

Monday, April 3, 2023

6:30 PM

McFarland Municipal Center
Community Room

AGENDA

You are invited to this meeting through a Zoom webinar. The public may attend in-person or remotely through the webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/88228157855>

Or by Telephone: +1 (312) 626-6799

Webinar ID: 882 2815 7855

Press *9 to raise/lower hand. Press *6 to mute/unmute.

1. CALL TO ORDER, ROLL CALL.

2. PUBLIC APPEARANCES.

- a. This is an opportunity for members of the public to address the Public Safety Committee for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Committee about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. When you are called upon to speak, state your name, address, and provide your comments to the Committee for their consideration. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to public.safety@mcfarland.wi.us to be included as part of the meeting.

Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.

3. APPROVAL OF MINUTES.

- a. Motion to approve the minutes of the March 6, 2023, Public Safety Committee meeting.
- b. Motion to approve the minutes of the February 6, 2023, Public Safety Committee meeting.

4. BUSINESS.

- a. Discussion and recommendation on an expansion of premise for Class "B" Beer and "Class B" Intoxicating Liquors license for Byrnes McFarland Tavern LLC, D/B/A Byrnes McFarland Tavern, to add the approximately 768 square foot garage area.
- b. Discussion and public input session regarding the Village's Tourist Rooming House Ordinance.
- c. Discussion and review of Chapter 11, Article XI. of the Village Code of Ordinances regarding Tourist Rooming Houses.

5. SCHEDULE NEXT MEETING DATE.

a. May 1, 2023 at 6:30 p.m.

6. ADJOURNMENT.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the McFarland Municipal Center at (608)838-3153, 5915 Milwaukee Street, McFarland, Wisconsin, or village.clerk@mcfarland.wi.us by 2:00 p.m. at least 5 business days prior to the meeting so that any necessary arrangements can be made to accommodate each request. If the meeting or request is less than 5 business days from the meeting, requests for accommodations may still be made and reasonable efforts will be made to accommodate each request.



March 31, 2023

Village of McFarland
Attention: Public Safety Committee
5915 Milwaukee Street
McFarland, WI 53558

To the Public Safety Committee,

It is our understanding that the Public Safety Committee will review the Tourist Rooming House ordinance during a meeting held on Monday, April 3, 2023. Unfortunately, our chamber board members are unable to attend at this time. We did want to provide input that we are currently a benefit from this ordinance. As per section 11-362 Taxes And Fees, "The owner of a tourist rooming house shall pay room tax in accordance with Chapter 23, Article II, Division 6 of the McFarland Municipal Code. Fees under this Article shall be as established by the Village Board from time to time and set forth in Appendix A of this Code."

We wanted to bring this to the attention of the review committee because these are the ONLY local tax dollars that are contributed to the McFarland Chamber of Commerce to benefit our tourism in the Village of McFarland. Other cities, towns, and municipalities often get dollars from hotel taxes and other room taxes which allows for more spending in the community for local events and tourism promotional material. If the ordinance should be revised, the McFarland Chamber of Commerce is interested in having an opportunity to review and comment on the impacts to the Chamber and the Village tourism and also comment and review any future changes that may be proposed to the existing ordinance.

Thank you for your consideration,

Becky Rogers
McFarland Chamber President

Cassandra Suettinger

From: Richard Rathert <rkrath84@yahoo.com>
Sent: Sunday, March 5, 2023 5:04 PM
To: Village Clerk
Cc: Edward Wreh
Subject: Tourist Rooming House

In addition to what we had sent recently.
We found this in checking into City of Madison's Regulations.

Regulations ZTRHP1-INFO

• TRH must be the host's primary residence.* • Only the owner of the property, or a renter whose lease explicitly allows it, may operate a Tourist Rooming House. • If the operator does not occupy the residence at the time of rental, the tourist rooming house may operate no more than thirty (30) days per licensing year, July 1 to June 30.* • If the operator occupies the residence at the time of rental, there is no limit to the number of days the Tourist Rooming House may operate.*

Thanks
Richard and Kris Rathert
Sent from [Mail](#) for Windows

Cassandra Suettinger

From: rkrath84@yahoo.com
Sent: Thursday, March 2, 2023 4:45 PM
To: Village Clerk
Cc: Edward Wreh
Subject: Tourist Rooming Rentals

In reviewing the local regulations pertaining to TRHs we have found the City Of Madison & Township of Dunn are very similar. Being that the Township Of Dunn is geographically closer to us we have decided to use their ordinance regulation & licensing short term rentals. Excerpts taken from Dunn's Ordinance no 11-24 as reference.

The owner of each short-term rental shall have as their primary residence a dwelling unit on the property being licensed for short term rental.

The short term rental must be rented for a minimum of 7 consecutive days by each guest. Can be extended to 29 consecutive days.

A local property management contact, which may be the owner, must be on file with the Town of Dunn at the time of application for a short term rental. The local property manager or property owner must reside within 1,000 feet of the short term rental lot line, must be available 24 hours a day to receive and address problems and complaints when the property is being rented, and must be within 45 minutes of the property and promptly respond to any urgent and valid complaints.

No person or household shall own, manage or operate more than one short term rental in the Town of Dunn. A short term rental owned managed or operated in the name of a corporate entity shall be considered owned, managed or operated by the same person as another short term rental for purposes of this subsection if any individual natural person derives any income from the owning, managing or operation of both short term rentals.

The following is not included in the Town of Dunn ordinances.

Under the law, local governments are allowed to place a six-month/180 day cap on the amount of time property owners can rent out their home during any 365 day period. Moreover the law allows but does not require local governments to require the 180days to be continuous. In communities that have adapted a six month cap, property owners are allowed to choose which six month period the dwelling is rented. For example, if the village adopted a six month limit on short term rentals the property owner could choose whatever six month time period the property owner prefers. The six month requirement is another way in which lawmakers wanted to distinguish between commercial and residential uses of a home. From their perspective, a home that is rented for more than six months during the year is more of a commercial use of property and thus may be inappropriate in some residential areas.

Thank You for listening to these recommendations they seem to be working for other communities and could be possibly melded into McFarland's ordinances regarding TRH's.

We were listening to channel 15 news monday evening (2-27). The mayor of Monona gave of notification that they were possibly changing their TRH's ordinances mainly because of adverse

feedback from the residences pertaining to troubles with some THR's. Because watching on news there was no feedback on particulars in their ordinances.

We do have copies of Town of Dunn's ordinances.

We would like the Village of McFarland to take in consideration what we have addressed.

Richard & Kris Rathert
6609 Sleepy Hollow Rd
McFarland WI

Cassandra Suettinger

From: Matthew Duffy <duffymattj@gmail.com>
Sent: Monday, April 3, 2023 9:44 AM
To: Cassandra Suettinger
Subject: Comments for Public Safety Committee Hearing WRT TRH

To Whom It May Concern,

I would like to submit comments for the Public Safety Committing Hearing with regards to Tourist Room Housing (TRH).

The experience with operating a TRH has been quite positive for the community and family.

- As a single parent, I needed income to provide updates for the 23 year old house. The Village of McFarland TRH and AirBnB provided the opportunity for me to do this part-time out of my house.
- There were vital updates to the house, including fire protection updates, and the updates will help provide a greater value in the neighborhood at large.
- The TRH allows us to promote a community-first and eco-tourism approach to guests. We promote the local parks, restaurants, cafes, and farmers markets to the guests.
- The first year of operating the TRH (only for a small portion of the year, as we live in the house most of the time) brought in over \$1.5k in taxes for the Village of McFarland in addition to the property taxes I already pay on the property.
- We are able to work with a single mother to help us clean and turnover the property, so we strive to keep the money in the community.
- We have only received 5 star reviews on AirBnB and are committed to provide a wonderful experience to the guests in the community.

Thus, our family is in support of continuing (and not restricting) TRH in the Village of McFarland due to the family and community benefits. Should you have any questions or concerns, please feel free to contact me with the information provided.

Thank you

Matthew Duffy
duffymattj@gmail.com
608.354.2988

11-361 (a) (1) Clarify what is meant by “bathroom.” Full bath? $\frac{3}{4}$ bath? $\frac{1}{2}$ bath?

11-361 (a) (3) Recommend that max occupancy for a single family house be set to 6 occupants.

11-361 (a) (4) Provide table of occupants with corresponding number of parking stalls required, and clarify whether this is based on **overnight** occupants, or on occupants plus guests.

(Would help determine what is required if the math calculates 2.5 stalls are required.)

Occup.	Stalls
1	1
2	1
3	1
4	2
5	2
6	2
7	3
8	3
9	3
10	4

Occup.	Stalls
11	4
12	4
13	5
14	5
15	5
16	5
17	6
18	6
19	6
20	7

11-361 (a) (4) Include requirement that guests be required to use the off-street parking.

11-361 (c) (2) Clarify whether the guests of renters are in addition to the guests themselves. Village staff was under the impression that it was not, but the language is ambiguous.

e.g. If a site is allowed 8 overnight guests, then total daytime allowable number of persons on site is 8 or 16?

11-361 (c) (4) How can the primary adult occupant be held accountable for “all provisions” which include: insufficient parking stalls provided, or presence of hibachi on deck?

VILLAGE OF MCFARLAND
Public Safety Committee Minutes

Monday, March 6, 2023 - 6:30 PM

1. CALL TO ORDER, ROLL CALL.

Trustee Hilary Brandt called the regular meeting of the Public Safety Committee to order at 6:30 PM in the Community Room.

Members present: Rich Staley, Sandy Bakk, Dottie Olson, Hilary Brandt

Members not present: Edward Wreh, Shannon Morrison

Staff Present: Village Clerk Cassandra Suettinger, Police Chief Aaron Chapin, Village Attorney Daniel Evans

2. PUBLIC APPEARANCES.

- a. *This is an opportunity for members of the public to address the Public Safety Committee for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Committee about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. When you are called upon to speak, state your name, address, and provide your comments to the Committee for their consideration. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to public.safety@mcfarland.wi.us to be included as part of the meeting.*

Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.

There were no public appearances.

3. BUSINESS.

- a. *License Hearing*

- 1) *Conduct hearing on the recommendation from Chief Chapin to deny the issuance of an operator's license for Kendrick Watkins for the period ending June 30, 2023*

Kendrick Watkins was not present, so the hearing did not happen.

- 2) *Discussion and recommendation on the operator's license for Kendrick Watkins for the period ending June 30, 2023.*

Kendrick Watkins was not present for the hearing, so the committee could not take action on this item.

- b. *Discussion and review of Chapter 11, Article XI. of the Village Code of Ordinances regarding Tourist Rooming Houses.*

Village Clerk Suettinger gave an overview of the TRH ordinance including the background of the ordinance in the Village of McFarland. Village Attorney Daniel Evans was present to provide legal information and input on what the law allows. The

committee discussed possible changes to the ordinance they would like to investigate further, to include parking, length of stay, different lengths of stay by size of rental property. They also discussed recreational fires, and other items.

Alisa Leamy, 6606 Sleepy Hollow Road, was present to give feedback on the TRH ordinance.

Stuart Allbaugh, 5622 Lake Edge Road, was present to give feedback on the TRH ordinance.

The committee discussed having a public information meeting to discuss this issue. Village Clerk Suettinger said Village staff will put together a notice for this.

- c. Discussion and recommendation to the Village Board on a "Class A(Cider Only)" and Class "A" alcohol license for Ameer Investment Inc; D/B/A I Mart WI0100, located at 4800 Larson Beach Road, with Bayarmaa Wey acting as agent for the period ending June 30, 2023.

Trustee Brandt introduced the agenda item. Village Clerk Suettinger gave an overview of this item.

Motion by Village Trustee Hilary Brandt, second by Member Sandy Bakk, to recommend approval to the Village Board of a "Class A (Cider Only)" and Class "A" alcohol license for Ameer Investment Inc; D/B/A I Mart WI0100, located at 4800 Larson Beach Road, with Bayarmaa Wey acting as agent for the period ending June 30, 2023. Motion carries 4 - 0 - 0 by acclamation.

- d. Discussion and action on a "Class A" and Class "A" alcohol license for Ameer Investment Inc; D/B/A I Mart WI0102, located at 4701 Burma Road, with Tammy Downing acting as agent, for the period ending June 30, 2023

Trustee Brandt introduced the agenda item. This is a different location for I Mart.

Motion by Village Trustee Hilary Brandt, second by Member Dottie Olson, to recommend approval to the Village Board of a "Class A" (cider) and Class "A" alcohol license for Ameer Investment Inc; D/B/A I Mart WI0102, located at 4701 Burma Road, with Tammy Downing acting as agent, for the period ending June 30, 2023 Motion carries 4 - 0 - 0 by acclamation.

4. SCHEDULE NEXT MEETING DATE.

- a. April 3, 2023 at 6:30 p.m.

5. ADJOURNMENT.

Motion by Member Rich Staley, second by Member Sandy Bakk, to adjourn at 7:21 p.m.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin board in accordance with Open Meetings Law.

Respectfully submitted,
Tricia Reimer
Office Manager

VILLAGE OF MCFARLAND
Public Safety Committee Minutes

Monday, February 6, 2023 - 6:30 PM

1. CALL TO ORDER, ROLL CALL.

Chairperson Edward Wreh called the regular meeting of the Public Safety Committee to order at 6:30 PM in the community room.

Members present: Rich Staley, Edward Wreh, Shannon Morrison, Hilary Brandt

Members not present: Sandy Bakk, Dottie Olson

Staff Present: Chief Chris Dennis, Sergeant Nate Jacobsen

2. PUBLIC APPEARANCES.

- a. *This is an opportunity for members of the public to address the Public Safety Committee for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Committee about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. When you are called upon to speak, state your name, address, and provide your comments to the Committee for their consideration. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to public.safety@mcfarland.wi.us to be included as part of the meeting.*

Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.

There were no public appearances.

3. APPROVAL OF MINUTES.

- a. *Motion to approve the minutes of the 1/5/2023 meeting.*
Motion by Village Trustee Edward Wreh, second by Member Shannon Morrison, to approve the minutes of the 1/5/2023 meeting. Motion carries 4 - 0 - 0 by acclamation.

4. BUSINESS.

- a. *License Hearing*
- 1) *Conduct hearing on the recommendation from Chief Chapin to deny the issuance of an operator's license for Mariah Crossman for the period ending June 30, 2023.*
The hearing started at 6:34 p.m. Sergeant Nate Jacobsen was sworn in. He then explained the two alcohol related offenses that were the reason for the recommendation by Chief Chapin to deny the operator's license application for Mariah Crossman. Committee members asked questions of Sergeant Jacobsen. Mariah Crossman was then sworn in and gave comments regarding the changes she has made since the offenses happened and answered committee members' questions.

Sergeant Jacobsen gave comments from Chief Chapin regarding the practice of doing quarterly background checks in cases where there have been alcohol-related offenses, should the committee recommend approving the operator's license.

Trustee Edward Wreh concluded the hearing at 6:45 p.m.

2) Discussion and recommendation on the operator's license for Mariah Crossman for the period ending June 30, 2023.

Motion by Village Trustee Edward Wreh, second by Village Trustee Hilary Brandt, to recommend denial on the operator's license for Mariah Crossman for the period ending June 30, 2023. Trustee Edward Wreh then rescinded the motion, seconded by Village Trustee Hilary Brandt.

Village Trustee Edward Wreh read information regarding the denial process and explained to Mariah Crossman that she would still be able to serve alcohol under the supervision of a licensed operator. He explained the Village Board would take action on this item at the next meeting on February 14, 2023. He explained Ms. Crossman would be able to address the Village Board at this meeting, and if denied, she could appeal.

The following motion was stated by Village Trustee Edward Wreh: In alignment with Village ordinance 11-74(c)(3) guideline 3 which states, in part: Provided the circumstances substantially relate to the circumstances of the job, any person who has been convicted of or has a current charge pending, for two or more offenses, arising out of separate incidents, within the last five years immediately preceding the license application in the following subcategories does not qualify for an operator's license. Operating a motor vehicle while under the influence of alcohol or drugs. Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitution related offenses, wherein the offenses involve an incident at a place that is, or should have been licensed under Wisconsin Statute Ch. 125, Village Trustee Edward Wreh motioned to deny the issuance of an operator license for Mariah Crossman for the period ending June 30, 2023. Second by none.

The committee discussed how close Ms. Crossman is to the the five-year period ending. The committee discussed approving the license with quarterly checks through the five-year anniversary of the second conviction date. Tanya O'Malley explained the license is only valid through June 30, 2023, and that with the next licensing process, the committee would likely be going through this procedure again.

Mariah Crossman answered the committee questions.

Motion by Village Trustee Edward Wreh, second by Village Trustee Hilary Brandt, to recommend conditional approval on the operator's license for Mariah Crossman for the period ending June 30, 2023, with the stipulation that one quarterly check is conducted by the police dept. at their discretion prior to the ending of the termination of the license. Motion carries 4 - 0 - 0 by acclamation.

b. Discussion and overview of referral from the Village Board to review Chapter II, Article XI of the Village Code of Ordinances regarding Tourist Rooming Houses.

Chair Edward Wreh introduced the item and explained that the Village Attorney was asked to draft a memo with potential changes to the TRH policy that the Village Board could consider. Village staff will work with the village attorney to develop the recommendations. The draft will be submitted at the March 6, 2023, PSC meeting.

The committee discussed the item.

Dick Rathert, 6609 Sleepy Hollow Rd, neighbors to 6611, asked about the application submitted by 6611 Sleepy Hollow Rd. He shared his concerns regarding TRH rental minimum stays. He was instructed to send concerns to staff for public comment at the March 6 PSC Meeting.

The committee discussed hypothetical situations that could occur at a TRO and ways to have future policy address those.

5. SCHEDULE NEXT MEETING DATE.

a. Monday, March 6, 2023, at 6:30 p.m.

The next PSC meeting is scheduled for March 6, 2023, at 6:30 p.m.

6. ADJOURNMENT.

Motion by Village Trustee Hilary Brandt, second by Member Shannon Morrison, to adjourn at 7:24 p.m.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin board in accordance with Open Meetings Law.

Respectfully submitted,
Tricia Reimer
Officer Manager

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Monday, April 3, 2023

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Deputy Administrator/Clerk, Aaron Chapin, Police Chief, Chris Dennis, Fire/Rescue Chief, Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and recommendation on an expansion of premise for Class "B" Beer and "Class B" Intoxicating Liquors license for Byrnes McFarland Tavern LLC, D/B/A Byrnes McFarland Tavern, to add the approximately 768 square foot garage area.

PREVIOUS ACTION:

ISSUE SUMMARY:

Attached is Staff's memo outlining the request from the McFarland Tavern to expand their liquor license premise to include the garage adjacent to the tavern.

FINANCIAL/BUDGET IMPACT:

No financial impact.

VILLAGE PLAN REFERENCE:

N/A

ORDINANCE REFERENCE:

[Chapter 11 - Article II - Alcohol Beverage License](#)

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended for approval with conditions. Recommended motion:

Motion to approve an expansion of licensed premise for Byrnes McFarland Tavern, 5915 Exchange St., to include the 768-foot garage area which shall be utilized for indoor and outdoor consumption with the following variances and conditions:

1. A variance from the requirement that outdoor consumption be no greater than 50% of the license premises indoor capacity; and

2. A variance be granted from the requirement that no bar/counter service occur in the outside consumption area;

Finding neither condition is necessary to protect the public health, safety, or welfare, and



3. That the applicant meet all IBC requirements outlined in the letter from Chief Dennis dated March 30, 2023, including the requirement that both exists be required to swing outward, and emergency lighting be installed accordingly.

ATTACHMENTS:

1. Byrnes Application - FINAL 03.24.2023_Redacted
2. Proposed Indoor Licensed Area
3. Fence Example - 03.24.2023
4. outdoor #1 (1)
5. Review and Recommendation - Byrnes Tavern - 03.24.2023
6. 20230330 MFR - 5915 Exchange St - McFarland Tavern - Garage Exapnsion



Application for an Expansion of Licensed Premise
Pursuant to Village Ordinance Chapter 11

***Any physical change to a licensed premise requires Village board approval.**

No Fee

1. Applicant Information

Name of Individual, Partnership, LLC, or Corporation that holds the current Alcohol Beverage License:
Byrne's McFarland Tavern LLC.

DBA:
McFarland Tavern

Address of establishment:
5915 Exchange St.

City, State and Zip Code:
McFarland, Wisconsin 53558

Contact Name::
Ashley

Contact Telephone Number:
[REDACTED]

2. Premise information

Current Licensed Premise: First floor and basement of main building for indoor consumption and storage. Back deck and side yard for outdoor consumption. Current square footage of outdoor consumption areas 1,100 square feet.

Proposed Licensed Premise: Looking to add the garage area to the indoor consumption permit. This would be an additional 768 square feet. Part will be for serving and storage and part will be used for consumption.

Gross floor area of the indoor licensed premise within a permanent building:
3264 sq. feet.

Proposed Square Footage of Outdoor Area: *
768 Square Feet

**Outdoor area may not be larger than 50% of the gross floor area of the licensed premise within a permanent building without a variance granted by the Village Board. To request a variance, please see section 8 of the application.*

3. Outdoor Consumption Section

Will the proposed expansion involve an outdoor consumption area:?

☒ - Yes ☐ - No, skip the remainder of section 3 of the application. *Proposed area will be an indoor consumption area in colder months, and in warmer months, the garage door will be open to provide an open air concept for the area.*

Is the proposed outdoor consumption area within 50 feet of the lot line of a parcel zoned, or used for residential purposes? *

☒ - No ☐ - Yes, see section 8 of application to request a variance

**This prohibition shall not apply to an outdoor area where an accessory apartment exists on the same parcel as the licensed premise.*

Will the outdoor area have amplified sound including but not limited to live music, loud speakers, call systems, etc.?

☐ - No ☒ - Yes.

Hours of operation for an outdoor consumption area shall be limited to Sunday through Thursday 11:00 a.m. to 10:00 p.m., and Friday and Saturday 11:00 a.m. to 11:00 p.m. Will the proposed outdoor consumption area meet this standard?

☒ - Yes ☐ - No, see section 8 of application to request a variance

Is the proposed outdoor area directly connected to the indoor licensed premise?

☐ - Yes ☒ - No

If no, please attach a security plan that explains how alcohol will be served, and how alcohol consumption will be monitored. Provide specific details on how you intend to prevent consumption outside of the licensed premise and how you will prevent underage alcohol consumption.

4. Outdoor Sporting Activity Section

Will the proposed expansion involve an outdoor sporting activity area:?

☐ - Yes ☒ - No

If yes, you will need an outdoor sporting activity application in addition to this application.

5. Attachments/Requirements

The following must be submitted with your application:

☒ - Site Plan or drawings demonstrating the size, location, surface, and building materials, fencing(if required) (not less than 4 ft in height)..

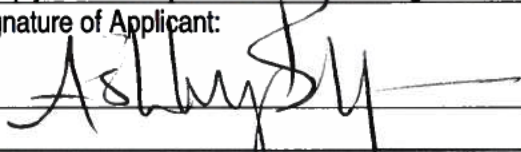
☐ - Picture of proposed fencing/fencing material. **Only required for expansion of premise with an outdoor consumption area.**

6. Certification

I certify that the information contained in this application is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Village Code of Ordinances and State Law.

Signature of Applicant:

Date:



3/24/23

7. Standards for Outdoor Consumption Area

a. The perimeter of any outdoor portion of a licensed premises shall be enclosed by a permanent, secure fence not less than four feet in height. Such fence shall be constructed of wood, plastic or metal and erected and maintained in accordance with all applicable Village Ordinance. If the outdoor portion of a licensed premises is an outdoor sports area, the enclosure may instead be made by temporary netting not less than ten feet high during the applicable sports season. Such netting shall not be installed sooner than 14 days prior to, and shall be removed no later than 14 days after, the season or the period established under Section 11-69(f)(6)c., whichever is shorter. The outdoor area shall comply with all applicable building code requirements including the provision of readily distinguishable means of egress for fire and emergency purposes.

b. Hours of outdoor consumption are restricted to 11:00 a.m. to 10 p.m. Sunday through Thursday, and 11:00 a.m. to 11:00 p.m. on Friday and Saturday.

c. Amplified music, speakers, microphones, televisions and other audio video devices shall be subject to Chapter 20, Article III of the Village Code of Ordinances regarding Noise and section 11-69(f) if applicable. Commercial zoned shall be limited to 70 db at all times. Noise is measured at the property line. Outdoor amplification of noise is not allowed after 10 p.m.

d. A conspicuous notice shall be posted at each fire exit stating: "No Beer, Liquor or Wine May Be Carried in an Open Container Beyond this Point."

e. No bar/counter service shall be permitted in outdoor areas, however, wait staff may serve in the outdoor area.

f. Except for outdoor sports activities permitted under Section 11-69, the outdoor area shall not be used for any activities other than service and consumption of food and/or drink. Smoking may be permitted in accordance with applicable State and local regulations.

g. The outdoor area shall be accessible to the disabled, and the license holder shall at all times comply with all applicable federal, state and village laws, ordinances and regulation concerning accessibility.

h. Containers for refuse disposal and regular cleanup shall be placed inside of the outdoor area.

i. If the outdoor area is used for outdoor sports activities as permitted under Section 11-69 and persons under the age of 21 are allowed to be present on the licensed premises, all persons 21 years of age or older who intend to consume alcohol beverages in the outdoor area, shall be issued a wristband that is bright in color which shall be issued only upon showing valid identification proving the person is 21 years of age or older.

j. The outdoor area shall not have an undue adverse impact upon nearby property, the character of the neighborhood, traffic conditions, parking or other matter affecting the public health, safety, welfare, or convenience.

8. Variance – ONLY COMPLETE SECTION IF YOU ARE REQUESTING A VARIANCE FROM THE MINIMUM STANDARDS IN SECTION 7.

- The above noted standards in section 7 shall be the minimum conditions of all outdoor licensed areas unless the Village Board makes a specific finding that the condition is not necessary to protect the public health, safety or welfare.

Please identify any variances requested from the minimum standards that you would like considered by the Village Board.
I am requesting a variance from the following standard(s):

1. Outdoor areas are prohibited within 50 feet of the lot line of a parcel zoned, or lawfully used for residential purposes.

Proposed distance from residential lot line: _____

Explanation as to why the variance is needed/requested and why it will not cause a nuisance or concern for public health, safety and welfare:

2. The hours during which consumption may be permitted are 11:00 a.m. to 10:00 p.m. Sunday through Thursday, and Saturday and Sunday from 11:00 a.m. to 11:00 p.m.

Proposed Hours of Outdoor consumption area: _____

Explanation as to why the variance is needed/requested and why it will not cause a nuisance or concern for public health, safety and welfare:

3. The perimeter of any outdoor portion of a licensed premise shall be enclosed by a permanent, secure fence not less than four feet in height. Such fence shall be constructed of wood, plastic, or metal and erected and maintained in

accordance with all Village Ordinances.

Proposed fence height and materials: _____

Explanation as to why the variance is needed/requested and why it will not cause a nuisance or concern for public health, safety and welfare:

4. Amplified music, speakers, microphones, televisions, and other audio/video devices shall be subject to Chapter 20 regarding noise, which shall limit noise on all commercial properties to 70db, and no noise allowed between the hours of 10 p.m. and 7:00 a.m.

Variance requested: _____

Explanation as to why the variance is needed/requested and why it will not cause a nuisance or concern for public health, safety and welfare:

5. The size of the outdoor area shall be not larger than 50 percent of the gross floor area of the licensed premise within a permanent building.

Proposed size of outdoor area: 768 *Percentage of gross floor area:* 57.23%

Explanation as to why the variance is needed/requested and why it will not cause a nuisance or concern for public health, safety and welfare:

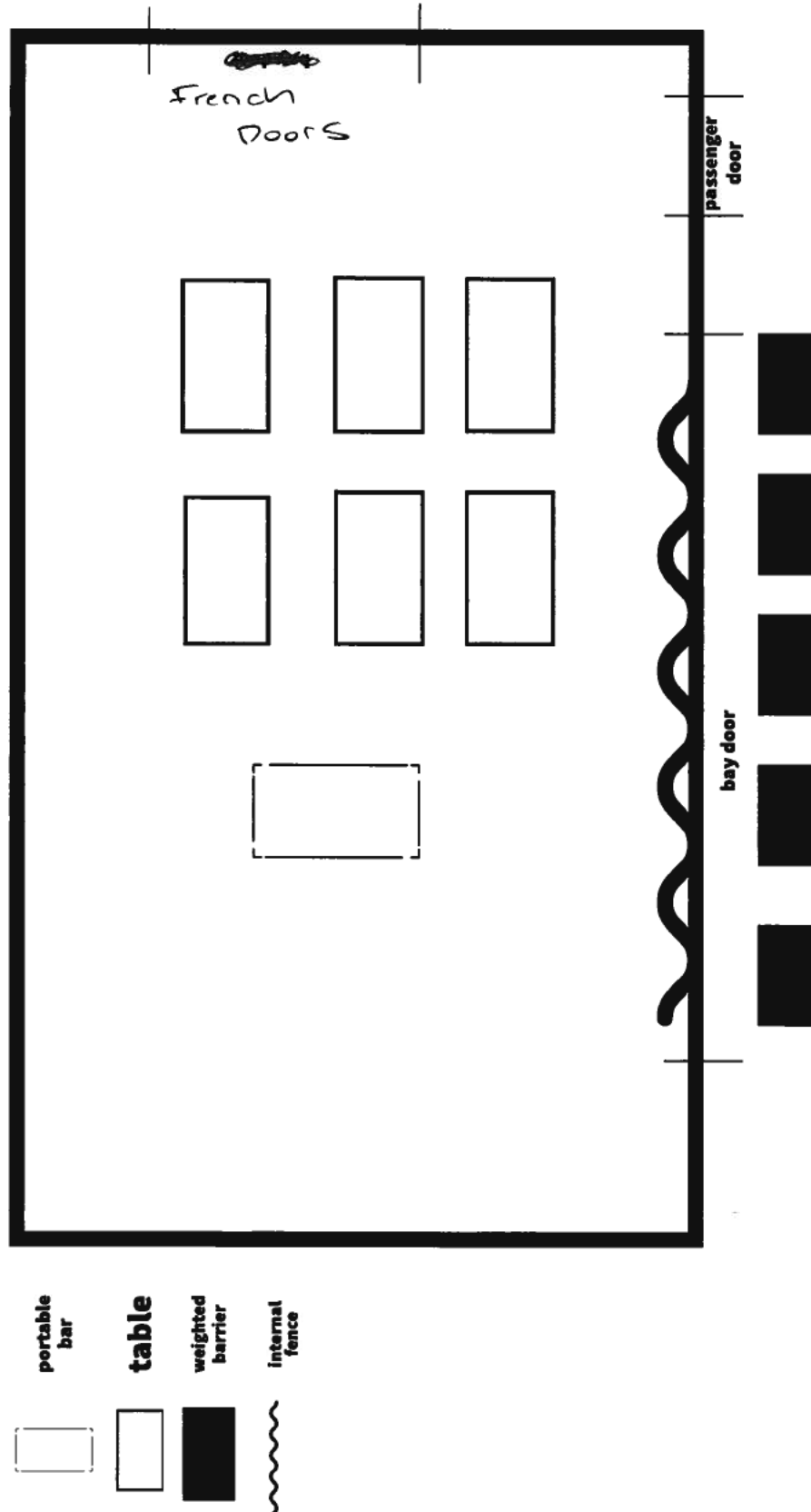
Current garage areas slightly larger than the 50% calculation. Need the additional square footage to be able to license the entire area.

6. Any other variances requested?

11-64(n)g. Provides that no bar/counter service shall be permitted in outdoor areas, however, wait staff may serve in outdoor areas.

A variance is requested from this provision. Given the proximity of the garage from the bar areas in the tavern, a bar is proposed to be in the garage area. This will allow for ease for service for patrons, but also provide for better supervision of the area. The area would not be utilized without a licensed operator in the area serving alcohol and supervising the area.

Garage Conversion Area



Proposed Indoor Licensed Area:

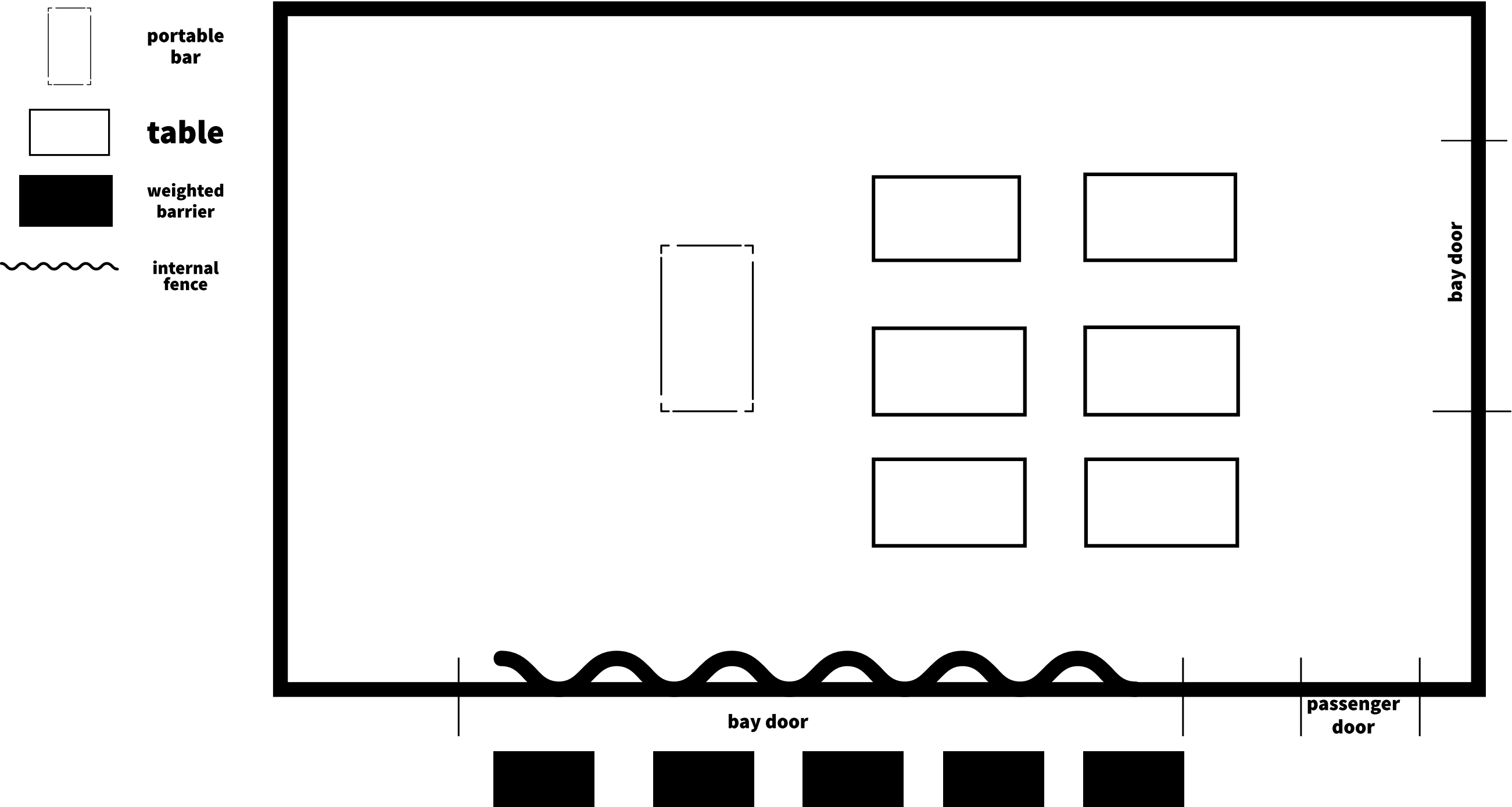
1. The McFarland Tavern is asking to add the garage space located at 5915 Exchange Street to the licensed consumption permit.
2. The total square footage being added is 704.
3. It would have a small portable bar and additional tables for food service.
4. The garage space would act like a pavilion. Open air and semi-outdoor seating.
5. The capacity would remain under 50 people.
6. The pavilion would only be open while staffed.
7. This area will adhere to all the regulations previously agreed to regarding the outdoor consumption space as well as the safety . The hours of operation would also align with the hours of the outdoor consumption ordinance.
8. Temporary weighted barriers will be added between the parking stalls and the garage.
9. Removable fencing will be used to added to the inside of the bay door facing the parking lot.
10. GFI's have been installed.

Proposed Indoor Licensed Area:

1. The McFarland Tavern is asking to add the garage space located at 5915 Exchange Street to the licensed consumption permit.
2. The total square footage being added is 704.
3. It would have a small portable bar and additional tables for food service.
4. The garage space would act like a pavilion. Open air and semi-outdoor seating.
5. The capacity would remain under 50 people.
6. The pavilion would only be open while staffed.
7. This area will adhere to all the regulations previously agreed to regarding the outdoor consumption space as well as the safety . The hours of operation would also align with the hours of the outdoor consumption ordinance.
8. Temporary weighted barriers will be added between the parking stalls and the garage.
9. Removable fencing will be used to added to the inside of the bay door facing the parking lot.
10. GFI's have been installed.



Garage Conversion Area



MEMORANDUM

To: Public Safety Committee and Village Board

From: Cassandra Suettinger, Deputy Administrator/Clerk, Andrew Bremer, Community Development Director, Aaron Chapin, Police Chief, and Chris Dennis Fire & Rescue Chief.

Date: March 30, 2023

RE: Expansion of Premise for Byrnes Tavern, 5915 Exchange St.

Background: The current licensed premise for Byrnes McFarland Tavern is the first-floor tavern area and basement and an approximately 1,100 square foot outdoor consumption area including the back patio and back yard.

Proposal: Byrnes McFarland Tavern is proposing to expand their licensed premise to include the approximately 768 square foot garage. The area would include a small portable bar and additional tables for food service. In winter months it would be an indoor consumption area, in warm months the garage doors would be rolled up and provide an open-air concept.

Review: Village Ordinance 11-64n outlines the conditions and requirements for outdoor consumption areas within the Village. Below is a review of the proposal and its compliance with the required conditions.

Any application for a new license, the renewal of an existing license or a change in the description of licensed premises which seeks to include an outdoor area within the licensed premises' description shall require notice to each person owning property within 500 feet of the proposed licensed premises. The applicant shall prepay the cost of sending such notice before the notices are sent. The notice shall include a copy of the application and the date, time and location of any public hearings or other public meetings at which the application is scheduled to be considered.

On Tuesday March 21st, a notice was sent to all property owners within 500 feet of the proposed licensed premise expansion notifying them of the dates and times of the Public Safety and Village Board meetings along with a copy of the proposed site plan.

2) The application shall be accompanied by detailed plans or drawings demonstrating the size, location, surface and building materials, and use of the outdoor area, including fencing and signage, and any other information necessary to determine compliance with this Subsection. The outdoor consumption application, along with associated plans and drawings, shall be reviewed for a recommendation by the Public Safety Committee and a final decision made by the Village Board.

Attached are the detailed plans outlining all the required items for the review and recommendation of the Public Safety Committee.

3) The Village Board may impose conditions specific to any outdoor areas of the licensed premises as deemed necessary to prevent undue adverse impacts on neighboring property, the character of the surrounding neighborhood, traffic conditions, parking or any other matter to protect the public health, safety, welfare or convenience, including, but not limited to:

a. Restricting the hours during which alcohol consumption may be permitted within the outdoor area;

Staff Comments: No restrictions identified by Staff

b. Requiring additional parking beyond the minimum required by the Zoning Code;

Staff Comments: The property is zoned C-C Commercial Central. Sec. 62-172(j) states that the minimum off-street parking requirements in the Zoning Code are advisory only in the C-C District. The applicant is not proposing to removing any existing off-street parking stalls as part of the request. No restrictions identified by Staff.

c. Regulation of lighting and screening;

Staff Comments: The applicant is not proposing any changes to exterior lighting or screening. No restrictions identified by Staff.

d. Any conditions recommended by the Public Safety Committee;

To be determined by the Committee as applicable.

In addition to any specific conditions imposed under Subsections (2) and (3), the following shall be minimum conditions of all licenses with respect to outdoor areas unless the Village Board makes a specific finding that the condition is not necessary to protect the public health, safety or welfare:

a. Outdoor areas are prohibited within 50 feet of the lot line of a parcel zoned, or lawfully used for residential purposes. This prohibition shall not apply to prohibit an outdoor area where an accessory apartment exists on the same parcel as the licensed premises.

- Staff Comments: **Compliant.** There is a residence within 50 feet on the McFarland Tavern property; however, it is located on the McFarland House Café property which is currently zoned C-C Central Commercial and not zoned residential.

b. The hours during which alcohol consumption may be permitted within the outdoor area is restricted to 11:00 a.m. to 10:00 p.m. Sunday through Thursday; and 11:00 a.m. to 11:00 p.m. on Friday and Saturday.

- Staff Comments: Compliant. Applicant is aware of requirement and intends operate within hours.

c. The perimeter of any outdoor portion of a licensed premises shall be enclosed by a permanent, secure fence not less than four feet in height. Such fence shall be constructed of wood, plastic, or metal and erected and maintained in accordance with all applicable Village ordinances. If the outdoor portion of a licensed premises is an outdoor sports area, the enclosure may instead be made by temporary netting not less than ten feet high during the applicable sports season. Such netting shall not be installed sooner than 14 days prior to, and shall be removed no later than 14 days after, the season or the period established under Section 11-69(f)(6)c., whichever is shorter. The outdoor area shall comply with all applicable building code requirements including the provision of readily distinguishable means of egress for fire and emergency purposes.

- Applicant response: When the garage door is open during warm months, the Tavern intends to install the same style fencing and temporarily bollards utilized by Spartan Bowl. (Pictured in the attached)
- Staff Comments: **Compliant.** The site plan in the application identifies the fencing as “internal”, located along the edge of the garage door. Staff notes that the fencing should not be extended beyond the edge of the garage so as to increase the outdoor license area onto the existing off-street parking lot in front of the garage without prior Village approval. The applicant will need to obtain a fence permit from the Building Inspector. The site plan also shows five “weighted barriers” in front of the garage door. Staff notes that the total number of temporary weight barriers only needs to be sufficient to cover the area in front of the garage door, interlocked, or spaced at intervals no wider than 4 feet apart to prevent the passage of a vehicle between barriers. Barriers should be located near the front of the garage so as to allow continued use of the off-street parking stalls in front of the garage. Applicant is responsible for ensuring the barriers are adequately placed and weighted.

d. Amplified music, speakers, microphones, televisions or other audio or video devices shall be subject to Chapter 20, Article III of the Village Code of Ordinances regarding Noise and Section 11-69(f) if applicable.

- Applicant Response: The Tavern intends to play music in the area when in operation but is aware of the ordinance limitations.

- Staff Comments: **Compliant.** None.

e. The outdoor area shall not have an undue adverse impact upon nearby property, the character of the neighborhood, traffic conditions, parking or other matter affecting the public health, safety, welfare, or convenience.

- Staff Comments: **Compliant.** Barriers should be located near the front of the garage so as to allow continued use of the off-street parking stalls in front of the garage.

f. The size of the outdoor area may not be larger than 50 percent of the gross floor area of the licensed premises within a permanent building. Interior building capacity shall not be increased as a result of the addition of the outdoor area. The playing area of any outdoor sports area permitted under Section 11-69 shall not be included for purposes of determining compliance with this subparagraph so long as the playing area is not permitted to be occupied by persons not participating in the sporting activity for which the playing area is designed.

- Staff Comments: **Variance requested.** The applicant's current interior premises include the basement and 1st floor storage and first floor sales. This is approximately 3,264 square feet. This would provide the applicant with up to 1,632 square feet for an outdoor consumption area. Currently the applicant has utilized 1,100 square feet in the backyard and back patio. The additional 768 square feet proposed, takes the proposed outdoor area to 1868 sq. feet or 57% of the indoor area. This is slightly over the proposed 50% threshold.
- In reviewing the proposal, staff recommended approval of the variance noting the condition was not necessary to protect the public health, safety or welfare.

g. A conspicuous notice shall be posted at each fire exit stating: "No Beer, Liquor or Wine May Be Carried in an Open Container Beyond this Point."

- Staff Comments: **Compliant.** Applicant is aware of the requirement and understands compliance requirement.

h. No bar/counter service shall be permitted in outdoor areas, however, wait staff may serve in the outdoor area.

- Applicant Comments. Because the garage area is detached from the main bar, the applicant intends to have a small portable bar and offer service in the area. She also noted, the area will not be in use unless a licensed operator is supervising and serving drinks from the portable bar in the

garage.

- Staff Comments: **Variance Requested.** Staff noted the proposed variance requested is safer than the alternative. Historically, the Village has required the installation of security cameras in outdoor areas where directly supervision is not possible. With the proposal to utilize a portable bar, staff recommends approval of the requested variance with the condition that security cameras be required in the event the area any time the area will not be directly supervised by a licensed operator. As proposed, security cameras would not be necessary, but a condition that should be put in place to be clear.

i Except for outdoor sports activities permitted under Section 11-69, the outdoor area shall not be used for any activities other than service and consumption of food and/or drink. Smoking may be permitted in accordance with applicable State and local regulations.

Compliant. Applicant is aware of requirement.

- Staff Comments: Not applicable, no outdoor sports planned.

j. The outdoor area shall be accessible to the disabled, and the license holder shall at all times comply with all applicable federal, state and village laws, ordinances and regulation concerning accessibility.

- Staff Comments: Both the Fire Inspector and Building Inspector reviewed the proposed plan and found it to be in compliance. Attached are conditions provided from the Fire & Rescue Chief.

k. Containers for refuse disposal and regular cleanup shall be placed inside of the outdoor area.

- Staff Comments: None. Applicant is aware of the requirement and understands compliance requirement.

l. If the outdoor area is used for outdoor sports activities as permitted under Section 11-69 and persons under the age of 21 are allowed to be present on the licensed premises, all persons 21 years of age or older who intend to consume alcohol beverages in the outdoor area, shall be issued a wristband that is bright in color which shall be issued only upon showing valid identification proving the person is 21 years of age or older.

- Staff Comments: Not applicable, no outdoor sports planned.
- Response: Not applicable

Recommendation: Staff recommends approval of the expansion of licensed premise for Byrnes McFarland Tavern, 5915 Exchange St., to include the 768-foot garage area which shall be utilized for indoor and outdoor consumption with the following variances:

1. A variance from the requirement that outdoor consumption be no greater than 50% of the license premises indoor capacity; and
2. A variance be granted from the requirement that no bar/counter service occur in the outside consumption area;

Finding neither condition is necessary to protect the public health, safety, or welfare, *and*

3. That the applicant meet all IBC requirements outlined in the letter from Chief Dennis dated March 30, 2023, including the requirement that both exists be required to swing outward, and emergency lighting be installed accordingly.

March 30, 2023

Re: McFarland Tavern Alcohol Licensed Propose Changes

We have reviewed the application for the expansion of licensed premises for McFarland Tavern LLC. The application requested an additional 704 square feet to convert a storage garage into a serving area. Based on the assessor records, the building is 768 square feet. The following information was reviewed to determine our recommendation.

International Building Code (IBC) 2015 Edition 303.3 defines taverns and bars as Assembly Group A-2 occupancy. The license space would be determined to be an A-2.

IBC 2015 Table 1006.2.1 permits one exit for spaces in an Assembly group where the occupant load is 49 or less and a maximum travel distance of 75.

IBC 2015 Table 1004.1.2 indicates an occupant load factor of 15 square feet per occupant for an Assembly group with unconcentrated (tables and chairs).

Based on the square footage of 768 square feet, the occupant load would be 51 people.

The building is equipped with two overhead doors and one swinging door.

IBC 2015 1010.1.2 states egress doors shall be of the pivoted or side-hinged swinging type.

IBC 2015 1010.1.2.1 swinging doors shall swing in the direction of egress travel, serving a room or area containing an occupant load of 50 or more.

IBC 2015 1008.3.1 requires in the event of a power supply failure in rooms and spaces that require two or more means of egress, an emergency electrical system shall automatically illuminate aisles and corridors.

Based on the information provided above, if the premise license is increased to include the garage with 768 square feet, an additional exit, both exits will be required to swing outward, exit lighting and emergency lighting will be required.

During an on-site meeting with the applicant, they stated they intend to replace the overhead door on the west wall with a double swinging set of doors (French door), modify the swing of the north door to swing outward, and install exiting lights with emergency lighting above the swinging doors. Completing these items would meet the requirements of the IBC that were mentioned above.

Sincerely,

A handwritten signature in black ink, reading "Christopher C. Dennis". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Christopher C. Dennis
Fire & Rescue Chief

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Monday, April 3, 2023

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Deputy Administrator/Clerk, Andrew Bremer,
Comm & Eco Dev Director, Aaron Chapin, Police Chief, Chris
Dennis, Fire/Rescue Chief

AGENDA ITEM: Discussion and public input session regarding the Village's Tourist
Rooming House Ordinance.

PREVIOUS ACTION:

On January 24, 2023 the Village Board referred to issue of review of the Village's Tourist Rooming House Ordinance to the Public Safety Committee.

ISSUE SUMMARY:

At the March 6th Public Safety Committee meeting, the Committee requested a public input session be held to allow residents of the Village to weigh in on potential changes to the Village's Tourist Rooming House Ordinances. Residents located within 300 feet of an active Tourist Rooming House Permit have been noticed of the date and time of the meeting. Additionally, the Village has pushed out information on the meeting to the general media via its various social media sites.

FINANCIAL/BUDGET IMPACT:

N/A

VILLAGE PLAN REFERENCE:

N/A

ORDINANCE REFERENCE:

[Village Ordinance - Chapter 11- Article 11 - IX Tourist Rooming Houses](#)

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended for discussion.

ATTACHMENTS:

None

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Monday, April 3, 2023

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Deputy Administrator/Clerk, Andrew Bremer, Comm & Eco Dev Director, Chris Dennis, Fire/Rescue Chief, Aaron Chapin, Police Chief

AGENDA ITEM: Discussion and review of Chapter 11, Article XI. of the Village Code of Ordinances regarding Tourist Rooming Houses.

PREVIOUS ACTION:

In 2017, the Village adopted a Tourist Rooming House AKA Short Term Rental Ordinance.

On January 24, 2023, the Village Board referred the issue of review of the Village's Tourist Rooming House Ordinance to the Public Safety Committee.

On March 3, 2023 the Public Safety Committee requested a Public Input session be held to allow residents the opportunity to provide feedback on the current ordinance.

ISSUE SUMMARY:

The prior item for the meeting will be to hold a public input session for the Village's Tourist Rooming House Ordinance. After the input session, the Public Safety Committee can discuss the feedback received, and decide how to proceed with the comments received.

Attached is the memo provided from the last Public Safety Committee meeting. The memo has been updated to provide additional information on the number of TRH applications received, approved, denied and violations since the creation of the ordinance in 2017.

FINANCIAL/BUDGET IMPACT:

Unknown at this time.

VILLAGE PLAN REFERENCE:

N/A

ORDINANCE REFERENCE:

[Village Tourist Rooming House Ordinance](#)

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended for discussion.

ATTACHMENTS:

1. TRH Memo - UPDATED - 03.29.2023



2. 20230217 - MFR VOM Ord Art XI TRH Review
3. TRH Research - 3.30.2023
4. Comparison of Tourist Rooming Housing Ordinance - 3.2.2023

MEMORANDUM

To: Public Safety Committee

From: Cassandra Suettinger, Deputy Administrator Clerk

Date: March 2, 2023

UPDATED – March 29, 2023

RE: Tourist Rooming House Ordinance

Background

On March 13, 2017, the Village adopted an ordinance to regulate Tourist Rooming Houses. In the preceding years, the Village had begun to experience issues with nuisances associated with TRH's and adopted the ordinance to allow a process to manage those nuisances.

In November of 2017, the Wisconsin Legislature passed the Right to Rent law which provided a new law to protect the ability of the homeowners to rent out their homes on a short term basis.

In April of 2021, in response to some challenges of to the 2017 ordinance, removed provisions of the ordinance found to be unlawful in light of the Right to Rent Law.

Since the ordinances adoption in 2017, the Village had not seen many TRH's operating in the Village, however, in 2022 the Village began to see a steep increase in the number of permits.

It is also of note, in 2017 the Village also adopted a room tax ordinance. All TRHs are required to collect the 8% Room Tax. 70% of the Room tax collected go to the Village's Tourist Entity which is currently comprised of members of the McFarland Chamber of Commerce. The Village retains 30% of these revenues for administration of the tax. Adoption of the tax has allowed the Village to track annual sales associated with TRHS within the Village.

Year	Total Room Tax Revenues	Gross TRH Sales	Total TRH Applications	Total TRH Application Approvals	Total TRH Application Denials
2018	\$1,615.58	\$20,194.75	2	2	0
2019	\$7,075.99	\$88,449.88	3	3	0
2020	\$8,289.11	\$103,613.88	2	2	0
2021	\$8,434.23	\$105,427.88	4	4	0
2022	\$12,438.49	\$155,481.13	9	9	0

Referral for Review

In February of 2023, Public Safety Chair Ed Wreh referred to the Public Safety Committee review of the current ordinance. The 2017 Right to Rent Law provides the Village cannot

prohibit Tourist Rooming Houses between 7 and 29 days, but there are additional regulations the Village could consider. Those regulations include, but are not limited to:

1. Prohibit rentals of less than 7 days.
2. Consider minimum night stay requirement.
3. Consider addition regulations for TRH's that are not the primary residence of the owner
3. Limit the user of short-term rentals to a block of 180 days every 365 days. Within this we've also seen some comparable communities establish different tiers of restrictions for TRH's that are owner occupied and those that are not.
4. Consider addition for serious violations of the ordinance be grounds for immediate suspension.

Tourist Rooming House Complaints/Incidents

Only one complaint/incident has been recorded to date at an active TRH permitted residence. In 2022 a TRH violated the maximum occupancy requirement by taking a group photo of a wedding party. No other incidents/violations have been reported to date.

Staff Review

In addition, staff has also reviewed the current ordinance to provide areas for revision based on administration of the ordinance over the last 5+ years. Suggested revisions include:

1. Revision of 11-356 Regarding New Application Review Procedure – The current ordinance provides:

Such notice shall be mailed no later than ten days prior to the meeting. If the application is filed 14 days or more prior to its next scheduled meeting, provided the application is complete, the application shall be considered at that meeting. Otherwise, the application, provided the application is complete, will be considered within 40 days of the filing date.

Staff recommends these deadlines be lengthened to allow more flexibility. The current 40-day limit is too restrictive in instances in which more information may be needed as part of the Public Safety Committee review process.

2. 11-352 Operation of Tourist Rooming Houses

Be authorized to undertake, or cause to be undertaken, any repair or act of maintenance of the tourist rooming house necessary to comply with any Village ordinance, or any applicable state building regulations.

Staff recommends this be amended to add properties be in compliance with state building regulations and Village property maintenance standards.

3. Revision to various issues of 11-361 Standards for Tourist Rooming Houses

(2) Not less than 150 square feet of floor space for the first occupant thereof and at least an additional 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.

Staff recommends regulating occupants-based number of bedrooms that meet Uniform Dwelling Code requirements vs a square footage requirement. For example, 2 people per bedroom. The change would provide simplicity and transparency.

(4) Not less than one and one-quarter onsite off-street parking spaces for every four occupants based upon maximum occupancy.

Staff recommends removal of the fraction and regulating off-street parking based on the number of bedrooms. Village Ordinance 62-70 already provides regulations for the number of parking stalls per bedroom and these standards make sense to apply TRHs. This provision should also provide specificity that off-street parking is provided and accessible to renters. For example, parking spots in a garage would only count if they intended to be made available to renters.

4. Insertion of Addition regulations on the usage of fireplaces and pits. Attached is a memo from Chief Dennis outlining proposed revisions an safety background on the issue.

Sec. 11-361 (b) (#)

Outdoor fireplaces and pits are bowls or pits designed for the holding or burning of wood and shall be allowed, as long as the following conditions are met:

- a. Pits shall have an enclosure, heavy screen, or spark arrestor to control and contain embers and sparks.*
- b. Fireplaces or pits shall not be used within ten (10) feet of a building, combustible structure, or lot line.*
- c. Only clean, dry wood is permitted to be burned in fireplaces or pits. No trash, yard waste or construction material shall be burned.*
- d. The smoke from a fireplace or pit shall not create a nuisance.*
- e. A fire extinguisher, garden hose or other method of fire control shall be readily available.*
- f. The fireplace or pit must be supervised at all times by a responsible adult. The fire must be completely extinguished before the fireplace or pit is left unsupervised.*

Sec. 11-361 (c) (6) x.

Notification that usage outdoor fireplaces and pits are required to comply with Section 11-361 (b) (#).

Sec. 11-361 (b) (#)

A functional type K fire extinguisher shall be provided within 30' of any indoor cooking equipment. Any provided fire extinguishers shall be maintained (including annual inspection by a licensed fire extinguisher service provider) and installed in accordance with National Fire Protection Association 10 Standard for Portable Fire Extinguishers.

5. Insert requirement for the applicant to identify a listing of all websites and places where the TRH operator will advertise.

This will assist staff in ensuring all room tax submits are received from applicable marketplace providers.

Recommendation

The above items are submitted for discussion and information purposes only. The Public Safety Committee will hear input from the Community on April 3rd and decide how it would like to proceed.

February 17, 2023

Re: Tourist Rooming Houses Ordinance Review

We completed the review of Article XI – Tourist Rooming Houses (TRH) of the Village of McFarland code of Ordinances and the following recommendations on modifications are being submitted for consideration:

A concern that has been expressed during TRH permit reviews has been with fire pits being used and causing a hazard or nuisance. Adding the following language would assist in reducing concerns.

Sec. 11-361 (b) (#)

Outdoor fireplaces and pits are bowls or pits designed for the holding or burning of wood and shall be allowed, as long as the following conditions are met:

- a. Pits shall have an enclosure, heavy screen, or spark arrestor to control and contain embers and sparks.
- b. Fireplaces or pits shall not be used within ten (10) feet of a building, combustible structure, or lot line.
- c. Only clean, dry wood is permitted to be burned in fireplaces or pits. No trash, yard waste or construction material shall be burned.
- d. The smoke from a fireplace or pit shall not create a nuisance.
- e. A fire extinguisher, garden hose or other method of fire control shall be readily available.
- f. The fireplace or pit must be supervised at all times by a responsible adult. The fire must be completely extinguished before the fireplace or pit is left unsupervised.

Sec. 11-361 (c) (6) x.

Notification that usage outdoor fireplaces and pits are required to comply with Section 11-361 (b) (#).

One of the largest fire hazards present in homes is cooking and possible cooking fires. When individuals are cooking in a kitchen that is unfamiliar there is an additional concern of a cooking fire not being contained and extinguished quickly. To minimize the risk to individuals while using a TRH for kitchen we recommend the following language to be added.

Sec. 11-361 (b) (#)

A functional type K fire extinguisher shall be provided within 30' of any indoor cooking equipment. Any provided fire extinguishers shall be maintained (including annual inspection by a licensed fire extinguisher service provider) and installed in accordance with National Fire Protection Association 10 Standard for Portable Fire Extinguishers.

Respectfully submitted.

A handwritten signature in black ink, reading "Christopher C. Dennis". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Christopher C. Dennis, EFO
Fire Rescue Chief
Village of McFarland

Community	Approved ordinance?	Public Health of Madison & DC License Required?	Other licensing required?	Minimum stay before permit required	Minimum stay Requirement?	Max stays allowed per year	Max # of Guests	# of occurrences before revocation process	Primary Residence Clause?	Restrictions tied to Primary Residence clause?	Transferrable?	Off-Street Parking	Comments and other restrictions
McFarland	Yes	Yes	Seller's Permit	10 days/year	N/A	UNKWN	150 SF + (100 SF of habitable room area) = Total # of Guests	2	No	N/A	No	1.25/4 occupants	does not cap the maximum # of guests, based on SF available. 2 people max for non-bedroom spaces
Madison	Yes	Yes	ZTRH Permit	UNKWN	1-6 daysfor Primary Resident, 6-29 days for non-primary residence	UNKWN	2 times the legal bedrooms or 12. Children do not count towards the limit.	2	Yes	Yes. If operator occupies the residence, there is no limit to the days they may operate. If not, may only operate 30 days per year.	No	UNKWN	ZTRH Permit = Zoning Tourist Rooming House Permit (implemented 10/1/2020)
Mt Horeb	Yes	Yes	Conditional Use Permit	UNKWN	2+	UNKWN	UNKWN	By Plan Commission's review	N/A	N/A	No	1 space/sleeping room	Quiet Hours 10:00 PM - 7:00 AM; requires map of property lines, but not floor plan; on-street parking not allowed
Monona	Yes	Yes	No	14 days/year	1-6 daysfor Primary Resident, 6-29 days for non-primary residence	If non-primary residence, stays must between 6 -29 days, only operate 180 days in a 365 day period, only operate 30 days per permitting year.	2 times the legal bedrooms or 12. Children do not count towards the limit.	UNKWN	Yes	Must be the operator's primary residence to operate stays of 1 to 6 days.	No	UNKWN	it shall be unlawful for any person to operate a short term rental property (STR) in the City of Monona for fifteen (15) or more days in any calendar year without a permit issued by the City Administrator or designee
Waunakee	Yes	Yes	Seller's Permit	10 days/year	6-29 days	180 days of 365 days;	150 SF + (100 SF of habitable room area) = Total # of Guests	3	Yes	Not specific, baseline requirement to operate is that the TRH be the primary residence	UNKWN	1 space/sleeping room	Quiet Hours 10:00 PM - 7:00 AM; Property manager within 25 miles
Town of Dunn	Yes	Yes	N/A		1-6 daysfor Primary Resident, 6-29 days for non-primary residence	If non-primary residence, stays must between 6 -29 days, only operate 180 days in a 365 day period, only operate 30 days per permitting year.	2 times the legal bedrooms or 12. Children do not count towards the limit.	N/A	Yes	Must be the operator's primary residence to operate stays of 1 to 6 days.	No	Only off-street parking allowed. Parking space limit to be included in advertisements	Mus+J1:N7t stay with guest the entire duration under the primary residence rules. Contain a clause that a permit is rquired before they can advertise.

Research on Comparable Tourist Rooming Housing (TRH) Ordinances – 2023

The research on “Tourist Rooming Housing (TRH)” among the comparable communities including links and references to their respective Codes of Ordinances. Other communities also used the term “Short-Term Rental”. The research includes City of Madison, City of Monona and Wisconsin Statutes.

McFarland – See [Article XI. Tourist Rooming Housing](#) of the Village Code of Ordinance

Madison –

- See Code: https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH9LIPE_9.29RETOROHQ
- See Regulations Page: <https://www.cityofmadison.com/dpcd/bi/regulations/3449/>

Mt Horeb –

- See Ordinance: <https://ecode360.com/35419637?highlight=short-term&searchId=37831378220495513#35419637>

Monona –

- See ordinance passed on 2/20/2023, not yet incorporated into their code of ordinance
- <http://www.mymonona.com/DocumentCenter/View/12932/765-Short-Term-Rentals?bidId=>
- Term used: Short-Term Rental

Waunakee –

- See Ordinance: https://library.municode.com/wi/waunakee/codes/code_of_ordinances?nodeId=PTIGEOR_CH18BU_ARTVIIRELISHRMRE

Other Sources (not municipalities)

Dane County -

Wisconsin Statutes –

- https://docs.legis.wisconsin.gov/code/admin_code/atcp/055/72/03 or
- https://docs.legis.wisconsin.gov/code/admin_code/atcp/055/72.pdf