

TOWN OF DELLONA ORDINANCE #24
OVERNIGHT LODGING - TOURIST ROOMING HOUSES & SHORT
TERM RENTALS

(Supersedes Ordinance #24 Adopted April 20, 2023)

(1) Purpose. The purpose of this Ordinance is to ensure that the quality of tourist rooming houses operating within the Town is adequate to protect public health, safety and general welfare, including establishing minimum standards of space for human occupancy, for adequate levels of maintenance, determining the responsibilities of owners, operators and property managers offering these properties for tourists, to protect the character and stability of Town neighborhoods, to provide minimum standards for the health and safety of persons occupying or using the regulated premises; and, provisions for the administration and enforcement.

Pursuant to Sec. 66.1014(2) Wis. Stats, the Town of Dellona is authorized to regulate the rental of residential dwellings located in residentially zoned districts. This authority allows the Town of Dellona to prohibit the rental of residentially zoned dwellings for a period of less than 7 days. As a result, the Town Board has enacted an Ordinance which prohibits the rental of single-family and duplex homes in residentially zoned districts for periods of less than 7 days.

(2) Definitions. In this Ordinance, the following terms shall have the following meanings:

(a) Bathroom. Full Bath

(b) Board. Town of Dellona Board of Supervisors

(c) Clerk. The Town Clerk of the Town of Dellona, or designee.

(d) Corporate Entity. A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.

(e) 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.

(f) Hotels and Motels. A place where sleeping accommodations are offered for pay to transients, in five (5) or more rooms (sleeping units), and all related rooms, buildings, and areas. Hotels and Motels are not subject to this ordinance.

(g) Overnight Lodging. A building, or portion thereof, where sleeping accommodations are provided for pay to tourists or transients, and all related rooms, buildings, and areas. The term includes hotels, motels and Tourist Rooming Houses (TRH's). It does not include bed & breakfast establishments. Hotels, Motels & PDDs are not subject to this ordinance.

(h) Planned Development District (PDD). A special zoning district that allows for greater freedom, imagination, and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning ordinance and the general plan for the community. PDDs are not subject to this ordinance.

(i) Property Manager. The manager of an overnight lodging facility under this Ordinance. The property manager can also be the property owner.

(j) 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 Ordinance of this Ordinance prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members, and as to corporations, shall include the officers, agents or members who are responsible for any violation of this Ordinance.

(k) Property Owner. The owner of the real estate that a tourist rooming house or STR is located.

(l) Primary Residence. A dwelling unit that serves as the property owner's fixed and permanent home for no less than 183 days in one calendar year and to which, whenever absent therefrom, that individual intends to return. An individual can only have one primary residence.

(m) Room Tax Permit. A Permit that is applied for and issued for a tax imposed on the privilege and service of furnishing, at retail, of rooms or lodging to transients by hotel keepers, motel operators, campground operators and other similarly situated persons furnishing accommodations that are available to the public.

(n) Short Term Rental (STR). A residential dwelling unit located in a **residentially zoned district** offered for overnight lodging for more than six (6) but fewer than thirty (30) consecutive days.

(o) State. The State of Wisconsin Department of Agriculture, Trade & Consumer Protection, or its designee.

(p) Tourist Rooming House (TRH). Any dwelling unit with four (4) or less bedrooms in a **commercially-zoned** or mixed-use districts where sleeping

accommodations are offered for overnight lodging. Houses, cabins, and/or condominium units contiguously located, owned and operated by a hotel, motel or resort are not TRHs under this Ordinance.

(q) Town means the Town of Dellona

(3) Operation of TRHs (Commercially Zoned and Mixed-Use Zoned Properties)

(a) Tourist Rooming Houses are a form of overnight lodging permitted only under a Special Exemption Permit issued by Sauk County to the property owner that is not transferable or assignable.

(b) Every TRH shall be operated by a Town approved Property Manager.

(c) Each TRH is required to have the following licenses and permits:

1. Special Exemption Permit issued by Sauk County;
2. Annual Overnight Lodging – TRH License issued by the Town;
3. Room Tax Permit issued by the Town when and /if the Town adopts a Room Tax ordinance.
4. Wisconsin Seller's Permit issued by the Wisconsin Department of Revenue.
5. License issued by the State.

(d) Exemptions. The following activities are exempt from complying with the requirements of this ordinance:

1. Private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
2. Hotel, motel or resort license issued by the State .
3. Bed and breakfast establishments.

(4) Operation of STRs (Residentially-Zoned Properties)

(a) STRs are a form of overnight lodging conditionally permitted for owners who obtain a Special Exemption Permit (SEP) from the Sauk County Land Resources and Extension Dept. Such permits are neither transferable nor assignable.

1. The STR premises shall be the applicant's primary residence. Applicants shall provide sworn statements regarding their primary residence status.

2. Rentals must be for more than six but fewer than 30 consecutive days.
3. The total number of days of operation within any calendar year shall not exceed 180 days, which must be consecutive and must be specified in advance.
4. Rental contracts may not overlap.
5. No person may operate more than one (1) STR premises in the Town of Dellona.
6. Provisions 1-6 above shall apply to applications for STR premises filed after the effective date of of this ordinance.

(b) Each STR is required to have the following licenses and permits:

1. Special Exemption Permit issued by Sauk County;
2. Annual Overnight Lodging – STR Permit issued by the Town.
3. Room Tax Permit issued by the Town if/when a Room Tax Ordinance is adopted.
4. Wisconsin Seller's Permit issued by the Wisconsin Department of Revenue
5. License issued by the State.

(5) Property Manager.

(a) All TRHs and STRs are required to appoint a Property Manager for the receipt of service of notice of violation of this Ordinance's provisions and for service of process pursuant to this Ordinance. Such a designation shall be made by the owner and shall accompany each Town STR Permit application form. The owner shall immediately notify the Town Clerk in writing of any change in residence or information regarding the Property Manager.

(b) To qualify as a Property Manager, the person must meet the following requirements:

1. Be a natural person residing in or within 30 minutes of the STR premises; or a corporate entity with offices located within 30 minutes of the of the STR premises.
2. The applicant does not have any criminal charge pending and has not been convicted of a felony or misdemeanor of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or

violence upon the person of another, or sexual immorality under Wis. Stat. Chap. 944, as amended.

3. The applicant is authorized by the owner to accept service of process for all Town communications, citations and orders. (

(c) Each Property Manager shall be authorized by the property owner to act as the agent for the owner for the receipt of service of notice of violation of this Ordinance's provisions and for service of process pursuant to this Ordinance 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 Ordinance.

(6) Procedure.

(a) All Special Exemption Permit Applications must be filed by the property owner or on the owner's behalf by the Property Manager with the Sauk County Land Resources and Extension Dept.

(b) All Short-Term Rental Permit applications shall be filed with the Dellona Town Clerk . No applications will be accepted until a Special Exemption Permit application has been received by Sauk County

(c) Each applicant shall certify that the TRH or STR is in compliance with the provisions of this Ordinance. No permit application shall be processed unless the Town of Dellona's completed application forms are accompanied by payment of the required fees. Application fees are non-refundable.

(c) Application Review.

1. Initial Dellona Short-Term Rental Permit Applications shall be accompanied by a copy of the Special Exemption Permit application received by the Sauk County Land Resources and Extension Department

2. Special Exemption Permit applications shall be accepted and reviewed by the Sauk County Land Resources and Extension Department.

3. Dellona Short-Term Rental Permit Applications shall be received and reviewed by the Town Clerk for completeness and submitted to the Dellona Plan Commission and the Town Board for action.

4. Approvals may include conditions and restrictions. Denials shall be based upon specified reasons; and denials shall be subject to due process standards of notice and opportunity to be heard.

(d) The Town shall issue a Dellona Short-Term Rental Permit for each STR approved by the Town Board. The License shall include the following information:

1. Property Owner Name & Contact Information.
2. Property Manager Name & Contact Information.
3. The maximum occupancy for the premises.
4. Dates of Operation for STRs; and
5. Contact information for the Property Manager or Owner.

(e) No Dellona Short-Term Rental Permit shall be issued unless there is filed with the Town a completed Fire Inspection Report dated not more than 60 days before the date of issuance.

(f) No Dellona Short-Term Rental Permit shall be issued if the applicant or property has outstanding fees, taxes or forfeitures owed to the Town, unless arrangements for payment have been approved by the Town Board.

(7) Room Tax. (Applicable only when/if the Town adopts a room tax ordinance)

(a) Each STR shall comply with the occupancy and room tax reporting requirements of the Town Ordinance.

(b) Each Property Manager shall file separate consolidated monthly room tax returns for each TRH or STR on forms prescribed by the Town.

(8) Inspections.

(a) Each separate unit which is offered for rent as a TRH or STR is required to be inspected annually by the State and the Town Fire Inspector. If the State fails 77 Chapter 16 Town of Dellona Code to inspect the TRH or STR, the applicant may request that the building inspector conduct the inspection.

(b) If the Building Inspector conducts the inspection, the Owner shall be responsible for payment of the inspection fees.

(c) If the Building Inspector or Fire Inspector at any time is unable to conduct an inspection due to denial of access, the TRH or STR shall not operate until it has passed the inspection.

(9) Renewal.

(a) Dellona Short-Term Rental Permits issued hereunder shall be for a term of one (1) year; from February 1st through the following January 31st.

(b) Each application for the renewal of a Dellona Short-Term Rental Permit shall include updated information for the documentation on file with the Town and payment of the applicable fee.

(c) The Town Clerk, or designee, shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Ordinance. The Town Clerk, or designee, may request reports from the Police Department and the relevant control agencies regarding any complaints received, calls for service or actions taken regarding the permitted property.

(d) The Town Clerk, or designee, shall issue renewal Dellona Short-Term Rental Permits within ten (10) days of the filing of the application, unless the information provided is incomplete or otherwise not in compliance with the requirements of this Ordinance, and/or the reports from the Police Department and the relevant control agencies indicate that there are complaints or actions involving the property.

(e) If the Town Clerk, or designee, finds that the license or permit should not be renewed, or that the application should be considered by Town Board, the Town Clerk or designee, shall forward the application to the Town Board for action along with a written explanation of the reason for referral.

(f) No Dellona Short-Term Rental Permit shall be issued or renewed unless there is filed with the Town Clerk a complete Fire Inspection Report by the Town Fire Inspector dated within one (1) year of the issue date.

(g) No Dellona Short-Term Rental Permit shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the Town or is under an order issued by the Building Inspector, Fire Inspector or other relevant control agency, to bring the premises into compliance with Town ordinances or other requirements, unless arrangements for corrections have been approved by the Town of Dellona.

(h) Electronic Filing. Applications, reports and supporting documentation filed under this Ordinance may be filed electronically in the manner and form prescribed by the Town Clerk.

(10) Standards for TRHs & STRs. Each TRH & STR shall comply with the requirements of this Ordinance and any other applicable Town ordinance; and failure to do so constitutes a nuisance. Each TRH & STR shall comply with the following minimum standards:

(a) Not less than one (1) bathroom for every six (6) occupants.

(b) Not less than one hundred fifty (150) square feet of floor space for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof; the floor space shall be calculated based on 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. The maximum occupancy for any premises without a separate enclosed bedroom is two people.

(c) Not less than one and one quarter (1¼) onsite off-street parking spaces for every four (4) occupants based upon maximum occupancy.

(d) A safe, unobstructed means of egress leading to safe, open space at ground level.

(e) Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Wis. Admin. Code Chap SPS 362.

(f) Shall not have an accessible wood burning fireplace unless the owner provides a certificate from a licensed commercial building inspector, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.

(g) Shall not have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose on any balcony, deck or under any overhanging structure or within ten (10) feet of any structure.

(h). Shall have a functioning external hose connection and a hose of sufficient length to reach any outside fire pit on the property.

(11) Fees. The Town may establish by resolution fees related to TRH and STR regulation, including, without limitation, application, inspection and renewal.

(12) Enforcement.

(a) The provisions of this ordinance shall be enforced by the Fire Chief, County Sheriff, Building Inspector, or their designees or agents.

(b) Owners and others shall be subject to fines or forfeitures for failure to abide by the terms of this ordinance or other relevant Town or state codes or regulations, including, without limitation, the provisions of Town of Dellona Ordinances, Sauk County Ordinances and all other regulatory bodies.

(c) Repeated and unabated violations of this Code may subject the Special Exemption Permit & Room Tax Permit (if issued) to be suspended or revoked and may further subject the permit to suspension or revocation proceedings. Such proceedings shall include written notice to the permit holder, and a hearing and decision by the Town Board.

(13) Denial, Non-Renewal, Suspension & Revocation

(a) An Dellona Short-Term Rental Permit may be revoked by the Town Board for one or more of the following reasons:

1. Failure to make payment on taxes or other debts owed to the Town.
2. Three or more justified and validated calls for police service, building inspection, health department or fire inspector for nuisance activities or other law violations in a 12-month period
3. Failure to maintain all required local, county and state licensing requirements.
4. Any violation of local, county or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

(b) The denial, suspension or revocation of any permit under this article may be appealed by filing a written appeal request with the Clerk within 10 days of the Town Clerk's notice of denial, suspension or revocation. The appeal shall be heard by Dellona Town Board. The Board shall consider the circumstances and may deny, suspend, revoke, approve, or renew the permit.