

ORDINANCE NO. 11-24
REGULATING AND PERMITTING SHORT-TERM RENTALS
TOWN OF DUNN in DANE COUNTY, WISCONSIN

An Ordinance to Repeal Ordinance 11-24 and 11-24 (A) and Recreate 11-24 to provide for the regulation of Short-Term Rentals within the Town of Dunn.

Sec. 11-24-1 Purpose

The Purpose of this Chapter is to ensure that the quality of short-term rentals operating within the Town of Dunn is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for adequate parking; determining the responsibilities of owners, and operators offering these properties for tourists or transient occupants, to protect the character and stability of all areas within the Town of Dunn; and to require a permit for short-term rental activity and provisions for the administration and enforcement thereof.

Sec. 11-24-2 Definitions.

- (a) For the purpose of administering and enforcing this section, the terms or words used herein shall be interpreted as follows:
- (1) Words 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) The following definitions apply:
- (1) Clerk. The Town Clerk of the Town of Dunn or designee.
 - (2) Lodging marketplace. An entity that provides a platform through which an unaffiliated third party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant.
 - (3) Operate. Advertising, marketing, maintaining, managing, or renting residential dwellings as short-term rentals.
 - (4) Operator. The owner, lessee, or property manager of the residential dwelling that has been rented who is operating the short-term rental business including by interacting with guests in person, by phone, or digitally. An operator may not be a LLC, trust, nonprofit, or other corporate entity.
 - (5) Owner. The individual who or entity that owns the residential dwelling that has been rented.
 - (6) Primary residence. A residential dwelling that serves as an individual's true, fixed, and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives government-issued mail, receives a Wisconsin lottery credit, claims residence for purposes of voter registration, claims as an address on Federal income tax forms, and lists as their address on

state issued identification cards and driver's license. An individual can have only one primary residence.

- (7) Property manager. Any individual that is not the property owner and is appointed to act as agent or provides property management services to one or more short term rentals.
- (8) Residential dwelling. Any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one individual or by 2 or more individuals maintaining a common household, to the exclusion of all others.
- (9) Short-term rental. A residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days, as provided in Wis. Stat. §66.0615(1)(dk), and that must obtain a tourist rooming house license or a bed and breakfast establishment license pursuant to Wis. Stat. §97.605(1).

Sec. 11-24-3 Short-Term Rental Permit Requirement.

- (a) It shall be unlawful for any individual to operate or advertise a short-term rental more than 10 days each calendar year in the Town of Dunn without a permit issued by the Clerk.
- (b) Application. Any individual intending to advertise or operate a short-term rental more than 10 days in any calendar year shall submit an application in writing to the Clerk, prior to the first day of operation or advertisement as a short-term rental, along with a nonrefundable application fee as provided in par. (f).

(1) All applications shall include the following:

- i. The name and address of each individual with an ownership interest in the property.
- ii. The name and address of each individual with an ownership interest in the short-term rental business.
- iii. The name and address of the operator, who may also be an owner or lessee.
- iv. The address of the proposed short-term rental.
- v. Two separate items of documentation showing that the proposed short-term rental is the primary residence of the operator, or a statement that the short-term rental is not the operator's primary residence. Identifying documents must contain the operator's current and complete name, including both the given and family name, and a current and complete residential address, including a numbered street address and the name of the Town. Adequate identifying documents that contain the required information include the following:
 - 1. A current and valid operator's license issued under Wis. Stat. ch. 343.
 - 2. A current and valid identification card issued under Wis. Stat. §343.50.
 - 3. A residential lease.
 - 4. A bank statement.
 - 5. A paycheck or pay stub.
 - 6. A check or other document issued by a unit of government.

7. An identification card issued by a federally recognized Indian tribe in this state.
 8. Any other documentation deemed acceptable by the Clerk.
- vi. Whether the short-term rental will operate for stays of more than 6 but fewer than 30 consecutive days.
 - vii. Number of off-street parking spaces on the property designated by the operator for renter use.
 - viii. A site plan showing the location of the off-street parking spaces.
 - ix. The number of bedrooms within the residential dwelling and the number of bedrooms intended for use as a short-term rental.
 - x. Contact phone numbers and email addresses of each property owner and operator.
 - xi. A signed and notarized affidavit stipulating that for short-term rentals of 1 to 6 days duration, the property is and will remain the operator's primary residence during the period of the permit or that the short-term rental will be used solely for stays of more than 6 but fewer than 30 days.
- (c) Permit issuance. The Clerk shall grant a short-term rental permit upon verification of a complete short-term rental application and compliance with the regulations contained in sec. 11-24-4 relating to the operation of a short-term rental.
- (d) Transferability. Permits issued under this section shall not be assigned or transferred to other individuals.
- (e) Renewal. Short-term rental permits shall be renewed by January 1 of each year. Prior to receiving a renewed permit, the operator shall pay applicable fees, provide the Clerk with updated application information required under sec. 11-24-3(b) and submit a signed and notarized affidavit stipulating that for short-term rentals of 1 to 6 days duration, the property is and will remain the operator's primary residence during the period of the permit or that the short-term rental will be used solely for stays of more than 6 but fewer than 30 days.
- (f) Fees.
- (1) Except as provided in 11-24-3(f)(2), fees shall be in accordance with the Town of Dunn Fee Schedule.
 - (2) The fees for 2023 shall be as follows:
 - i. Annual permit fee: \$450.00.
 - ii. Reinstatement fee after revocation, inclusive of the annual permit fee: \$1,800.
- (g) Enforcement and violations. The Clerk or designee may issue citations for any violations of this chapter. Any individual who operates or advertises a short-term rental for 10 days or more in a calendar year without a permit or in violation of this section may be assessed a forfeiture of not less than three hundred dollars and nor more than one thousand dollars. Each day or portion thereof such violation continues shall be considered a separate offense. In addition to issuing citations, the Town may seek, obtain and enforce injunctive relief.
- (h) Denial and revocation. The Clerk may deny or revoke a permit issued hereunder for failure to comply or maintain compliance with or for violation of any applicable provisions of this chapter,

including providing false information on a permit application and advertising the short-term rental in violation of 11-24-4(g). Any such denial or revocation must be made in writing and must include the reasons for which it was made. A revocation shall result in a twelve-month prohibition on the issuance of a new short-term rental permit at the property. If a revocation decision is appealed, the permit remains valid during the pendency of the appeal.

- (i) Appeals. Any such denial or revocation may be appealed as provided under Wis. Stat. Ch. 68.

Sec. 11-24-4 Operation of a Short-Term Rental.

- (a) Room tax. The owner or operator of the short-term rental shall register with the Town Treasurer's office and shall pay room tax if required by Town ordinance.
- (b) Rental periods.
 - (1) If the short-term rental is not the operator's primary residence, or if the short-term rental is the operator's primary residence and more than two (2) bedrooms are offered for rent, the minimum stay shall be seven (7) consecutive days up to a maximum of 29 consecutive days, and may be operated for no more than 180 days in any consecutive 365-day period as provided in Wis. Stat. §66.1014(2)(d) or be a stay that is qualified for an exemption of these requirements under 11-24-4(b)(2). The 180 allowable days in any 365-day period must run consecutively and the operator must give the Clerk notice of the first day of the 180-day consecutive period prior to advertising or operating.
 - (2) If the short-term rental is the operator's primary residence and the operator is staying in the dwelling with guests during the entire rental period and the rental is limited to one (1) or two (2) bedrooms, then there is no requirement for the minimum duration of stay and no limit on the number of days the short-term rental may operate during the year.
- (c) Maximum occupancy. Maximum renter occupancy shall not exceed the lesser of two times the number of legal bedrooms to be rented in the residential dwelling or 12. Children under the age of 12 shall not count toward the maximum renter occupancy.
- (d) Parking. The operator shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed the number of parking spaces the operator provides. Parking space limit shall appear in all advertising for the short-term rental.
- (e) Registry. Each short-term rental shall keep a registry and make it available to law enforcement upon lawful order, stating the true name of the individual making the short-term rental reservation; the telephone number, mailing address, or email address of the individual making the short-term rental reservation; dates of stay and whether the operator was present or absent during the stay. The registry shall include all information from the current registry year and the year immediately prior.
- (f) Reports. The operator shall provide the Clerk with a report of short-term rental activity for each calendar quarter as follows: by February 1 for the quarter ending December 31, by May 1 for the quarter ending March 31, by August 1 for the quarter ending June 30, and by November 1 for the quarter ending September 30, which includes the dates of stay, number of guests for each stay, and whether the operator was present or absent during each date of the stay, and a listing of all websites and places where the operator has advertised the short-term rental. Failure of the operator to submit 2 such reports by required deadlines, or two incidents of inaccurate reporting in any one-year period shall be grounds for automatic revocation of a short-term rental permit.

(g) Advertisements. A short-term rental permit is required to be obtained no later than the tenth day of advertising or operating a short term rental. All advertisements of the short-term rental, including advertisements on the website of a lodging marketplace, must contain a valid short-term rental permit number, clearly state the minimum duration of stay, if any, and state the limit for renter parking spaces. Lodging marketplace calendars must block renters from making reservations that are not compliant with the minimum duration of stay requirements. Lodging marketplace calendars must block renters from making reservations outside of the allowable 180-day consecutive period, as noticed to the Clerk under Section 11-24-4(b)(1). Operators must ensure that lodging marketplaces disable any dynamic scheduling that fills gaps in the rental calendar with stays that do not meet the 7-day minimum. No advertisement can offer rental arrangements that are in violation of this chapter, are for less than the required minimum stay, or that instruct potential renters to contact the host to pursue a rental arrangement that is not in compliance with this ordinance.

Sec. 11-24-5 Information Provided to Renters of Short-term Rentals

Operators shall provide renters with the Town's short-term rental guidelines and standards provided by the Clerk.

Sec. 11-24-6 Severability

If any provision of this Chapter and its ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this Chapter or its ordinances. It is hereby declared to be the intention of the Town of Dunn that all provisions of this Chapter and its ordinances therein are separable. This Chapter shall not invalidate or interfere with any lawful private or other lawful public covenant or restriction on property which prohibits or restricts to a greater extent the uses described and licensed herein.

This ordinance is effective on publication. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.