

Send to ZLR COMMITTEE

Dear Mr. Lane,

I am writing as a Dunn resident and Colladay Point neighbor (not as a member of the Plan Commission) regarding CUP 2025-02669.

The Staff report indicates that an STR in an SFR-08 zone “appears reasonably consistent with comprehensive plan policies.” I respectfully disagree.

The Dunn Comprehensive plan explicitly allows STRs in 9 zones: RM-8, RM-16, RR-1, RR-2, RR-4, RR-8, RR-16, SFR-1 and SFR-2. It does not allow it in SFR-08. (see https://www.townofdunnwi.gov/files/ugd/7ab7a6_0a3ca88698144b958c6484521132e5c9.pdf pages 50-52 of the pdf (2-33 through 2-35 of the document)).

The only reason Dunn’s ordinance licenses STRs in SFR-08 is because of threats of lawsuits based on state law. In 2021 an STR task force appointed by the Town Board proposed an ordinance that would have allowed STRs in any residence, but would have required the operator to have their primary residence at or near the STR. This was consistent with the City of Madison and Town of Westport ordinances.

In April 2021 the Plan Commission approved an ordinance that required the STR owner have a primary residence on the property being rented. Existing STRs that operated with the required zoning CUP and PHMDC license prior to the ordinance would be exempt from the primary residence requirement, as would STRs operated by neighbors. This was done to acknowledge that neighbors had a stake in the community, and to accept investor owned STRs that had been operating without issues and following existing laws. At the same time, it acknowledged that STRs were not generally permitted by the comp plan in SFR-08. The approval sent the ordinance to the Town Board, with the caveat that it should be reviewed by legal counsel.

After review by legal counsel, and under the threat of a lawsuit from investor owned STRs that had been operating without the required licenses, the Town Board dropped the primary residence requirement. They indicated they were doing so to avoid the risk of a lawsuit. In 2021 that made some sense - there was uncertainty over what regulations were allowed by state law. Specifically, could the regulation that an STR be a primary residence withstand legal challenge?

Now, in 2025, there is less risk. The Town of Westport adopted a primary residency requirement in 2021 and that has not been challenged. Similarly, the City of Madison has had (since at least 2021) a requirement that the owner be onsite, or rentals are limited to 30 days per year. That requirement has not been successfully challenged.

I understand that the legal risk analysis can change over time, based on lawsuits (or lack of lawsuits). Perhaps it is time for Dane County (and the Town of Dunn) to reevaluate the state law in view of successful implementation of a primary residency requirement(or onsite living) by area communities.

The ZLR committee could add primary residency conditions to a CUP for an STR (transient tourist lodging) going forward, when the Town's Comprehensive Plan does not allow STRS in a particular zoning district (such as SFR-08). That would more closely follow a comp plan than simply allowing because of fear of a lawsuit (especially when the risk has been shown to be minimal by other jurisdictions).

Attachments:

Excerpts from Dunn's Comprehensive Plan

Plan Commission Minutes from April 2021

Task Force and Plan Commission draft ordinance (submitted to the Town Board for legal review)

- Attached accessory dwelling units associated with a farm residence
- Farm related exhibitions, sales or events, over 10 days/year
- Farm Residence, subject to 10.103(11)
- Limited Farm Business, subject to 10.103(13)
- Sale of agricultural and dairy products not produced on the premise and incidental sale of non-alcoholic beverages and snacks
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses not required by law
- Non-metallic mineral extraction

RM-8 Rural Mixed-Use, 8-16 acres Zoning District

- Agricultural entertainment activities occurring 10 days/year or more
- Attached accessory dwelling units
- Farm related exhibitions, sales or events exceeding 5 days a year
- Governmental, institutional, religious, or nonprofit community uses
- Large animal boarding
- Limited family business
- Property maintenance sheds (600 sq. ft. or less)
- Sanitary facilities in agricultural accessory buildings
- Tourist or transient lodging
- Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not required by law

RM-16 Rural Mixed-Use, 16-35 acres Zoning District

- Agricultural entertainment activities occurring over 10 days/year
- Attached accessory dwelling units
- Farm related exhibitions, sales or events exceeding 5 days a year
- Governmental, institutional, religious, or nonprofit community uses
- Large animal boarding
- Limited family business
- Mineral extraction
- Sanitary facilities in agricultural accessory buildings
- Tourist or transient lodging
- Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not required by law

RR-1 Rural Residential, 1 to 2 acres Zoning District

- Limited family business
- Day Care Centers
- Governmental or religious uses
- Transient or Tourist Lodging
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use

RR-2 Rural Residential, 2 to 4 acres Zoning District

- Animal use exceeding one animal unit per acre
- Limited family business
- Attached accessory dwelling units
- Day Care Centers
- Governmental, institutional, religious, or nonprofit community uses
- **Transient or Tourist Lodging**
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use

RR-4 Rural Residential, 4 to 8 acres Zoning District

- Attached accessory dwelling units
- Animal use exceeding one animal unit per acre
- Limited family business
- Day Care Centers
- Governmental, institutional, religious, or nonprofit community uses
- **Transient or Tourist Lodging**
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use

RR-8 Rural Residential, 8 to 16 acres Zoning District

- Attached accessory dwelling units
- Animal use exceeding one animal unit per acre
- Limited family business
- Day Care Centers
- Governmental, institutional, religious, or nonprofit community uses
- Property management sheds
- **Transient or Tourist Lodging**
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use

RR-16 Rural Residential, 16 to 35 acres Zoning District

- Attached accessory dwelling units
- Animal use exceeding one animal unit per acre
- Limited family business
- Day Care Centers
- Governmental, institutional, religious, or nonprofit community uses
- Property management sheds
- **Transient or Tourist Lodging**
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use

SFR-08 Single-Family Residential, small lots Zoning District

- Governmental uses
 - Religious uses
- Does not list TTL**

- Transportation, utility, communications, pipeline, electric transmission, utility, or drainage uses

SFR-1 Single-Family Residential, 1 to 2 acres Zoning District

- Governmental uses
- Religious uses
- **Transient or tourist lodging**
- Transportation, utility, communications, pipeline, electric transmission, utility, or drainage uses

SFR-2 Single-Family Residential, 2 to 4 acres Zoning District

- Attached accessory dwelling units
- Day care centers
- Governmental uses
- Institutional uses
- Religious uses
- Nonprofit community uses
- **Transient or tourist lodging**
- Transportation, utility, communications, pipeline, electric transmission, utility, or drainage uses

TFR-08 Two-Family Residential Zoning District

- Governmental uses
- Religious uses
- Transportation, utility, communications, pipeline, electric transmission, utility, or drainage uses

MFR-08 Multi-Family Residential Zoning District

- Governmental uses
- Religious uses
- Transportation, utility, communications, pipeline, electric transmission, utility, or drainage uses

LC Limited Commercial Zoning District

- Contractor, landscaping or building trade operations
- Incidental parking for employees
- Indoor storage and repair
- Incidental indoor maintenance
- Utility services associated with a permitted use
- Undeveloped natural resource and open space areas
- Agricultural and agricultural accessory uses (livestock not permitted)
- Transportation, utility or communication use required by law

GC General Commercial Zoning District

- Contractor, landscaping or building trades operation
- Communication towers



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PLAN COMMISSION MEETING MINUTES
MONDAY, APRIL 12, 2021, 7:00 P.M. AT THE VIRTUAL MEETING VIA ZOOM

Committee Present: Jim Molloy, Lorraine Gardner, Steve Greb, Kim VanBrocklin
Absent: Bob Uphoff, Walt Jackson, and Jim Cisler
Also Present: Ben Kollenbroich, Planning and Land Conservation Director

Meeting called to order by Chair Molloy at 7:02 p.m.

I. Information on Attending Virtual Meeting

A. This meeting will be held virtually, using Zoom. Log in information can be found below:

To join by computer or smartphone, go to:

<https://us02web.zoom.us/j/81229392698?pwd=aldlZHI0R05YS1FLOFNlbXZxZ0lGZz09>

Meeting ID: 812 2939 2698

Passcode: 731328

To dial in, call:

1-312-626-6799

Meeting ID: 812 2939 2698

Passcode: 731328

II. Gardner/VanBrocklin to approve minutes of the March 8, 2021 Joint Town Board/Plan Commission meeting. VanBroklyn/Gardner to approve the March 8, 2021 regular Plan Commission meeting

III. Announcements

A. Ben shared that Jim Cisler recused himself from this meeting due to his feeling of a potential conflict of interest, but he did send a letter that was attached to the agenda. Jim Molloy stated that Jim Cisler's comments as a resident are welcomed.

IV. Business

A. Consider the Certified Survey Map submitted by Parker Ellingson in order to consolidate two parcels into one residential lot at 1907 Barber Drive in Section 26. Ben shared that the reason for the two parcel consolidation is so Parker can build a new shed on his property. Currently, that shed would be partially located on a parcel where no house exists, and this is not allowed

per Dane County Zoning regulations. If the lots are consolidated, his existing house would be on the same parcel as the proposed shed. Originally, these two parcels were part of a single CSM, but at some point down the line, the property was divided without the proper permits or approvals. For that reason, there is only one buildable lot here and Parker would like to re-combine these parcels to reflect the original CSM.

The original CSM has a note on the CSM that says an area of the land is reserved for a future road. The Town never built this road, does not intend to build a road here, and the road is not platted or mapped as road right-of-way. The Dane County Surveyor suggested that the Town Board should record a resolution that releases the reservation of land for road purposes. This resolution could then be noted on the new CSM so the land is free and clear moving forward.

Ben explained that typically on lots over 2 acres in size, the Town requires a building envelope to be depicted on the CSM. However, at Parker's previous pre-application meeting in March, the Plan Commission was OK with not requiring a building envelope on this lot because the existing development limitations with wetlands on this property would already push development into certain locations. Additionally, the entire lot is in the LSA and the Town is more supportive of infill development in the LSA.

Parker shared that he wants to build the shed to store farm machinery.

Motion: Gardner/Greb to approve the Certified Survey Map submitted by Parker Ellingson in order to consolidate two parcels into one residential lot at 1907 Barber Drive in Section 26 conditioned on:

- 1. The surveyor removing the proposed shed rectangle**
- 2. The surveyor changing the language of "Road Way Reservation to be released" to "Road Way Reservation released per Register of Deeds Doc # _____"**
- 3. The Town Board passing a resolution to release the reservation of land for road purposes that appears on CSM 1061.**

- B. Consider making a recommendation to the Town Board on Ordinance No. 11-24 to Regulate and License Short-Term Rentals. Jim explained that this ordinance was created by the Short Term Rental Task Force. Cathy and Ben presented a Powerpoint (attached). Short Term Rental members asked the Plan Commission to consider alternatives within the proposed ordinance. Plan Commissioners recommended that alternative 11-24-3 (c) (3) (i), (ii), (iii) that is in the proposed ordinance be approved by the Town Board as the Commission appreciated the flexibility here. Commissioners commented that they felt that hosts should get a CUP if required by the County. Commissioners recommended that license plate information of guests be collected by hosts and shared with the Town and law enforcement upon request. The license plate information would not become public

record or shared with the public. Commissioners recommended that the total number of people outside at one time be limited to 16 total people, including renters, guests, and children. However, the Commission did not come to a firm conclusion on this topic and would like the Town Board to look further into this regulation. Commissioners discussed that a federal employee number should only have to be provided if it is required and relevant to their application and operation. Commissioners thanked the task force for their hard work on the ordinance. Commissioners discussed whether there could be a small committee of volunteers that could help monitor short term rental advertisements, handle complaints, and help hosts with becoming compliant. The Town could look further into such an arrangement.

George Corrigan of 2168 Colladay Point Drive shared that from his research, 11 short term rentals in the Town would not meet the primary residence clause in the Town's ordinance.

Heather Kruse of 2046 Barber Drive is a host and she believes that there is some confusion from hosts about whether a CUP was needed for everyone. From speaking with other hosts, she believes that the sticking points in the ordinance with some hosts are the primary residence requirement and limiting rentals to 180 consecutive days per year. She thought 16 people for outside events is fair and likes the idea of a committee of volunteers to oversee short term rentals.

Ann Christianson of 2210 Colladay Point Drive thanked the Short Term Rental Task Force and Plan Commission for their work on this topic and wondered how violations are managed. Cathy shared that the Town would reach out to people first to try to resolve the problem.

Eric Frey of 2222 Colladay Point Drive commented that he thought 16 people outside was a lot of people for 180 days out of the year, as opposed to having that many people outside every so often like one would typically see in a residential neighborhood.

Motion: Gardner/VanBrocklin move that the Plan Commission make a recommendation to the Town Board to approve an ordinance regulating short-term rentals, similar to the proposed ordinance, and with the following changes and pending changes that may be advised during legal review or other input.

- 1. Use alternative 11-24-3 (c) (3) (i), (ii), (iii) that is listed in the proposed ordinance.**
- 2. Require that license plate information of guests be collected by hosts and shared with the Town and law enforcement upon request.**
- 3. Limit the total number of people outside at one time to 16 total people, including renters, guests, and children. However, the Commission did not come to a firm conclusion on this topic and would**

like the Town Board to look further into this regulation.

4. Only require that a federal employee number be provided if it is relevant to a hosts' application and operation.

- C. Consider making a recommendation to the Town Board on Ordinance 12-3 (3) to Repeal and Recreate Chapter 12-3 (A) of the Town of Dunn Code of Ordinances, the Land Division Ordinance, in order to incorporate language from the current Comprehensive Plan and Dane County Zoning Ordinance. Ben shared that the current Land Division Ordinance does not reflect every change that was made to the Town Comprehensive Plan in 2019 and it references the old Dane County Zoning Ordinance. This proposed updated ordinance would take those previously approved changes into account and match the Town and County's existing regulations.

Motion: Gardner/Greb to recommend to the Town Board on Ordinance 12-3 (3) to Repeal and Recreate Chapter 12-3 (A) of the Town of Dunn Code of Ordinances, the Land Division Ordinance, in order to incorporate language from the current Comprehensive Plan and Dane County Zoning Ordinance.

Meeting adjourned by Chair Molloy at 9:07 pm.

Submitted by Ben Kollenbroich, Planning and Land Conservation Director

Contact the Clerk's office at 608-838-1081 or townhall@town.dunn.wi.us in advance if you need to request assistance to participate in this meeting due to disability.

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

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 an adequate level of maintenance; determining the responsibilities of owners, operators and property managers offering these properties for tourists or transient occupants, to protect the character and stability of all areas within the Town of Dunn; and to license property owners offering short-term rentals in order to ensure minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

Sec. 11-24-2 Definitions

- (a) For the purpose of administering and enforcing this Chapter, 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 and conditions apply unless specifically modified:

Clerk. The Town Clerk of the Town of Dunn or designee.

Corporate entity. A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.

Dwelling Unit. One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family. Dwelling units include residential, tourist rooming house, seasonal employee housing and dormitory units.

Outdoor Event. When more than 2 people who are not renters gather outdoors for a period of 30 minutes or more.

Owner. The property owner of a short-term rental premises.

Person. Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any section of this Chapter prescribing a penalty of fine, as to partnerships or association, the word

shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

Primary Residence. A dwelling unit 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 mail, claims residence for purposes of Federal income tax, voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.

Property Manager. Any person that is not the property owner and is appointed to act as agent and/or provides property management services to one or more short-term rental.

Residential dwelling. Means 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 person or by 2 or more persons maintaining a common household, to the exclusion of all others.

Exempt rental. Rental of residential dwelling for more than 29 days is exempt from the ordinance.

House-sharing Arrangement. Any short-term rental of one or two bedrooms in a primary residence for 1 to 29 consecutive days and where the property owner resides at the premises during the time period of the rental.

Short-term rental. All, or a portion of, a residential dwelling that is offered for rent for a fee, for 7 to 29 consecutive days, for more than 10 nights in a 365 day period, and is not an Exempt House-Sharing Arrangement.

State. The State of Wisconsin Department of Health Services, or its designee.

Sec. 11-24-3 Operations of a Short-Term Rental

- (a) No person may advertise, market, maintain, manage, or operate a short-term rental each calendar year from January 1 to December 31, without a short-term rental license issued for the premises to be rented. Every short-term rental shall be operated by an Owner or Property Manager.
- (b) 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.
- (c) Any application submitted within 90 days of the effective date of this Article to license a short-term rental operation that has been operating as a short-term rental operation over the entire year prior to the effective date of this Article shall be exempt from the primary residence requirement of 11-24-3 (b) provided that:
 - (1) The application is submitted within 90 days of the effective date of this Article and the proposed operation of the short-term rental meets all of the requirements of this Article and is subsequently approved, and

- (2) The short-term rental was so operated without its owner having been notified in writing by any Town, County or State office or official that the operation as a short-term rental was in violation of any Town, County or State law, ordinance or regulation, and

(3) The short-term rental was:

- i. Owned or managed for the entire year prior to the effective date of this Article by a person having a primary residence within 1000 feet of the short-term rental, or***
- ii. Operated under a permit issued pursuant to Wis. Stats. § 97.605 for the entire year prior to the effective date of this Article, or***
- iii. Operated having all required Dane County zoning permits for the entire year prior to the effective date of this Article.***

ALTERNATIVE 11-24-3(c)(3) instead of 11-24(c)(3)(a)-(c) immediately above

(3) the short-term rental was owned or managed for the entire year prior to the effective date of this Article by a person having a primary residence within 1000 feet of the short-term rental.

- (d) No more than one exemption under 11-24-3(c) may be obtained by any owner.
- (e) The license of any person providing inaccurate information resulting in an exemption under 11-24-3(c) shall be immediately revoked, and such person shall not be eligible for any exemption hereunder.
- (f) The short-term rental must be rented for a minimum of 7 consecutive days by each guest.
- (g) The Owner of each short-term rental is required to have the following licenses and permits:
 - (1) A State of Wisconsin Tourist Rooming House License, if required by the State;
 - (2) A Seller's permit issued by the Wisconsin Department of Revenue, if required by the State;
 - (3) A room tax permit, if a room tax is required by Town of Dunn ordinances; and
 - (4) A license issued pursuant to the provisions of this Chapter, which is non-transferable
- (h) Each short-term rental shall be advertised, maintained, managed, and operated in compliance with all of the following:
 - (1) The short-term rental shall be limited to being available only during a period of 180 consecutive days within a 365-day period, beginning with the day of the first rental within a 365-day period.

- (2) The Owner or Property Manager shall notify the Clerk in writing when the first rental within a 365-day period begins. Indicating on the short-term rental license application form when the first rental within a 365-day period begins, if known at the time of application, is acceptable notice.
- (3) There shall not be excessive noise, fumes, glare, vibrations generated while the short-term rental is rented.
- (4) No signage advertising the short-term rental is permitted on site. Off-site advertising in media channels relating to the availability of the rental may take place only after all Town, County and State permits and licenses have been obtained and after a copy of the advertisement with information about its publishing date and posting site or method are provided to the town.
- (5) In no case shall the short-term rental have more than two occupants per bedroom. Children under the age of 12 and staying with a parent do not count against this limit.
- (6) No recreational vehicle (RV), camper, tent, or other temporary lodging arrangement shall be used on site by the renters.
- (7) No outdoor events may be held at the short-term rental. Any outdoor activities of the rental guests shall be in compliance with other applicable noise regulations, except that quiet hours shall be kept from 9:00 pm to 7:00 am from Sunday through Thursday and 10:00 pm to 7:00 am Friday and Saturday
- (8) If the Town of Dunn collects a room tax under its Code of Ordinances, all rentals of the short-term rental shall be subject to payment of the Town room tax at the current applicable rate. License holders are responsible for complying with all regulations of the room tax.
- (9) Compliance with all applicable state, county, and local codes and regulations is required.
- (10) A local property management contact, which may be the owner, must be on file with the Town at the time of application for a short-term rental license. The local Property Manager or property owner must monitor the exterior of the property during the time period it is rented and address any disturbance or nuisance activities within 45 minutes. The local property manager or property owner must reside within 1,000 feet of the short-term rental lot line or monitor the exterior of the property with video monitoring while it is rented, must be available 24 hours a day when the property is rented, must reside on their nearby property on the days when the property is being rented, must be able to respond by phone within 45 minutes, and must be within 45 minutes of the property and promptly responds to any urgent and valid complaints. The Owner must notify the Town within twenty-four (24) hours of a change in management contact information for the short-term rental.
- (11) A register shall be maintained for each short-term rental and all guests shall be required to register their true names and addresses before beginning occupancy of the short-

term rental and such register must be provided to law enforcement upon request. The register with guest names and addresses may be redacted but a registry including the dates of the stay and all amounts paid by the renter shall be provided to the town. The register shall be sent via email to the Town of Dunn Clerk by the 10th of each preceding calendar month. The subject line of the email shall include the address of the property.

- (12) The following written records for each rental of each short-term rental shall be provided: the time period for each rental, number of guests over the age of 12 and those under the age of 12 staying with a parent, and the monetary amount or consideration paid for each rental.

Sec. 11-24-4 Short-Term Rental License Procedure

- (a) All applications for short-term rental licenses shall be filed by the Owner with the Clerk on forms provided. No license shall be issued unless the completed application form is accompanied by payment of the required fee.
- (b) Each application shall include the following information and documentation for each short-term rental:
 - (1) Identify all persons with an ownership interest in the licensed premises with contact information including mailing address, physical address, and phone number;
 - (2) Identify the Property Manager with contact information including mailing address, physical address, and phone number;
 - (3) The start date of the 180 day period in which short-term rentals will occur;
 - (4) State lodging license number, if any;
 - (5) A copy of State of Wisconsin license (Public Health Madison and Dane County) for a Tourist Rooming House License issued under Wis. Stat. Sec. 254.64;
 - (6) Proof of insurance. The Owner of the short-term rental shall have casualty and liability insurance during the period of rental for the home that is used for short-term rental. The insurance must be issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than \$300,000 per individual and proof of insurance must be provided with the license application and renewal.
 - (7) A copy of the Seller's Permit from the Department, if any;
 - (8) Requested maximum occupancy;
 - (9) Site plan for designated renter parking spaces;
 - (10) Designation of the Property Manager and their signature on the application;

- (11) Certification from each person with an ownership interest in the property that it meets the requirements of this Chapter and;
 - (12) A room tax permit issued by the Town of Dunn, if a room tax is required under Town of Dunn Ordinances; and
 - (13) An employer identification number issued by the Internal Revenue Service
 - (14) Certification of compliance. As a condition of issuance of a license under this Chapter, the Owner(s) shall certify that the managed property is in compliance with the terms and conditions of the license and this Chapter.
- (c) Terms and Filing Date. Each license shall run during a calendar year expiring March 31 (license year April 1 to March 31). The filing fee shall be paid upon filing of the application. The Clerk may conditionally accept late applications. Any application which does not include all of the information and documentation shall be deemed incomplete.
- (d) Application Review Procedure. When satisfied that the application is complete, the Clerk shall forward initial applications for licenses to the appropriate Town Departments for review. If the Clerk determines that the application meets the requirements of this Chapter, the Clerk shall submit the application to the Town Board for consideration. If the Clerk determines that the application does not meet the requirements of this Chapter, the Clerk may deny the application.
- (e) Town Board Approval. The Town Board shall review the application and clerk/staff recommendations, and either approve or deny the license based on application information and information relating to Section 11-24-4 (b).
- (g) No license shall be issued or renewed, if the applicant or property has outstanding fees, taxes or forfeitures owed to the Town, unless arrangements for payment have been approved by the Clerk.
- (h) A short-term rental license will not be issued until the following conditions have been met:
- (1) Any required license from the Dane County Zoning and Public Health Madison Dane County has been obtained and a copy has been provided to the Town.
- (i) Short-term rental licenses are issued for a one year period and must be renewed annually subject to Town approval or denial.

Sec. 11-24-5 Renewal

- (a) Each application for a renewal of a license shall include updated information for the documentation on file with the Clerk and payment of the applicable fee. The Town Board will consider renewal at a publicly noticed Town Board meeting. The Town Board will review any unresolved complaints, or town or county actions taken regarding the short-term rental properties.

- (b) If the Town Board finds that the license should not be renewed, the Town Board shall deny the renewal.
- (c) No license shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the Town or county, or is under an order issued by the Building Inspector, or county zoning inspector to bring the premises into compliance with Town ordinances, unless arrangements for payment have been approved by the Clerk.

Sec. 11-24-6 Property Manager

- (a) Property Manager Qualifications. To qualify as a Property Manager the applicant must meet the following requirements:
 - (1) Be an individual residing within 1,000 feet of the short-term rental property or monitor the exterior of the property with video monitoring while it is rented and respond by phone or in-person to any disturbance at the exterior of the property within 45 minutes.
 - (2) The applicant does not have pending any criminal charge and has not been convicted of a felony or misdemeanor in the past ten years of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another.
- (b) Each Property Manager shall be authorized by the Owner to act as the agent for the owner for the receipt of service of notice of violation of this Chapter's provisions and for service of process pursuant to this Chapter and shall be authorized by the owner to allow Town employees, officers and their designees, to enter the Owner's property for purposes of inspection and enforcement of this Chapter and/or the Town Code.

Sec. 11-24-7 Standards for Short-Term Rentals

- (a) Each short-term rental shall be advertised, maintained, managed, and operated in compliance with this Chapter's requirements or any other applicable Town ordinance, hosts shall provide each renter with the following standards and gain acknowledgment and agreement that they will abide by the following:
 - (1) Not less than one (1) onsite off-street parking space is designated for each rental bedroom. Renters must park in the off-street parking space(s) designated. Up to one trailer per every rental bedroom is allowed. Boats, trailers, and other recreational equipment must be stored on the property and parked in accordance with Dane County Shoreland Zoning regulation.
 - (2) Shall not have hibachi, gas-fired grill, charcoal grill or other similar devices used for cooking or heating, or any other purpose under any balcony, deck, or under any overhanging structure.

- (3) Pets must be under the owner's control and leashed unless confined to the property. Pets shall not bark in such a way that they create a nuisance. Pet waste must be removed and placed in trash.
- (4) The property must participate in the town's trash and recycling program and if extra trash service is needed, it must be provided by the town's contracted waste hauler to minimize the number of trips by various garbage contractors on town roads. A dumpster may not be placed on the property for routine trash pick up. A dumpster may be used temporarily if a building permit has been obtained for construction work on the property. Trash and recycling bins must be kept alongside, behind, or inside any buildings on the property until the night before bins are picked up and bins must be brought in from the street within 24 hours of pickup.
- (5) No commercial or business activities by the renters or owner are allowed at the short-term rental. The short-term rental is not prohibited by this section.
- (6) Renters may not set off any fireworks at the short-term rental property or from any boat or watercraft, or use floating lanterns.
- (7) No vehicles of any kind with modified, defective, or altered mufflers or exhaust systems are allowed to be used by the renters of the short-term rental.

Sec. 11-24-8 Room Tax

- (a) Each short-term rental and shall comply with any room tax reporting requirements in the Town of Dunn Code of Ordinances.
- (b) Each Owner or Property Manager shall file room tax returns for each managed short-term rental and short-term rental if required by the Town of Dunn Code of Ordinances.
- (c) All tax returns and supporting documentation filed with the Clerk are confidential and subject to the protections provided under any Town of Dunn ordinances, and Sections 66.0615(3) and 77.61, Wis. Stats.

Sec. 11-24-9 Display of Permit

Each license or permit shall be displayed on the inside of the main entrance door of each short-term rental.

Sec. 11-24-10 License Suspension, Revocation and Appeals

- (a) The denial of any license or permit application or renewal under this Chapter may be appealed by filing a written appeal request with the Clerk within ten (10) days of the Town's notice of denial. The appeal shall be heard by the Town Board within 30 days. The Town Board will hear the appeal and determine whether the appeal is granted.
- (b) An appeal may be denied or a license may be revoked by the Town Board for one or more of the following reasons:

- (1) Failure to make payment on taxes or debt owed to the Town;
- (2) Failure to make payment on room tax, if a room tax is required by Town of Dunn Ordinances;
- (3) Failure to maintain all required local, county, county zoning, and state licensing requirements including requirements within this chapter.
- (4) Any violation of local, county, or state laws that substantially harm or adversely impact the predominately residential uses and nature of the surrounding neighborhood.

Sec. 11-24-11 Penalties

- (a) Any violation of this ordinance will result in a 30 day suspension or revocation of the short-term rental license. The Town Clerk shall provide 30 day written notice of any suspension or revocation to the license holder. Suspensions shall be a minimum of 30 days for violations of 11-24-3 (c), (d)(1), (d)(3), (d)(6) to (d)(10) and 11-24-7 (a)(1) and (a)(7) to (a)(9). The license holder may appeal the suspension or revocation by giving written notice of appeal to the Town Clerk within 10 days. The appeal will be heard by the Town Board at their next regularly scheduled meeting. The Town Board shall hear the appeal and determine whether the appeal is granted.
- (b) Any person who violates any provision of this Chapter that does not result in suspension shall be subject to a penalty as provided in the General Penalty provisions of the Town Code and in the forfeiture amounts as provided for in the bond schedule for the Town Municipal Court
- (c) Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Chapter or otherwise.

Sec. 11-24-12 Fees

Fees can be found in the Town of Dunn Fee Schedule. In 2021, the fees are as follows:

Initial and Renewal Short-Term Rental application fees - \$500

Exempt House-share \$0

Short-term rental less than 10 days per year \$0

Re-instatement or issuance after suspension \$1,750

Advertising without a town permit after date of enactment results in a warning letter for first offense and suspension for second or subsequent offenses.

Advertising without all required valid licenses in effect at the time of advertising: warning letter first, suspension and \$500 per day for second and subsequent violations.

Operation or advertising during suspension of the license: \$1,000 per day operating in suspension.

Violation of Ordinance 11-24 that does not result in suspension or revocation of license – \$500 first offense and \$1,000 each subsequent offense.

Sec. 11-24-13 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.
Adopted this XX day of XX, 2021.

TOWN OF DUNN

By

Edmond P. Minihan, Town Chair

By

Steve Greb, Town Supervisor

By

Jeffrey Hodgson, Town Supervisor

ATTEST:

Cathy Hasslinger, Town Clerk Treasurer/Business Manager

Approved:

Posted: