

AN ORDINANCE TO CREATE SECTION 5.32 OF THE CODE OF GENERAL ORDINANCES OF THE TOWN OF DOVER, RACINE COUNTY.

The Town Board of the Town of Dover, Racine County, Wisconsin does hereby create Ordinance 5.32, dealing with short-term rentals in the Town of Dover to read as follows:

SHORT-TERM RENTALS

Sections

5.32.010	Purpose
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5.32.020 Exclusions

The following uses are excluded and exempt from this ordinance:

1. Any member of the short-term rental owner's family (for example an owner being an LLC) using the real estate for no consideration.
2. Any person providing long term care to an occupant of said real estate.
3. Rental of lands for hunting purposes.

5.32.030 Authority

The Town Board of the Town of Dover adopts this ordinance pursuant to Wis. Stat. 66.1014.

5.32.040 Definitions

"Property Manager" means a person who is not the property owner and who provides property management services for one or more short-term rentals and who is authorized to act as the agent of the property owner for the receipt of service of notice of municipal ordinance violations and for service of process pursuant to this ordinance.

"Short-term rental" (STR) means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

"Lodging Marketplace" means an entity that provides a 3rd party rental

5.32.010 Purpose

The purpose of this ordinance is to ensure that residential real estate within the Town of Dover is used in such a manner as to protect and promulgate public health, safety, and general welfare and to protect the character and stability of neighborhoods within the Town. The public has concerns regarding noise, litter, public safety, and uses which contribute to diminishing property values. Said contribution attributed to short term rental property.

platform such as Airbnb or VRBO and other entities, such as property management companies that rent short-term rentals for the owner and collect the consideration for the rental from the occupant.

5.32.50 Short-Term Rental License

A) No person may maintain, manage, or operate a short-term rental more than 10 nights each year without a Town Short-term Rental License issued pursuant to this ordinance

B) Licenses shall be issued using the following procedures:

1. Prior to applying for a Town Short-term Rental License:

- The applicant must obtain a valid State of Wisconsin Tourist Rooming House License from the Racine County Public Health Department.
- All applications for a Town Short-term Rental License shall be filed with the Town Clerk, or designee, on forms provided.
- Applications shall be filed by the Property Owner or authorized Agent.
- No license shall be issued unless the completed Short-Term Rental application form is accompanied by the payment of the required application fees.
- Other required documentation

includes, proof of casualty and liability insurance, a floor plan showing living areas with room measurements, and maximum occupancy, and a site plan showing 2 on-site parking spaces for every 4 occupants.

- The Town Clerk shall issue a Short-term Rental permit subject to applicants completing all documentation and payment of all required fees and approval by the Town Planning Commission and the Town Board, or its designee.

2. A Short-term rental license shall be effective for one year. The annual licensing term begins July 1st and ends June 30th the following year. The Town Clerk may conditionally accept late applications, subject to the payment of the late filing fee. A renewal application and renewal fee must be filed with the town clerk at least 45 days prior to license expiration so that the Town has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. An existing license becomes void and a new application is required any time the ownership of a residential dwelling licensed for short-term rentals changes.

5.32.060 Operation

Each short-term rental shall comply with all of the following requirements:

1. If a residential dwelling is rented for a fee and for fewer than 29 days.
2. The Property Owner or Property Manager shall notify the Town Clerk in writing when the first rental within a 365-day period begins.
3. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for occupants beyond the number of overnight guests authorized pursuant to the Property Owner's Tourist Rooming House License and applicable town, county, or state rules and regulations.
4. The Property Owner and/or Property Manager must provide the Town with current contact information and must be available 24 hours a day, 7 days a week, by telephone during periods the property is being rented. The Town must be notified within 24 hours of any change in contact information.
5. Each short-term rental shall maintain a register and require all guests to register with their actual names and addresses. The register shall be kept on file for at least

one year. The register shall also include the time period for the rental and the monetary amount or consideration paid for the rental.

6. Each short-term rental shall hold a valid State of Wisconsin Tourist Rooming House License and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications.

5.32.070 Property Rules and Standards

Each Tourist Rooming House offered for short-term rental shall comply with all of the following:

1. The maximum number of occupants allowed shall not exceed the following limits: not less than 150 square feet of floor space for the first occupant thereof, and at least 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 excluding kitchens, bathrooms, closets, garages, and rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two people.
2. A floor plan showing the requested maximum occupancy, room measurements, designated sleeping areas, and showing at least one internal bathroom for every four occupants.

3. A site plan showing the location of two on-site off-street parking spaces for every four occupants based on maximum occupancy.
4. Compliance with all state, county, and local codes and regulations is required.
5. There shall be no excessive noise, fumes, glare, or vibrations generated during the use of the dwelling as a short-term rental. Town regulations on pets, outdoor burning, fireworks, and lake rules shall be followed. Quiet hours are to be observed on weekdays between 10:00 PM and 7 AM, and on weekends and holidays quiet hours are to be observed between 11:00 PM and 7:00 AM. Quiet means that noise levels at the property line shall not exceed-60dBA.
6. A copy of the Short-term Rental License and, if applicable, Property Manager License and contact information shall be displayed on the inside of the main entrance door of each Tourist Rooming House (STR).
7. Each dwelling unit shall have functional smoke detectors as follows: One (1) in each bedroom or sleeping area, and one per floor. Carbon monoxide detectors as follows: one (1) per floor if a fuel burning appliance or attached garage is present.
8. Each dwelling unit shall provide at least one (1) UL rated 2A:10B:C fire extinguisher within the unit, which shall be maintained on an annual basis. If

the extinguisher is not readily visible, one or more signs shall be posted indicating the location of the extinguisher.

9. All dwelling units shall carry casualty and liability insurance 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 three hundred thousand dollars (\$300,000) per individual and one million dollars(1,000,000) aggregate.
10. All advertisements for rental of a tourist lodging unit shall contain the Town of Dover identification number assigned to the dwelling unit, including any advertisements by a third party or a Lodging Marketplace.
11. The property owner or property manager of each short-term rental shall provide a guest register and require all guests to register their true names and addresses and rental time period(s) before being assigned sleeping quarters. The guest register shall be kept by the property owner or property manager and available for inspection for at least one year, as required by the Wisconsin Administrative Code.

5.32.080 Inspections

1. Each separate STR unit which is offered for rental as a

tourist rooming house is required to be inspected annually by the State or by the Racine County Public Health Department

2. The holder of the permit or license shall be responsible for payment of the Health Department inspection fees.
3. If the Racine County Public Health Department at any time is unable to conduct an inspection due to denial of access, the tourist rooming house shall not operate until it has passed the inspection.

5.32.090 License Revocation

A. Grounds for Revocation. A license may be revoked by the Town Board during the term of a license year and following a due process hearing for one or more of the following reasons:

1. Failure to make payment on taxes or debt owed to the Town of Dover.
2. Three or more police officer-verified violations in a twelve-month period for nuisance activities or other law violations.
3. Three or more citations issued by the Racine County Public Health Department in a 12-month period.
4. Failure to comply with applicable building code/inspection

requirements.

5. Failure to maintain all required local, county, and state licensing requirements.
6. Any violation of local, county, or state laws that substantially harm or adversely impacts the predominately residential uses and nature of the surrounding neighborhood.
7. Resubmission. Upon revocation of a license under this section, a new application for the same property or property manager will not be permitted for one (1) calendar year.

5.32.100 Penalties

Any person, partnership, corporation, or other legal entity that fails to comply with the revisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$300 nor more than \$1000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement, or costs whether existing under this ordinance or otherwise.

5.32.110 Permit Fee

The license application fees established by the Town of Dover Board of Supervisors shall correlate with the administrative and related costs involved with compliance

monitoring. Fees are nonrefundable and shall not be prorated. Any renewal application received after the expiration date may be subject to a late fee.

Initial Short-Term Rental License Application fee \$750.00

Renewal Short-Term Rental License application fee \$350.00

Late filing fee/Failure to file fee \$1500.00

Inspections/Reinspection (as necessary)

Conducted by Racine County Health Dept.

5.32.120 Severability

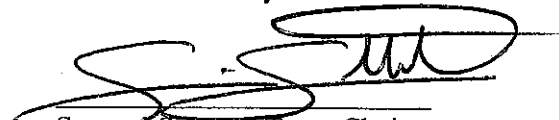
Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a

decision shall not affect the validity of any other provisions of this ordinance.

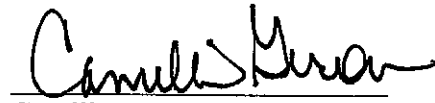
5.32.130 Effective Date and Publication

This ordinance shall become effective upon adoption and publication/publication as required under Wis. Stat. 60.80.

Adopted on this 11 day of December, 2023.


Samuel Stratton, Town Chairman

Attest:


Camille Gerou, Clerk

PROPERTY ADDRESS: _____

MAX NUMBER OF VEHICLES _____ **MAXIMUM OCCUPANCY** _____

ALL VEHICLES MUST BE PARKED ON THE PROPERTY, NO ON-STREET PARKING ALLOWED

LICENSE # STR **EXPIRATION DATE** 06/30/2024

24-HOUR PROPERTY MANAGER: _____

MANAGER'S PHONE #: _____

FIREWORKS

Excerpt from Town of Dover Ordinance section 8.36.40 (i):

- Public Nuisances Affecting Peace and Safety. A public nuisance is defined as any individual who makes or causes to be made any loud disturbing or unnecessary sounds or noises that tend to annoy or disturb another in or about any public street, alley, park, or any private residence.
- Sale/Use/Possession. Excerpt as provided in sec. 167.10(5)(e) Wis. Stats., no person shall possess, use, ignite, sell or give away fireworks. The Town of Dover only allows firework displays which the Dover Town Board or their designee, Kansasville Fire Department, has issued a specific firework display permit.

Refer to the full ordinance section for more information.

LAKE RULES

Excerpt from Town of Dover Ordinance section 12.08:

- (4) Hours of Operation. No person shall operate any motorboat upon the waters of Eagle Lake in the town at more than idling speed during the hours from sunset or eight p.m., whichever is earlier, until ten a.m. of the next following day.
- (6) No person shall operate a motorboat at more than idling speed closer to the shoreline of Eagle Lake than a distance which may from time to time be marked by the placement of approved buoys or markers. In addition to complying with the foregoing, no person may operate a motorboat on Eagle Lake at a speed in excess of forty-five (45) miles per hour as posted by established regulatory markers.
- (7) Traffic Flow. No person shall operate a motor driven boat in other than a counterclockwise direction on Eagle Lake except at idling speeds. All persons in control of boats entering Eagle Lake at public launch ramps shall depart in a counterclockwise direction.
- (10)(5)(b) No person operating a motorboat shall have more than two tow lines, nor more than two water skiers or similar devices may not exceed three persons per device. All motorboats must be properly rated to tow the number of people behind the boat at any given time. Tow lines shall be no longer than 75 feet. Those operating the boat shall, while towing shall not come within 100 feet of other vessels, persons in the water, swimming areas, or a public boat landing.
- (10)(d) Glass Containers Prohibited. No person shall possess any glass container on or in the waters of Eagle Lake or within three feet of the shoreline of the lake.
- (10)(f) All water-skiers, wake boarders, tubers, etc. must wear a US Coast Guard approved personal flotation device of the proper size and style. Further, they shall not cause themselves to come within 100 feet of other vessels, persons in the water, a swimming area or a public boat landing.
- (20)(a) Driving on Ice Prohibited. It is unlawful for any person to operate a motor vehicle, except as provided in this section, upon the ice cover of Eagle Lake, which is wholly within the boundaries of the town. "Motor vehicle" is defined as any vehicle which is self-propelled.
- (20)(1) No person shall operate a snowmobile or all-terrain vehicle on the ice of Eagle Lake within one hundred fifty (150) feet of the shoreline at a speed greater than ten miles per hour.
- Seaplanes. No aircraft capable of landing or taking off on water shall be permitted to land or take off from the waters of Eagle Lake, within the Town of Dover, Kansasville WI.

Refer to full ordinance for more information. Also refer to the Department of Natural Resources website for State of Wisconsin boating rules and regulations, <https://dnr.wi.gov/topic/boat/>

PROPERTY ADDRESS: _____

MAX NUMBER OF VEHICLES _____ MAXIMUM OCCUPANCY _____

ALL VEHICLES MUST BE PARKED ON THE PROPERTY, NO ON-STREET PARKING ALLOWED

LICENSE # STR EXPIRATION DATE 06/30/2024

24-HOUR PROPERTY MANAGER: _____

MANAGER'S PHONE #: _____

NOISE

Excerpt from Town of Dover Ordinance section 9.04040 Noises Prohibited

- It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public nuisance noises:
- (1) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
- (2) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property, including squealing of tires, revving of the engine, and excessive muffler noise;
- (3) Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of eleven p.m. and seven a.m. or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property.
- (4) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property such as sounds from audio equipment, musical instruments, band sessions or social gathering;
- (5) Sound from motor vehicle sound systems, such as tape players, radios and compact disc players, operating at a volume so as to be audible greater than fifty (50) feet from the vehicle itself.
- (6) Sound from audio equipment, such as tape players, radios and compact disc players, operating at a volume so as to be audible greater than fifty (50) feet from the source, and if not operated upon the property of the operator.
- (7) This list does not constitute an exclusive itemization of those noises which may offend, disturb the peace, or create a nuisance.

Refer to full ordinance section for more information.

TOWN BURNING REGULATIONS

Excerpt from Town of Dover Ordinance 8.40:

- Open fires are prohibited in the Town of Dover except for cooking ceremonies and recreation. Such fires may not burn plastic, rubber, asphalt, oil substances or any materials that will create dense smoke or cause a nuisance. The fires must be at least ten feet from the property line.

Refer to full ordinance section for more information. Additional information regarding burning regulations can be obtained on the DNR website, <https://dnr.wi.gov/topic/forestfire/permits.html>

For full versions of these ordinances please go to: www.townofdovertwi.com

Date:

Camille Gerou, Town Clerk/Treasurer
Kimberly Springer, Deputy Clerk/Treasurer

INITIAL SHORT TERM RENTAL APPLICATION-FEE \$750.00

RENEWAL SHORT TERM RENTAL APPLICATION – FEE \$350.00

Date Received: _____

For the license period beginning _____ 20__

ending _____ 20__

Internal Revenue Service Employer Id# _____

CONTACT INFORMATION:

PROPERTY OWNER NAME: _____

PROPERTY MANAGER NAME: _____

24 HOUR PHONE #: _____ OWNER PHONE#: _____

EMAIL: _____ OWNER EMAIL: _____

PROPERTY PHYSICAL ADDRESS: _____

MAILING ADDRESS: _____

REQUIRED:

- Proof of casualty and liability insurance issued by an insurance company authorized to do business in the State of Wisconsin, with liability limits of not less than \$300,000 per individual and \$1,000,000 aggregate.
- Floor plan of the proposed property for rental with requested maximum occupancy
- Site plan including available onsite parking
- Copy of the Racine County Public Health Division "License, Permit or Registration" (All Short-term Rental applications are required to have an annual inspection by the Racine County Health Department)

I, _____ (Property Owner or Authorized Agent) certify that the above property meets the requirement of the Town of Dover Code.

Signature of Property Owner or Authorized Agent

Office Use Only:

Date filed:		Payment Received:	
Planning Review:		Permit #:	
Board Review:		Expiration Date:	
Approval Date:		Registration Fee:	