

CHAPTER 21

HOUSING

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21.01 Introduction

1. **Purpose of Chapter.** The purpose of this chapter is to protect the health, safety and welfare of the public by establishing minimum standards for residential property in the Village of Cassville.
2. **Building Inspector.** The Village Board shall appoint a Building Inspector who shall have the power and duty to enforce the provisions of this chapter, and for purposes of building inspection, shall have the right at all reasonable times to enter buildings and premises.
3. **Enforcement.** It shall be the duty of the Building Inspector, with the aid of the Cassville Police Department or Grant County Sheriff's Department, to enforce the provisions of this chapter.
4. **Enforcement Policy.** This chapter, adopted under the police powers of the Village for the purpose of protecting the public health, safety and welfare, shall be administered reasonably and uniformly, in accordance with the constitutionally guaranteed rights of private property and due process.
5. **Performance Code.** This chapter shall be interpreted and administered as a performance code.
6. **Conflicts.** Whenever two or more provisions of this chapter conflict, the most restrictive shall apply.
7. **Definitions.** Definitions of terms used in this chapter shall be as provided herein, as provided in Chapter 16, Zoning, and as provided in the Wisconsin Statutes.
 - A. Words used in the present tense shall include the future.
 - B. Words used in the singular number shall include the plural number, and the plural, the singular.

- C. The word “shall” is mandatory and not discretionary.
 - D. The word “may” is permissive.
 - E. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.
 - F. Habitable Space defined. Habitable space shall mean areas in a residential property used for sleeping, living or dining purposes, excluding such enclosed places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.
 - G. Dwelling defined. A building that contains one or more dwelling units or a rooming house, but does not include a motel, hotel, or bed and breakfast establishment.
 - H. Dwelling Unit defined. A collection of rooms that are located in a dwelling and that are arranged, designed, or used as living quarters for occupancy by one family as a single housekeeping unit only, and containing complete kitchen and toilet facilities, permanently installed.
 - I. Rooming House defined. A dwelling containing two (2) or more sleeping rooms to rent or let, which contains common facilities including, but not limited to, common toilet, kitchen, and dining facilities.
 - J. Residential Rental Property defined. For purposes of this ordinance, residential rental property shall include all dwellings, dwelling units, rooming houses and shared public areas of such residential premises which are non owner-occupied, but are used for residential purposes, with the following exceptions:
 - (1) Properties that are not owner-occupied, but are only occupied by the property owner’s parents, grandparents, children, grandchildren and/or spouse are not subject to the requirements of this ordinance.
8. **Records.** The Building Inspector shall keep a record of all licensed properties and fees collected under this chapter.

21.015 Fair and Open Housing.

- 1. The Village of Board of the Village of Cassville hereby adopts § 106.50, Wis. Stats., as amended and all subsequent amendments thereto.
- 2. **Authority and Enforcement Procedures:** The officials and employees of the Village of Cassville shall assist in the orderly prevention and removal of all discrimination in housing

within the Village by implementing the authority and enforcement procedures set forth in § 106.50, Wis. Stats., as amended.

3. **Complaint Forms:** The Village President shall maintain forms for complaints to be filed under § 106.50, Wis. Stats., as amended, and shall assist any person alleging a violation thereof in the City to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of § 106.50, Wis. Stats., as amended.

21.02 Inspection of Residential Rental Property.

1. **Inspection of Residential Rental Properties.** The Building Inspector or his/her deputy shall inspect and determine the condition of residential rental properties in order that he/she may perform the duty of safeguarding the health, safety and welfare of the occupants of such property and of the general public.
2. **Notice of Violation.** Whenever the Building Inspector determines that there are reasonable grounds to believe any residential rental dwelling, dwelling unit or rooming house does not meet the minimum standards for residential rental property established herein, he/she shall give notice of same to the owner or agent. Notice of violations shall also be sent to the occupant. Such notice shall:
 - A. Be in writing;
 - B. Refer to the applicable code section by number and substance;
 - C. Include a description of the violation and how it may be remedied;
 - D. Allow a reasonable time, as determined by the Building Inspector, to correct any violation(s); and,
 - E. Be served upon the owner or his/her agent and/or the occupant, as the case may require; provided that such notice shall be deemed to be properly served if a copy thereof is served upon any of the above personally or if a copy is sent by first class mail to his/her last known address.
3. **Hearing.** Any person affected by the operation of this ordinance, not including citations issued under (5) Penalties, may request and shall be granted a hearing before the Board of Appeals on the matter.
4. **Workmanship.** All repairs, maintenance work, alterations or installations shall be completed in a workman-like manner.

5. Penalties.

- A. Any person who violates the provisions of this ordinance shall pay a forfeiture of not less than \$100.00 nor more than \$500.00, together with the costs of prosecution. If any person or licensee continues to rent a dwelling unit without a license or after suspension or revocation of the license, or continues to lease the unit in violation of the ordinance, each day of operation during that period shall be considered a separate violation of this chapter.
- B. **Unlicensed Rentals.** Any dwelling unit that the Building Inspector determines is being rented or occupied without a valid license shall be subject to double the normal fee when a license is issued. This fee may be in addition to penalties under 21.02(5)(A) above.
- C. Nuisance properties or nuisance tenants shall be subject to sanctions as provided in Section 21.03(4)(N) below, in addition to such other penalties for violations as may be imposed by applicable law.

6. Implementation of Rental Inspection.

- A. Residential rental property subject to the licensing requirements of this ordinance may be allowed to be leased or occupied without the issuance of a license if an application is on file or a rental inspection has been scheduled.
- B. The Building Inspector shall have the power to enforce this chapter, including the authority to attach notices to rental units deemed to be in violation of its terms. Nothing herein shall be deemed to limit the power of the Building Inspector or a police officer when acting under other provisions of the ordinances of the Village of Cassville or other applicable statutes, rules or regulations.

21.03 Short Term Rental Property – Tourist Rooming House

1. Introduction

- A. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) defines a Tourist Rooming House (commonly referred to as vacation rentals) as all lodging places and tourist cabins and cottages, other than hotels 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.

- B. In general, tourist rooming house establishments are vacation homes, cabins, and cottages that are rented out to tourists and transients for a short period of time, typically one month or less.
- C. Under a tourist rooming house license, an operator may rent as many as four units (examples: rooms, cottages, or cabins). A hotel license is required if five or more units are rented.
- D. It is the responsibility of property Owner to know and understand all State of Wisconsin laws and Village of Cassville ordinances for short term rental properties.

2. Definitions.

For the purpose of this ordinance, the definitions included in Chapter 16 Zoning, of this Village Ordinance are hereby incorporated. Also included are the following definitions specific to references within this chapter:

TOURIST ROOMING HOUSE (TRH): The use of a single-family or two-family dwelling for the purpose of providing or furnishing overnight lodging accommodations to the public for a period of less than one month to any person(s) who occupies the property on a rental basis.

3. Licenses and Permits

- A. Owner must obtain Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) license as a Tourist Rooming House (TRH), pass all inspections, and pay all fees as required by DATCP.
 - (1) Each license issued by the DATCP expires June 30 of each year.
 - (2) License dates extend from July 1 of one year through June 30 of the following year.
 - (3) If a license is granted after April 1 of a license year, that license will extend to June 30 of the following year. Example: If a business is licensed by DATCP on April 1, 2020, then its license will expire June 30, 2021.
 - (4) Renewal fees for existing establishments shall be submitted to DATCP before June 30 each year.
- B. Owner must register with the Wisconsin Department of Revenue (DOR) for a license to collect taxes and adhere to all DOR regulations regarding said license.

- C. Owner must obtain a Tourist Rooming House (TRH) Permit from the Village of Cassville for each TRH property. Permit applications will be available at the Village office during regular business hours.
- (1) Proof of DATCP License, DOR License, and fulfillment of any other applicable legal obligations will be required before application for Village TRH Permit will be accepted.
 - (2) The term of the Village permit will be for a period of one year and will run concurrently with the owner's license issued by the DATCP.
 - (3) Permit applications must be completed in full and must include:
 - a. Copies of state licenses issued by DATCP and DOR;
 - b. Copy of building floor plan including maximum occupancy and onsite parking; and
 - c. Copy of property rules for tenants.
 - (4) Owner's contact information must be kept current at the Village office.
 - (5) Application fee for Village permit will be \$100.00 (one hundred dollars).
 - (6) Annual renewal fee for Village permit will be \$100.00 (one hundred dollars).
 - (7) Property must pass any and all inspections required by the Village and owner must pay any and all inspection fees prior to granting of permit.
 - (8) If application for Village permit is denied by Village Board, owner may appeal decision to the Village Board of Appeals.
 - (9) No permit shall be issued or renewed if the applicant or property has outstanding fees, taxes, forfeitures or other amounts owed to the Village, unless arrangements for payment have been approved by the Village Board.
 - (10) Village permit is nontransferable. Any change in property ownership would terminate a current permit. A new permit application must be submitted, inspections completed, and fees paid by new property owner. Permit may not be transferred from one TRH property to another property with the same owner.
 - (11) If you fail to receive a permit and continue to operate business, the Village may impose daily fines.

- (12) Licenses or permits issued under this section shall be presented upon demand by any law enforcement officer of the Village of Cassville or the Grant County Sheriff's Department.
- (13) Occupancy limit of rental property or unit shall be determined by Building Inspector and shall be based on number of bedrooms and square footage of habitable space within rental unit. No room shall be used as a habitable space unless it meets all requirements of this code. The maximum number of tenants per unit shall not exceed two (2) persons per bedroom plus two (2) additional persons per unit.

4. Regulations

- A. Property must meet all State and Village building codes, pass all inspections by Building Inspector and fire department, and be maintained within Village ordinance guidelines. Failure to comply may result in loss of TRH Permit.
- B. Owner is responsible for maintaining property in safe and healthy condition.
 - (1) The exterior of the structure shall be maintained by the owner in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
 - (2) The interior of the structure and equipment therein shall be maintained by the owner in good repair, and structurally sound. Every owner of a structure shall maintain, in a clean and sanitary condition, the shared or public areas of the structure.
 - (3) Each rental unit must be equipped with functional smoke detectors, fire extinguishers and carbon monoxide detectors in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code.
- C. Owner is responsible for obtaining property and liability insurance coverage for commercial risks. Proof of insurance may be requested by Village office.
- D. A local contact person who resides within 20 miles of the Village of Cassville shall be identified. This person will be responsible to manage the property and respond to questions/concerns in the absence of the property owner. The property owner may be the contact person if they reside within 20 miles of the Village of Cassville.
- E. Contact information for owner and/or designated property manager must be kept current at Village office.

- F. Emergency contact information for owner or designated property manager must be posted within each housing unit within easy viewing for rental guests.
- G. Contact information and maximum occupancy shall be posted on an exterior wall near the main entrance of the residence with a minimum display area of 5"x7". The following information must be provided:
 - (1) Property address
 - (2) Emergency contact information: 911 (police, fire, ambulance).
 - (3) Property owner and local contact person's name and telephone number.
 - (4) Maximum number of occupants allowed.
- H. Each TRH shall have established property rules that will be provided to guests with each rental term. The property rules shall establish guidelines that the tenants must comply with regarding, but not limited to, off-street parking, garbage collection, occupancy limits, excessive noise, orderly conduct, the prohibition of fireworks, and the prohibition of recreation vehicle/camping use. Guests of the rental house must adhere to existing Village ordinances.
- I. Copies of the property rules shall be submitted to the Village office with the permit application. The Village office shall be notified of, and provided with copies of, any changes to the property rules. Copies of the property rules shall be provided to adjoining property owners.
- J. Owner shall be responsible for providing adequate trash and recycling receptacles for use by guests. Owner or property manager shall be responsible for maintaining cleanliness of property, removal of trash, mowing the lawn and removal of snow as defined within the Village ordinances.
- K. If the Village provides the owner with notice of over-occupancy of a unit, the owner shall reduce occupancy of such unit to the legally allowed limit. Failure to correct over-occupancy within twenty-four (24) hours after notice is given shall be a violation of this code.
- L. If desired, one business sign may be placed on the property with a maximum display area of 2 square feet.
- M. The use of a camper, tent or other temporary lodging arrangement used in conjunction with the residence is prohibited.
- N. Not less than one and one quarter (1-1/4) onsite off-street parking spaces for every four (4) occupants based upon maximum occupancy.

5. Penalties

- A. Upon the occurrence of three (3) documented violations of the operational rules within a calendar year, the owner shall be subject to a fine and automatic revocation of Village permit. The owner will be required to reapply for any future permit.
- B. Any violations of Village ordinances will be prosecuted to the extent allowed by law.