

**VILLAGE OF CLEVELAND
MANITOWOC COUNTY, WISCONSIN**

ORDINANCE NO. 2020-O-04

**AN ORDINANCE TO AMEND TITLE 7, CHAPTER 12
*TOURIST AND TRANSIENT GUEST HOUSING LICENSES***

The Village Board of the Village of Cleveland, to assure the preservation of public health, comfort, and safety, pursuant to Sec. 61.35 and Sec. 62.23, Wis. Stats., do hereby ordain as follows:

Section 1. Section 7-12-4 of the Village of Cleveland Code of Ordinances is amended as follows:

Sec. 7-12-4. License application form.

- (a) The application shall be completed by the Property Owner and filed in the office of the Village Clerk, on a form provided by that office. A separate application is required for each license type and each premises to be licensed. The form must be complete for the application to be processed. A license shall not be issued unless the required fee is paid.
- (b) The initial application shall include the following required information and documentation submitted by the applicant:
 - (1) The name, mailing address, physical address, email address, and 24-hour telephone number of the Applicant, or, if a partnership, the same for all of the partners, or, if a corporation, the same for all of the principal officers and registered agent.
 - (2) The name, mailing address, physical address, email address, and 24-hour telephone number of the Operator.
 - (3) The name, mailing address, physical address, email address, and 24-hour telephone number of the Property Manager.
 - (4) The names and addresses of any similar facilities in other areas operated by the Applicant.
 - (5) Floor plan of the premises, describing and showing the general layout and room dimensions, indicating the intended division of floor space, exits and entrances, the proposed use for each area, and the common elements.
 - (6) Site plan of the premises, including onsite (off-street) parking stalls, proposed landscaping and driveway areas.
 - (7) Operations plan, including current and proposed uses on the property; proposed number of units; projected number of permanent residents, employees, and transient customers; projected normal and peak occupancy rates, dates, and times; projected traffic generation; potential nuisances including street access, parking, exterior storage, exterior lighting, noise, and solid waste and recyclables disposal; proposed exterior signage; and possible future expansion and related potential nuisances and effect on operations.
 - (8) Statement from the building inspector showing the maximum number of units that may be permitted in the structure in accordance with the applicable building regulations. A statement does not need to be submitted when there is a valid one from a prior application on file in the office of the Village Clerk, provided there is no pending enforcement action under any jurisdiction pertaining to the existing occupancy.

- (9) Zoning certificate from the zoning administrator showing compliance with local zoning regulations.
- (10) . [*Reserved*]
- (11) Copies of approved state, county, and local licenses or permits, including the following:
 - a. . [*Reserved*]
 - b. State of Wisconsin Hotel or Motel License, Tourist Rooming House License, Bed-and Breakfast License, or other similar license.
 - c. Seller's permit issued by the Wisconsin Department of Revenue.
 - d. Completed State Lodging Establishment Inspection form dated within one (1) year of the date of license issuance or renewal.
 - e. Recreational Water Facility License issued by the Manitowoc County Health Department for any onsite swimming pools, whirlpools, or other water attractions subject to regulation by the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

NOTE: A Village license or permit shall not be issued under this Chapter if there is an unlicensed recreational water facility on the property unless any water surface complies with Village ordinances, is securely fenced and covered by a locked cover to eliminate accidental entry, and is inaccessible to guests when not supervised by a competent adult.
- (12) Employer identification number issued by the Internal Revenue Service.
- (13) Copy of standard rental agreement or contract Applicant requires for guests to sign.
- (14) Property management agreement, if applicable.
- (15) . [*Reserved*]
- (16) . [*Reserved*]
- (17) Additional information as the village deems necessary to assist it in determining the qualifications of the Applicant or suitability of the facility for a license.
- (18) Any pending orders, citations, notices of noncompliance, or other enforcement actions issued by the Village to the owner, operator, or manager and current status thereof. The Village reserves the right to investigate pending matters.
- (19) Signed authorization allowing Village employees, officers and their designees to enter the Owner's property for purposes of inspection and enforcement of this Chapter and/or the Village Municipal Code.

Sec. 7-12-5. License terms and filing date.

Each permit and license shall run April 1 through March 31 following the date of issuance, unless sooner suspended or revoked. The Village Clerk may conditionally accept late applications, subject to the payment of the late filing fee. Any application which does not include all of the information or documentation shall not be considered complete.

Sec. 7-12-6. Application review procedure.

- (a) When satisfied the application is complete, the Village Clerk shall forward an application for a permit or license to the appropriate Village departments and staff for review, including:

- (1) to obtain reports regarding any complaints received, calls for service, or actions taken;
 - (2) zoning and land use compliance;
 - (3) confirmation from the Village Treasurer and Municipal Court Clerk that Applicant is current on all monies due to the Village, including filing fees for the current application; and
 - (4) the existence and current status of any pending orders, citations, notices of noncompliance, or other enforcement actions issued by the Village to the owner, operator, or manager. The Village reserves the right to investigate pending matters.
 - (5) If the Village Clerk in consultation with Village staff determines the application meets the requirements of this Chapter, the application may be approved. If the Village Clerk in consultation with Village staff determines the application does not meet the requirements of this Chapter, the application may be denied.
- (b) A renewal application shall include updated information for the documentation on file with the Village Clerk, a completed Fire Inspection Report from the Fire Inspector dated not more than one (1) year before the date of permit or license renewal, and payment of the applicable fee. If complete, the Village Clerk shall forward the application to the appropriate Village departments and staff for review in accordance with subsection (a), above.
- (c) The Village Clerk shall only issue an initial or renewal permit or license if:
- (1) The application is complete.
 - (2) The reports from Village staff indicate there are no complaints, calls for service, or actions involving the property.
 - (3) There are no outstanding fees, taxes, or forfeitures owed to the Village by the Applicant or property.
 - (4) There is no order issued by the Building Inspector, Fire Inspector, or Zoning Administrator, or their designees, to bring the premises into compliance with Village ordinances.
 - (5) There is no pending order, citation, notice of noncompliance or other enforcement action issued by the Village to the owner, operator or manager.

Section 2. This ordinance shall become effective upon adoption and posting.

Adopted this 16th day of June, 2020.

VILLAGE OF CLEVELAND

/s/ Kathy Stolzmann
Kathy Stolzmann, Village President

ATTEST:

/s/ Stacy Grunwald
Stacy Grunwald, Village Clerk-Treasurer

MOTION: HOLZWART/FORNER

VOTE: 7 Ayes 0 Noes 0 Abstentions

EFFECTIVE DATE: 06/19/2020