

PART III GENERAL LEGISLATION

Chapter 38 HOUSING

- Fair Housing Laws (12-92-280)

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Article I General Provisions

38.01 Purpose.

The purpose of this Chapter is to protect, preserve and promote the physical and mental health and social well-being of the people, prevent and control incidence of communicable diseases, regulate privately and publicly owned dwellings to maintain adequate sanitation and public health, protect people's safety, and promote the general welfare by legislation that shall be applicable to all dwellings now in existence or hereafter constructed. It is further declared that the purpose of this Chapter is to ensure that the quality of housing is adequate for protecting public health, safety and general welfare, including establishing minimum standards for basic equipment and facilities for light, ventilation and thermal conditions; for safety from fire and accidents; for the use by, location of, and amount of space for human occupancy; determining the responsibilities of owners, operators and occupants of dwellings; to protect the character and stability of all areas within the Village of Lake Delton; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and to thus prohibit the spread of slums and blight; to declare that buildings, structures and adjacent property that have become or are becoming deteriorated, dilapidated, neglected, a fire hazard, a vermin or rodent harborage, or unsanitary are detrimental to the health, safety and welfare of the residents of this community; to preserve the value of land and buildings throughout the Village of Lake Delton; and provisions for the administration and enforcement thereof.

38.02 Findings.

The Village Board hereby finds that there exists a shortage of adequate and affordable housing within the Village of Lake Delton. This shortage is due in part to the rapid growth of the area and the corresponding increase in the number of jobs available in the Village of Lake Delton and the surrounding areas. This rapid growth has brought with it a demand for several thousand additional transient employees each year. These transient employees are often housed in overcrowded rooms which poses an unacceptable risk to the health, safety and general welfare of those transient employees and the people of the Village generally. Accordingly, the Village Board further finds that transient employees constitute a vulnerable population requiring additional safeguards to ensure their health and welfare is maintained in a manner consistent with the Purpose of this Chapter.

38.03 General Provisions.

A. This Chapter shall be known as the "Housing Chapter" and establishes minimum standards for housing but does not replace or modify standards established by other Village ordinances governing constructing buildings and structures. In the event of a conflict between the provisions of this Chapter and any state code, law or Village ordinance, the provision that establishes the higher standard for promoting and protecting the health and safety of the people shall prevail.

B. The provisions of this Chapter shall be interpreted and applied as minimum requirements, shall be construed in favor of the Village of Lake Delton, and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

C. Unless housing occupancy is expressly permitted under this Chapter, such occupancy shall be deemed a violation of this Chapter.

D. This Chapter applies whether the premises are temporarily or continuously occupied or unoccupied, inhabited or uninhabited, commercial or noncommercial, and whether there is a structure, building or other improvement upon the premises.

E. Owners, their agents and occupants shall have all the duties and responsibilities as prescribed in this Chapter and the regulations promulgated pursuant thereto, and no owner or operator shall be relieved from any such duty and responsibility, nor be entitled to defend against any charge or violation thereof, by reason of the fact that the occupant is also responsible, therefore in violation thereof.

F. By filing an application for a License under this Chapter the owner grants to the Assistant Zoning Administrator, permission to enter and inspect the subject property to determine compliance with this Chapter. Each Licensee grants the Assistant Zoning Administrator, Village Building Inspector, Village Fire Chief or Fire Inspector, or a designated agent of the Village, permission to enter and inspect the licensed property at all reasonable times to determine compliance with the terms and conditions imposed by the License and this Chapter. Denial of access by an applicant will result in the denial of the application. Denial of access by a licensee will result in the suspension of the License and may result in the revocation of the License.

38.04 State Open Housing Law Adopted.

To ensure fair and open housing exists for all persons in the Village of Lake Delton, and to prohibit discrimination therein, the Village Board enacts this section adopting § 106.50, Wis. Stats., known as the Open Housing Law, and all subsequent amendments thereto. The Assistant Zoning Administrator shall be responsible for enforcing this Section and shall make available upon request complaint forms alleging a violation of this Section. If requested the Assistant Zoning Administrator shall assist the complainant in preparing the complaint and filing with the state Department of Safety and Professional Licensing.

38.05 Assistant Zoning Administrator Powers and Duties.

The Assistant Zoning Administrator is hereby made responsible for enforcing this Chapter. All inspections, enforcement, orders or matters relating to violations of this Chapter shall be under his direction and supervision. He may appoint or designate such other public officials or Village employees to perform duties as may be necessary for enforcement. The Assistant Zoning Administrator shall make inspections pursuant to the plans for inspection authorized by this Chapter or in response to a complaint that an alleged violation of this Chapter's provisions or of applicable rules or regulations pursuant thereto has been committed; or when the Assistant Zoning Administrator has valid reason to believe a violation of this Chapter or any rules and regulations pursuant thereto has been committed.

38.06 Definitions.

A. For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows:

1. Words used in the present tense include the future.
2. Words in the singular number include the plural number.
3. Words in the plural number include the singular number.

B. Whenever the words building, structure or premises are used in this Chapter, they shall be construed as though they were followed by the words or any part thereof.

C. The following terms used in this Chapter mean:

Accessory structure. A detached structure located on, or partially on, any premises, which does not comply with the standards for housing contained in this Chapter.

Assistant Zoning Administrator. The Village Assistant Zoning Administrator or his designee.

Basement. That portion of a building, the floor line of which is below the surface of the ground immediately adjoining it and its ceiling not more than four (4) feet above lot grade.

Bathroom. An enclosed space containing one (1) or more bathtubs or showers, or both, and also contains a toilet and a sink.

Bedroom. A habitable room within a dwelling unit which is used or intended to be used primarily for the purpose of sleeping, but not including any kitchen or dining room. Bedrooms must comply with the UDC minimal requirements for bedrooms and such other requirements for bedrooms included in this Chapter and in the Village Code.

Building. Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and that is permanently affixed to the land, or connected to a utility, and shall include those structures resting on runners, wheels or similar supports.

Dormitory. A multi-unit building with eight (8) or more Dormitory units. In addition to the Dormitory units, a Dormitory shall contain a common kitchen, cafeteria or common eating area for the use of its occupants. For purposes of this Chapter the term Dormitory may include a converted hotel or motel.

Dormitory unit. A separate unit in a Dormitory, which includes a sleeping area and may or may not include a private bathroom, but does not include a kitchen. A Dormitory unit is for the exclusive use of the occupants.

Dwelling. A habitable building containing one (1) or more dwelling units.

Dwelling Unit. One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family. Dwelling Units include residential or Transient Employee Housing and Dormitory units.

Employer. The person, or related party, providing housing for their employees.

Employer Based Housing. Residential housing owned or managed by employers and providing housing for their employees as part of the employment contract with the employee.

Family. Two (2) or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this Chapter, a group of not more than four (4) persons not related by blood or marriage, living together in a single household will be considered equivalent to a single family.

Guest. A person permitted to stay overnight at a residence.

Habitable building. Any building that complies with the standards set forth in this Chapter for habitation, which is wholly or partly used or intended to be used for human habitation, including one (1) or more habitable units. An accessory building is not a habitable building.

Habitable room. A room or enclosed floor space used, or intended to be used, for living, sleeping, cooking or eating purposes. Bathrooms, furnace rooms, closets and utility rooms, hallways, foyers, stairways, storage spaces, and hobby and recreation areas in unsealed or uninsulated parts of a structure below ground level or in attics are not habitable rooms, nor shall they be included in determining habitable room area.

Habitable unit. A room or rooms used for human habitation in the form of a dwelling unit.

Household. A family and/or one (1) or more unrelated persons, who share the same dwelling and use some or all of its cooking and eating facilities.

Identification documents. State or federal identification information including a state driver's license or identification, or passport,

Kitchen. Any room or area containing all of the following equipment:

1. Sink,
2. Stove or microwave oven,
3. Refrigerator,
4. Cabinets and/or shelves for storage of food, equipment and utensils, and
5. A counter or table for food preparation.

Maximum permissible occupancy. The maximum number of persons permitted to reside, including guests of residents, in a building or habitable unit.

Mixed occupancy. Occupancy of a building in part for residential use and in part for some other use not accessory thereto.

Multiple-family dwelling. Any dwelling containing more than two (2) dwelling units.

Non-employer Based Housing. Housing provided to Transient Employees which is not owned or managed by their employer.

Nuisance.

1. Any public nuisance known at common law or in equity jurisprudence, or as provided by the state of Wisconsin statutes or the Village Ordinances.
2. Any attractive nuisance that may prove detrimental to the health or safety of children in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to: basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation such as poison ivy, poisonous sumac, which may prove a hazard for inquisitive minors.

Occupant. Any person residing in, living, sleeping, cooking or eating in, or actually having possession of a habitable unit.

Operator. Any person who has charge, care, control or management of a premises, building or part thereof, in which dwelling units or Dormitory units are let.

Owner. Any person who, alone or jointly or severally with others has legal title to or a legal right to possession of any dwelling or dwelling unit, with or without accompanying actual possession thereof, including any personal representative, trustee or guardian of the estate or person of the title holder. Any agent of an owner shall be bound to comply with the provision of this Chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Parking lot. A one (1) -level, surfaced, open-to-the-air area, used for parking vehicles. All parking lots must conform to Chapter 46, regulating driveways and parking lots, as amended.

Parking space. A paved, clearly marked space for parking a motor vehicle measuring at least nine (9) feet in width and eighteen (18) feet in length. For purposes of this Chapter, a parking space must be located entirely on the licensed premises. Any parking space that impedes vehicular travel to any other parking space shall not constitute a parking space under this Chapter.

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 Chapter 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.

Premises. A platted lot or part thereof or unplatted lot or parcel of land or plot of land either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure, or other structure thereon. The premises include the area between the sidewalk and the curb of the street.

Resident Agent. A person holding a Resident Agent License issued by the Village of Lake Delton in accordance with the requirements of this Chapter, who is responsible for the occupancy, maintenance and supervision of the licensed premises.

Room. A space within an enclosed building and set aside from other rooms or space by a permanent partition or partitions.

Special Exception License. A License issued to a qualifying property that does not conform to the specific requirements of this Chapter.

Structure. Anything constructed or erected that requires location on the ground or is attached to something having location on the ground, including a building, deck, porch, fence, freestanding wall, sign or other advertising medium, whether detached or projecting.

Substandard. All buildings that do not conform to the minimum standards established by this Chapter and by any other provisions of this Code or ordinances or by federal or state law or regulation.

Temporary housing. Temporary housing means any tent, trailer, mobile home, or any other structure used for human shelter that is designed to be transportable and is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

Tourist. A person who travels to the area for recreational and vacation purposes.

Transient Employee (formerly known as seasonal employee). A person temporarily visiting the Village without intending to establish residency. This includes, but is not limited to foreign workers and seasonal employees.

Transient Employee Housing Unit. An individual dwelling unit that is occupied by a Transient Employee(s).

Transient Housing. Units provided to Transient Employees for limited time periods. Transient Housing is either employer provided housing or non-employer provided housing.

Yard. An open space at grade on the same lot as a building or structure located between such building or structure and the adjoining lot line, and/or street line.

Article II Housing

38.07 Housing Standards.

A. For purposes of this Ordinance, the Village recognizes three (3) forms of habitable units: 1) residential dwellings, 2) Transient Employee Housing, and 3) Dormitories. The Assistant Zoning Administrator shall classify each living arrangement in accordance with this Chapter's provisions. In the case of mixed occupancies, the Assistant Zoning Administrator shall determine the standards that apply.

B. All habitable units located in the Village of Lake Delton must comply with all of the following:

1. In addition to those standards and other requirements of the Wisconsin Statutes and Administrative Code, no person shall occupy as owner-occupant or let to another for occupancy any habitable unit for human habitation that does not comply with this Chapter, the Village Zoning Code or the Village Building Code.

2. Except as otherwise specifically provided in this Chapter, the maximum occupancy of a habitable unit shall be determined by the following formula:
Every habitable unit shall contain at least 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.
 3. Every habitable unit shall be free from unsafe conditions, unsanitary conditions, unreasonable noise and unreasonable odors.
 4. All multiple-family dwellings shall be in compliance with section SPS 321.03 of the Wisconsin Administrative Code regulating exits, doors and hallways.
 5. No space located partially or totally below grade shall be used for sleeping, cooking or as a habitable room unless the space complies with the requirements of Wisconsin Administrative Code SPS 320 -327.
 6. Accessory buildings shall not be used for human habitation.
- C. No person shall let to another for occupancy any dwelling for human habitation that does not comply with the following:
1. Kitchen sink. Every dwelling unit shall contain a sink in good working condition, properly connected to water and sanitary sewer systems approved by the Assistant Zoning Administrator.
 2. Bathroom. Every dwelling unit shall contain a room, separate from the habitable rooms that affords privacy to a person and is equipped with a toilet, sink, and bathtub or shower, and the necessary accessories therefore in good working condition, properly connected to hot and cold water lines and a sanitary sewer system approved by the Assistant Zoning Administrator.
 3. Bedroom Unit. A bedroom unit shall consist of a separate habitable room compliant with the UDC requirements for bedrooms.
 4. Exits. Every dwelling unit shall have a safe, unobstructed means of egress leading to safe, open space at ground level.
 5. Carbon Monoxide and Smoke detectors. Every dwelling unit, regardless of classification pursuant to §§ 101.145, 101.645, and 101.647 Wis. Stats., shall have carbon monoxide and smoke detectors on each floor level, including basements.
 6. Electrical requirements. Existing electrical conditions will be allowed until determined to be unsafe or until replacement or renovation takes place. Any electrical work must comply with Chapter 16 of the Administrative Code of the Department of Commerce.
 7. Minimum hot water requirements. Every dwelling unit shall be supplied with water heating facilities that are installed in an approved manner, properly maintained and capable of heating water to such a temperature to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units, at a temperature of not less than one hundred twenty (120) degrees Fahrenheit when needed.

38.08 Extended Stay in Hotels and Motels.

A. It shall be unlawful for any operator of a hotel or motel to offer, permit or allow a person to stay at the hotel or motel in excess of twenty-nine (29) days in a sixty (60) consecutive day period. This restriction does not apply to owners/operators themselves or their full-time employees.

B. For purposes of this Section, extended stay means guests staying at a hotel or motel in excess of fourteen (14) consecutive days.

C. Every owner and operator of a motel offering extended stays for guests shall post a notice to all guests of the restrictions on stays for more than twenty-nine (29) days in a sixty (60) consecutive day period.

D. Any owner or operator that allows a person to occupy a hotel or motel for more than fourteen (14) days in a sixty (60)-day consecutive period shall prepare a completed extended-stay record with the following information:

1. Name of each person
2. State or federal identification information
3. First and last days of occupancy

The owner or operator of hotel or motel shall retain a copy of the extended stay record on file for one (1) year from the last date of occupancy.

38.09-39.22 Reserved

Article III Transient Employee Housing

38.23 Purpose and Findings.

The Village Board hereby finds that there exists a shortage of adequate and affordable housing within the Village of Lake Delton. This shortage is due in part to the rapid growth of the area and the corresponding increase in the number of jobs available in the Village of Lake Delton and the surrounding areas. This rapid growth has brought with it a demand for several thousand additional transient employees each year. These transient employees are often housed in overcrowded rooms which poses an unacceptable risk to the health, safety and general welfare of the people of the Village generally. The Village further finds that transient employees constitute a vulnerable population requiring additional safeguards to ensure their health and welfare is maintained in a manner consistent with the Purpose of this Chapter.

38.24 Transient Employee License.

A. No person shall offer or operate property as Transient Employee Housing without a License issued by the Assistant Zoning Administrator. Each Transient Employee Housing License shall be issued in the name of the operator and for the specific dwelling or dwelling unit occupied or to be offered for occupancy as Transient Employee Housing.

B. Application for such License shall be made to the Assistant Zoning Administrator and shall be issued only upon Village Board approval, after review by the Village Housing and Property Maintenance Committee. The Assistant Zoning Administrator shall develop applications and forms for application and issuance of Licenses and make them available to the public. No operating License shall be issued or renewed unless the completed application form is accompanied by payment of the License fee.

C. Transient Employee Housing Licenses shall be for up to one year commencing on July 1, or the date of issuance, and expiring on June 30 of each year.

38.24 (C) Amended Ordinance 17-004 Passed: 3/13/2017 Published 3/25/2017

38.25 Applications for Transient Employee Housing Licenses.

A. Each application for a Transient Employee Housing License shall include the following information and documentation:

1. Owner and contact information;
2. Property address;
3. Description of the property including number of units and maximum occupancy;
4. Floor plan to scale showing the beds and furniture in the bedrooms;
5. Site Plan including available onsite parking;
6. Application for a Conditional Use Permit;
7. Plan of Operation;
8. Property Management Agreement if not managed by Owner;
9. Proof of Insurance;
10. Authorization from Owner (if owner is not applicant);
11. Building Safety Plan;
12. Such other information reasonably required by the Zoning Department; and
13. Payment of the Application fee.

B. No operating License shall be issued or renewed, if the applicant or property has outstanding tax or forfeitures owed to the Village, unless arrangements for payment have been approved by the Village Board.

C. Applications for renewal of Transient Employee Housing License shall be filed on or before April 1. The Assistant Zoning Administrator may approve all completed renewal applications offered for filing notwithstanding the deadline provided in this Chapter. The Assistant Zoning Administrator shall not forward to the Village Housing and Property Maintenance Committee any initial application for which there is a deficiency or lack of compliance with any requirement in the application process.

38.25 (C) Amended Ordinance 17-004 Passed: 3/13/2017 Published 3/25/2017

38.26 Transient Employee Housing License Fees.

A. Each building which is offered for occupancy as Transient Employee Housing is required to be licensed. The License includes the cost of inspection by the Assistant Zoning Administrator, or his designee, and the Village Fire Inspector, and applicable Police Department document fees as follows:

License	Base/Bldg Fee (BF)	Per person fee* (PPF)	Renewal Fees BF/PPF
All-Employee Housing	\$200.00	\$15.00	\$100.00/\$10.00
Re-inspection	\$100.00	NA	NA

38.26 (A) Amended Ordinance 17-004 Passed: 3/13/2017 Published 3/25/2017

- B.** Re-inspection costs are one hundred dollars (\$100.00) per inspection.
- C.** The Assistant Zoning Administrator is authorized to issue Temporary Licenses for Transient Employee Housing for a period not to exceed thirty (30) days and the licensed building must comply with this Chapter's provisions. Prior to issuing the Temporary License the Village Fire Chief shall inspect the building and find it in compliance with applicable fire codes. The fee for a Temporary License shall be the same as for the annual License, and the fee shall be applied as a credit for the annual fee, if issued.
- D.** Any building failing to secure or renew the required License prior to operating Transient Employee Housing shall be subject to the fines provided herein with each day of operation constituting a separate offense and shall pay double the License fee.
- E.** Every Transient Employee Housing Operating License shall commence July 1st, or the date of issuance, and shall be for one (1) year subject to annual inspections. Transient Employee Licenses may be renewed by the Assistant Zoning Administrator subject to compliance with the terms and conditions of this Chapter and other Village Ordinances.

38.27 License Display.

Each License shall be displayed in a conspicuous place within the common ways of each Transient Employee House. No License shall be transferable. The holder of any License shall notify the Assistant Zoning Administrator in writing of any transfer of the legal control of any licensed property.

38.28 Standards for Transient Employee Housing.

In addition to the provisions of Article I of this Chapter, the following minimum requirements shall apply to Transient Employee Housing units:

- A.** Each housing unit shall contain a room or rooms, separate from the habitable rooms, which affords privacy to occupants and that, in total, contains at least one (1) toilet, lavatory basin, and bathtub or shower, in good working condition, properly connected to hot and cold water lines and a sanitary sewer system approved by the Assistant Zoning Administrator. Restrictions on hot water use are prohibited.
- B.** The owner or operator of every Transient Employee Housing unit shall maintain a register and require all occupants to register their true names and addresses before being assigned sleeping quarters. The register shall be kept intact and available for inspection by the Assistant Zoning Administrator, or representatives of the Village, for the duration of the License.
- C.** Every occupant will be provided with a brochure provided by the Village explaining the rules of the road for bicycles and pedestrians and the location of Village and emergency services.
- D.** Every Transient Employee Housing unit shall be free from unsafe or unsanitary conditions, unreasonable noise and unreasonable odors.
- E.** Each room shall have at least one (1) installed fixture with a one hundred (100)-watt bulb equivalent as a minimum requirement.
- F.** Every occupant shall be provided with a separate bed.
- G.** Each occupant shall be provided with at least a lockable storage closet or cabinet of not less than twelve inches (12") x twelve inches (12") x eighteen inches (18").
- H.** Every owner or manager of a Transient Employee Housing unit shall keep, or cause to be kept, records of all requests for repair and complaints by Transient Employees, which are related to the provisions of this Chapter and to any applicable rules and regulations, and of all corrections

made in response to such requests and complaints. The owner or other person in charge shall make such records available to the Assistant Zoning Administrator for inspection and copying upon demand. Such records shall be admissible in any administrative or judicial proceeding pursuant to this Chapter as prima facie evidence of the violation or the correction of a violation of this Chapter or applicable rules and regulations pursuant thereto.

I. The maximum occupancy for any Transient Employee Housing premises shall be as stated on the License and includes overnight guests of occupants.

J. No premises licensed or operating as a hotel, motel or tourist rooming house may provide Transient Employee Housing without a license. A hotel or motel may provide housing for its own fulltime employees working on the same premises without a license and further provided that the housing provided to employees complies with the requirements of Section 38.28. For purposes of this section, fulltime employees means employees of the owner or related party working not less than thirty (30) hours per week.

K. Each Employee Housing building shall provide free Wi-Fi service in common areas to its occupants. The Wi-Fi service plan covering these common areas shall provide for internet download speeds of thirty (30) megabits per second.

L. No charcoal or gas grills, fireplaces, fire pits, or outdoor fires shall be allowed on the Transient Employee Housing premises within twenty-five (25) feet of any building and subject to the approval of the Fire Chief.

M. The number of beds allowed per bedroom shall be determined by dividing the cubic volume of the bedroom by four hundred (400), unless the proposed bedroom floor plan indicates that fewer beds are required for safety and comfort of the Transient Employees.

N. All occupants of a Transient Employee Housing bedroom must be of the same gender unless all occupants of the bedroom consent to mixed-gender occupancy.

O. Owner must post on the inside of the exterior door of each unit the Notice of Transient Employee's Rights form provided by the Village.

P. No Transient Employee License will be issued until the premises is inspected and found to be in compliance with this Section 38.28.

38.29 Resident Agent; Requirements.

A. Nonresident owners and operators of Transient Employee Housing units are required to appoint a Resident Agent for the receipt of service of notice of violation of this Chapter's provisions and for service of process pursuant to this Chapter. Such a designation shall be made in writing, and shall accompany each application form. Said applicant shall immediately notify the Village Clerk of any change in residence or information regarding the Resident Agent.

B. To qualify as a Resident Agent the person must meet the following requirements:

1. Be a natural person residing in or within twenty-five (25) miles of the Village of Lake Delton.
2. The applicant does not have pending any criminal charge for, or within five (5) years prior to the date of application, has not been convicted of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under Ch. 944, Wisconsin Statutes, as amended, or other offenses, subject to § 111.335, Wis. Stats., as amended.
3. The applicant is authorized by owner or licensee, to accept service of process for all Village communications, citations and orders.

38.30 Suspension; Revocation.

In addition to the penalties set forth in Section 38.67, any violation of this Chapter may result in the suspension, revocation and/or non-renewal of the Transient Employee Housing License. The procedure set forth in Section 19.05 of the Code shall govern any action for appeal of the revocation or suspension of a License.

38.31 Nontransferable License.

No License shall be transferable. The holder of any License shall notify the Assistant Zoning Administrator in writing of any transfer of the legal control of any licensed property.

Sections 38.32-38.34 Reserved

Article IV Dormitories

38.35 Dormitory License Required.

No person shall operate a Dormitory without a License issued by the Village Board after review by the Village Housing Committee. Each Dormitory License shall be issued in the name of the operator and for the specific property for occupancy as a Dormitory.

38.36 Application for Dormitory License.

A. Application for a Dormitory License shall be made to the Zoning Department. The Zoning Department shall develop application forms and instructions and make them available to the public. No operating License shall be issued or renewed unless the completed application form and supporting documentation is timely filed accompanied by payment of the License fee.

B. Each application for an Initial Dormitory License shall include the information and documentation required under Section 38.25 (A).

C. In addition to the documents required under Section 38.36 (B) identified, each application for a renewal of a Dormitory License shall include the following:

1. Updated information for the documents required under Section 38.36 (B);
2. Supporting documentation for requested changes in the approved License; and
3. Such other information reasonably required by the Zoning Department.

D. License fees.

1. Each separate building unit which is offered for occupancy as a Dormitory is required to be licensed. The initial License fee is five hundred dollars (\$500.00) and includes the cost of inspection by the Building Inspector or his designee, and the Village Fire Inspector.
2. The Annual fee for License renewal is two hundred fifty dollars (\$250.00) per building.
3. Re-inspection costs are one hundred dollars (\$100.00) per inspection.
4. License term. Every Dormitory Operating License shall be for one year commencing on the latter of May 1st, or the date of issuance, unless sooner revoked.
5. Each License shall be displayed in a conspicuous place within the common ways of each Dormitory Building.

6. No Operating License shall be issued or renewed if the applicant or property has outstanding tax or forfeitures owed to the Village, unless arrangements for payment have been approved by the Village Board.

38.36 (D) Amended Ordinance 17-004 Passed: 3/13/2017 Published 3/25/2017

38.37 Time of Filing of Renewals.

All renewal applications for Dormitory Licenses must be filed on or before May 1st of each year. The Assistant Zoning Administrator may conditionally accept renewal applications offered for filing notwithstanding the deadline provided in this subsection but shall not forward to the Village Housing Committee or the Village Board any application for which there is a deficiency or lack of compliance with any requirement in the application process.

38.38 Resident Agent Required.

No Operating License shall be issued or renewed, unless such applicant has first designated a Resident Agent for the receipt of service of notice of violation of this Chapter's provisions and for service of process pursuant to this Chapter. Such a designation shall be made in writing, and shall accompany each application form. Said applicant shall immediately notify the Village Clerk of any change in residence or information regarding the Resident Agent.

38.39 Nontransferable License.

No License shall be transferable. The holder of any License shall notify the Assistant Zoning Administrator in writing of any transfer of the legal control of any licensed property.

38.40 Standards for Dormitories.

- A. The provisions of Article I of this Chapter apply to all Dormitories unless expressly modified by this section.
- B. All newly constructed Dormitory buildings shall conform to the requirements of the State Building Codes for Group R2 structures.
- C. All Dormitory buildings in use on the effective date of this section shall comply with the Village and State Building Codes then in effect when the Dormitory License was initially issued unless otherwise mandated by law.
- D. Each Dormitory unit shall include a refrigerator and a microwave oven.
- E. Each Dormitory shall provide a common kitchen to be shared by the occupants. There shall be at least one (1) kitchen for each eighty-four (84) occupants. The minimum requirements for a shared kitchen shall include the following appliances and features:
 1. Stove\oven,
 2. Stainless steel sink, and
 3. Garbage and recycling receptacles.
- F. Each Dormitory shall provide laundry facilities on site for use by the occupants.
- G. The maximum occupancy shall be based upon the minimum allowed living area per occupant.
- H. Each Dormitory occupant shall have a separate bed.
- I. Each Dormitory unit shall provide at least fifty (50) square feet of living area per occupant.
- J. The operator shall provide security personnel sufficient to ensure the safety and security of the occupants with minimum staffing of one (1) person on-site and on-duty at all times. Any

Dormitory building with more than forty (40) occupants shall have video surveillance equipment providing constant video surveillance of all common areas.

K. Parking areas shall be adequate to provide for on-site parking for Dormitory staff and deliveries and such additional parking as may be necessary to accommodate the needs of the occupants. Each Dormitory shall provide secure parking areas for bicycles and at the ratio of one (1) space for each occupant. Bicycle areas shall be either enclosed or screened so that they are not visible from the public street.

L. Each Dormitory operator shall comply with the requirements of § 252.09, Wis. Stats.

M. The operator shall maintain a registry of each occupant in accordance with Section 38.28 of this Chapter. The registry shall be maintained in the offices of the Dormitory and shall be available for inspection by the Village and its employees, officers and agents at all hours.

N. Each Dormitory operator shall provide mattress covers, bed linens, pillows and pillow cases and blankets for all occupants. Each Dormitory operator shall ensure that bed linens are cleaned at least once every two (2) weeks and upon a change of occupancy.

O. Each Dormitory shall have a safety plan approved by the Village Fire Chief. A safety plan shall include the following:

1. Emergency contact information shall be conspicuously displayed within each unit and in each hallway and in all common areas. The emergency contact information shall be in English and the native language of the occupants.
2. Each room shall be numbered with the number displayed on the outside of the door.
3. A map showing the fire evacuation routes displayed by the exit door of each room and in each hallway and in all common areas.
4. Pre-designated safe area(s) to go to in the event of a tornado warning conspicuously displayed within each room and in all common areas.
5. Each occupant shall be provided with information in English and in their native language regarding prohibited appliances and activities and any other life safety topic specific to the property as required by the Village Fire Chief.
6. No smoking shall be allowed in any Dormitory building.
7. The safety plan for the Dormitory shall be reviewed and approved by the Village Fire Chief.
8. Such additional information as may be required by the Village Fire Chief.
9. No charcoal or gas grills, fireplaces, fire pits, or outdoor fires shall be allowed on the Dormitory premises.

P. Each Dormitory shall provide free Wi-Fi service in common areas to its occupants. The Wi-Fi service plan covering these common areas shall provide for internet download speeds of one hundred (100) megabits per second.

Q. Each Dormitory operator shall require that any occupant holding a J-1 Visa is subject to disciplinary action including termination of the occupancy for violation of the J-1 Student Visa Code of Conduct.

R. Every occupant will be provided with a brochure provided by the Village explaining the rules of the road for bicycles and pedestrians and the location of Village and emergency services.

S. Every Dormitory shall be free from unsanitary conditions, unreasonable noise and unreasonable odors.

T. Each occupant shall be provided with lockable storage closet or cabinet with the following minimal dimensions:

Minimum width 12”
Minimum height 12”
Minimum depth 18”
Minimum cubic feet of storage 1.5 cubic feet.

U. Each Dormitory operator shall prohibit the use of the following items in the dormitory units:

- Toasters#
- Toaster ovens#
- Coffeemakers that use a hot plate#
- Electric frying pans and grills (including George Foreman Grills®)#
- Crockpots or slow cookers#
- Any appliance with an open heating element or exposed heat source#
- Halogen lamps#
- Candles#
- Rice Cookers#

V. Each Dormitory not located within a resort or Amusement Park shall provide adequate recreational space for its occupants.

38.40 Amended Ordinance 17-004 Passed: 3/13/2017 Published 3/25/2017

38.41-38.42 Reserved

Article V Special Exception Permits

38.43 Special Exceptions Permits.

A. Any person asking to be relieved from the strict enforcement of this Chapter’s provisions may apply for a Special Exceptions Permit. The application shall be on a form provided by the Assistant Zoning Administrator. The completed form and all supporting documents shall be filed with the Assistant Zoning Administrator along with the filing fee. The Assistant Zoning Administrator shall forward the application to the Zoning Administrator. Within ten (10) days of receiving the application for a Special Exceptions Permit, the Zoning Administrator shall issue a written report to the Village Board including his recommendation.

B. Following the review and issuance of a report by the Village Zoning Administrator the application will be reviewed by the Village Housing Committee. The Village Housing Committee may require the applicant to furnish additional information it deems necessary in its review of the application.

C. When reviewing an application for a Special Exception Permit, the Village Housing Committee will take into consideration such factors it deems appropriate, including but not limited to:

1. The Special Exceptions Permit will not be unreasonably detrimental to or endanger the public health, safety, comfort or general welfare.
2. The uses, values and enjoyment of other property in the neighborhood shall not be substantially impaired or diminished by the proposed Special Exception Permit.
3. The Special Exception Permit will not unduly create a danger to pedestrians or traffic.
4. The past experience with the applicant or similar business operations.

5. That the issuance of a Special Exception Permit will not violate the terms or conditions of a Conditional Use Permit or variance for the permitted premises.
6. The proposed special exception must comply with all other local ordinances and applicable state laws.
7. Such other factors due to the specific circumstances that the Village Housing Committee or Village Board deems appropriate.

Sections 38.44-38.66 Reserved

38.67 Penalties and Fees.

A. The penalty for the conviction of any section of this Chapter shall be a forfeiture of not less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000.00), or as further established by resolution of the Village Board. The minimum deposit shall be as set forth in subparagraph E, unless otherwise established by the Village Board. Court costs, penalty assessments or other fees as established by Wisconsin statutes will be added to the penalty.

B. At the time a citation is issued for a violation of this Chapter, a deposit amount shall be included on the citation. The minimum deposit amount shall be fifty dollars (\$50.00) or as set forth below in subparagraph E. The deposit amount shall be the minimum amount that may be accepted by an officer or Clerk of Court in lieu of a court appearance, and shall serve as a reference or standard amount of forfeiture levied by the court upon failure to appear or conviction.

C. Payment of the deposit as set forth on the citation prior to the initial court appearance of the defendant may be made to the Village of Lake Delton or the Sauk County Clerk of Courts. If payment is made to the Village, it shall be in cash, check, debit card or credit card, and the official accepting payment shall provide a receipt for payment in cash and may provide a receipt for payment by check, debit card or credit card if requested. If payment is made to the Clerk of Courts' office, it shall be made in accordance with its payment procedures.

D. Payment of the penalty/forfeiture ordered by the court shall be made only to the Sauk County Clerk of Courts in accordance with court and Clerk of Court procedures. Any judgment entered by the court may be docketed in the county of residence of the defendant and become a judgment lien against the property of the judgment debtor.

E. A violation of any section or subsection of this Chapter shall be punishable by a forfeiture imposed in accordance with the following schedule:

SECTION	TITLE	DEPOSITS
<i>Article II – Housing</i>		
38.07 (B), 2, 3	Maximum occupancy	\$250.00
38.07 (B) 4	Unsanitary, unreasonable noise, Odors	\$50.00
38.07 (B) 5, 6	Violation of SPS 320-327	\$250.00
38.07 (B) 7	Inhabiting Accessory Buildings	\$250.00
38.07 (C) 1-7	Minimum Housing Standards	\$100.00
38.08 (A)	Allowing Transient Employee to Stay	\$500.00
<i>Article III – Transient Employee Housing</i>		
38.24	Transient Employee License	\$250.00

38.25	Applications for Transient Employee Housing Licenses	\$50.00
38.27	License Display	\$50.00
38.28 (A)	Employee Housing Standards	\$500.00
38.28 (B), (D), (E), (G), (H), (K)	Occupancy registry, unsanitary conditions, repairs, Wi-Fi	\$100 first offense; \$500 for subsequent offenses during license year.
38.28 (B) 38.08 (B)	No completed record filled out by Transient Employee	\$500.00
38.28 (F), (I), (J), (M), (N), (O), (P)	Separate bed, maximum occupancy, hotel/motel/ tourist rooming houses, grills, fireplaces, fire pits, outdoor fires	\$500.00 first offense; \$1000 for subsequent offenses in license year
38.29	Resident Agent; Requirements	\$50.00
Article IV – Dormitories		
38.35	Dormitory License Required	\$250.00
38.36	Application for Dormitory License	\$50.00
38.38	Resident Agent required	\$50.00
38.39	Nontransferable License	\$250.00
38.40 (B), (C)	Violation of SPS Wisconsin Administrative Code and Village and State Building Codes	\$250.00
38.40 (D) – (F), (L), (M), (N), (P), (Q) – (T)	Minimum requirements, registration, bed linens, safety, Wi-Fi, disciplinary action, unsanitary conditions	\$50.00
38.40 (G) – (K), (O)	Maximum occupancy, sleeping accommodation, living space, security	\$250.00

F. Each day a violation exists after the receiving the violation notice and which becomes the Building Inspector’s order shall constitute a separate violation of this Chapter.

G. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Chapter or otherwise.

H. The Building Inspector may impose an inspection fee of up to two hundred fifty dollars (\$250.00) for investigations to determine compliance with this Chapter.

I. In addition to the penalties set forth above, failure of a Licensee to permit the Building Inspector to inspect licensed premises of a Transient Employee Housing unit or Dormitory may result in License suspension and/or revocation.

J. Any property found in violation of this Ordinance more than three (3) times within a year shall constitute a public nuisance.

Sections 38.68-38.69 Reserved

Modified and Amended Ordinance 15-006 Passed: 5/28/2015 Published 6/3/2015
38.24 (C) Amended Ordinance 17-004 Passed: 3/13/2017 Published 3/25/2017
38.25 (C) Amended Ordinance 17-004 Passed: 3/13/2017 Published 3/25/2017
38.26 (A) Amended Ordinance 17-004 Passed: 3/13/2017 Published 3/25/2017
38.36 (D) Amended Ordinance 17-004 Passed: 3/13/2017 Published 3/25/2017
38.40 Amended Ordinance 17-004 Passed: 3/13/2017 Published 3/25/2017