for the purpose of maintaining the Rooming House. Every applicant for a permit to maintain, operate or conduct a rooming house in the Town of Mercer shall file an application with the Town Clerk, upon a form provided by the Town, and pay an **application fee** to the Town. Upon receipt of the Conditional Use permit from Iron County (if required), and approval of the Rooming House permit by the Town of Mercer Board of Supervisors, the Applicant shall pay the Town an **annual permit fee**. The annual fee shall be remitted in the initial year and annually thereafter, as long as the Rooming House remains in operation. (adopted 2/18/2010)

The Town Clerk shall issue a permit for the operation of a rooming house upon the following:

- a. Name and address of the Owner of the proposed Rooming House
  - b. Location of proposed Rooming House
  - c. Name and address of responsible individual for Rooming House
  - d. Verification that responsible individual is a full time resident of the Town of Mercer, is over the age of 21, and has a valid telephone number
  - e. Owner had no outstanding fines due the Town of Mercer
  - f. Copy of filed application for a Conditional Use Permit from Iron County (if required) which includes a demonstration of adequate off-road parking. (Please note – Final approval of the County permit is required in order to retain the Town permit.) An Iron County Conditional Use application is not required for any person who currently possesses a validly issued conditional use permit or is zoned appropriately, i.e., a unit that was part of a former resort.
  - g. Copy of the Rental Agreement to be used in the operation of the Tourist Rooming House. (adopted 11/2/2006)
  - h. If property for which the application is made is less than 200' in width, the owner must demonstrate that the operation of a tourist rooming house will not adversely impact the neighboring landowners' enjoyment of their properties. A lot's width shall be measured at the narrowest point in the property that lies parallel to an adjacent roadway. If there is no adjoining roadway, width shall be the property line perpendicular to the longest length.
    1. An applicant must notify adjacent property owners of the time and date of the meeting at which the permit requested herein shall be voted upon by the Town Board.
    2. This requirement is deemed fulfilled if said notice is published as a Class 1 notice in the Iron County Miner prior to said meeting.
  - i. Such permits shall expire on December 31. Permits must be renewed annually. (adopted 2/18/2010)
4. **Prohibited conduct.** No person shall operate a Rooming house without first having obtained a permit from the Town Clerk, which shall be issued upon written application and shall be subject to cancellation as hereinafter provided. No person shall be permitted to submit more than two (2) applications for a Tourist Rooming House under this ordinance for the same property in any 12-month period.
    - 4.1 **Cancellation.** Said license shall automatically lapse upon the finding of one of the following:
      - a. The responsible person no longer being a full time resident of the Town of Mercer.
      - b. The Owner not possessing a valid conditional use permit issued by Iron County, except for the initial application in which Owner has 60 days to obtain said permit.

- c. Owner fails to obtain and maintain a valid certificate of compliance from the Health Department.
  - d. More than two (2) civil and/or criminal citations have been issued to the individuals frequenting the Rooming House, including but not limited to, patrons, guests or others present upon the rooming house property.
  - e. Failure to pay the annual permit fee.
5. **Penalties.** Violators of this ordinance, upon conviction, shall incur a fine in the amount of \$50.00 per day for the first ten (10) days of violation, increasing to a maximum penalty of five hundred dollars (\$500.00) thereafter.
  6. **Enforcement.** This Ordinance shall be enforceable by the Town Board or its designee. The Town attorney shall be authorized to serve the appropriate legal process against any alleged violators of the above noted ordinances. (adopted 2/15/2010)
  7. **Effective date.** This Ordinance shall take effect and be in force from the date of passage, and publication or posting as provided by law and shall repeal and replace all previous Rooming House ordinances heretofore enacted by the Town of Mercer. (*Passed December 15<sup>th</sup> 2005, published and posted December 19<sup>th</sup> 2005*)
  8. **Severability.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Mercer would have passed the other provisions of this ordinance irrespective of whether or not one of 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 thereof.

**Ordinance adopted December 15<sup>th</sup> 2004 – last amended February 18<sup>th</sup> 2010**