

CITY OF MADISON, WISCONSIN

A SUBSTITUTE ORDINANCE _____

PRESENTED July 18, 2006
REFERRED PSRB _____

Creating Section 23.12 of the Madison General Ordinances to prohibit the operation of transient hotels & motels, amending Section 1.08(3)(a) of the Madison General Ordinances to establish bail amounts, and amending Section 1.08(4) of the Madison General Ordinances to establish enforcement authority for the section.

RULES SUSPENSION _____
PUBLIC HEARING _____

Drafted by: Jennifer Zilavy

Date: March 22, 2007

SPONSORS: Ald. Bruer

DRAFTER'S ANALYSIS: This proposal prohibits the short-term rental of motel or hotel rooms for twice within 24 hours, prohibits a motel or hotel for being a disorderly house and allows the Office of the City Attorney to bring a nuisance action against a motel or hotel who violates this ordinance multiple times.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 23.12 entitled "Transient Hotels & Motels Prohibited" of the Madison General Ordinances is created to read as follows:

"23.12 TRANSIENT HOTELS & MOTELS PROHIBITED.

(1) Transient Hotels.

No Hotel, Motel or Tourist Rooming House may rent a room designed for dwelling, lodging or sleeping purposes for hourly or other short-time rates or in any way advertise that any such room is available at hourly or other short-time rates. A room designed for dwelling, lodging or sleeping purposes shall not be rented more than once between 6:00 a.m. and 5:59 p.m. on any given day and no more than once between 6:00 p.m. and 5:59 a.m. of the following morning. For purposes of this section, renting hourly or other short-time rates shall be defined as the granting of the use or possession of a room for lodging or sleeping purposes for an amount less than the minimum daily rental rate.

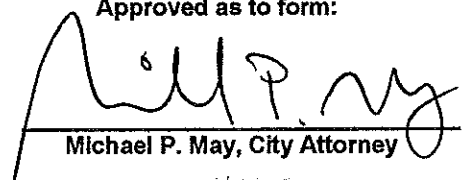
(2) Registration Required.

(a) Every person who owns or operates a hotel, motel or tourist rooming house in the City shall keep an up-to-date register. The register shall contain the name and address of each guest, the guest's vehicle description including the vehicle license plate number, the date and time such person registered, the room number occupied by such guest and the signature of the guest registering. Such register shall be kept in the hotel, motel or tourist rooming house for a period of not less than one (1) year after the entry of each name and address of each guest.

1. "Register" shall mean a hardback book with permanent pages or permanent, consecutively numbered card file, with the pages or cards marked and lined indicating in each lined portion of the page or card the place for the name and address of the guest, the vehicle description, license plate number of the vehicle, the date and time the person registered and the room occupied by such guest.

(b) No person shall write or cause to be written, or knowingly permit to be written in any register in any hotel, motel or tourist rooming house, any other or different name or designation than the true name of the person registering therein, or the name by which such person is generally known.

Approved as to form:


Michael P. May, City Attorney

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- (c) Erasures or alterations on the register required by this subsection shall not be permitted or made for any purpose, and it shall be unlawful to erase a name or names or address or addresses or to permit such an erasure.
- (d) Every peace officer shall have access to and the right to inspect at any time any register kept by any hotel, motel or tourist rooming house.
- (3) Any Hotel, Motel or Tourist Rooming House that violates Subsec. (1) of this ordinance more than three (3) times in any one month, or more than six (6) times in any year shall constitute a public nuisance.
- (4) No Hotel, Motel or Tourist Rooming House may operate as a bawdyhouse, disorderly house, drug house, gambling place or criminal gang house, as those terms are defined in Chapter 823, Wis. Stats.
- (5) The Office of the City Attorney is hereby authorized to commence and maintain an action to recover damages or to abate a public nuisance under Chapter 823, Wis. Stats., against any Hotel, Motel or Tourist Rooming House that violates Subsection (2) or Subsection (3) of this Ordinance or that otherwise constitutes a public nuisance pursuant to Chapter 823, Wis. Stats.
- (6) Hotel, Motel or Tourist Rooming House Operator May Refuse Accommodations.
 - (a) Any person who owns or operates a hotel, motel or tourist rooming house may refuse or deny the use of a room, accommodations, facilities or other privileges of the hotel to any of the following:
 1. An individual who is unwilling or unable to pay for the room, accommodations, facilities, or other privileges of the hotel, motel or tourist rooming house.
 2. An individual who is visibly intoxicated, under the influence of alcohol or other drug, and is disorderly so as to create a public nuisance;
 3. An individual who the hotel owner or operator reasonable believes is seeking to use a room, accommodations, facilities or other privileges of the hotel for an unlawful purpose;
 4. An individual who the hotel owner or operator reasonable believes is bringing in anything which may create an unreasonable danger or risk to other persons, including but not limited to explosives or the unlawful use of firearms;
 5. An individual whose use of the room, accommodations, facilities or other privileges of the hotel would result in a violation of the maximum capacity of such hotel.
- (7) Penalty. Any person who violates the provisions of this section may be subject to a forfeiture of not less than \$100 and nor more than \$1000. Each day of violation shall constitute a separate offense."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance Of Citations For Violations Of Certain Ordinances And Providing A Schedule Of Cash Deposits" of the Madison General Ordinances is amended by amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Operate transient hotel/motel	23.12	\$400, 1st \$600, 2 nd

3. Subsection (4) entitled "Issuance of Citations" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by amending therein the following:

<u>"Enforcement Official</u>	<u>Ordinance Chapter or Section and Title</u>
Director of Public Health or her/his designee and City Health Inspector	Chapter 7, Public Health; Section 9.05, Adult Entertainment Establishments; Section 23.05, Smoking Prohibited in Certain Public Areas; <u>Section 23.12, Transient Hotels and Motels Prohibited</u> ; Section 23.38, Possession of Tobacco Products by Children; Section 23.385, Sale of Tobacco Products to Children Forbiden; Section 23.44, Consumers to Be Offered Selection of Containers."

EDITOR'S NOTE: New or amended bail deposits must be approved by Municipal Judge prior to adoption. These deposits have been so approved.