



## TOWN OF DELAVAN

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Delavan WI 53115

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### Application for Residential Rental License

☐ Original Application  
**FEE \$500.00**

☐ Renewal  
**YEARLY RENEWAL FEE \$250.00**

Please contact the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) before applying for your Residential Rental License with the Town of Delavan. They can be reached at the following:

Telephone: 608-224-4923 Email: [datcpfslicensing@wi.gov](mailto:datcpfslicensing@wi.gov)

Visit their website: [https://datcp.wi.gov/Pages/Programs\\_Services/TouristRoomingHouses.aspx](https://datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx)

Rental Property Address:

Tax Key #:

APPLICANT (Please print clearly)

Property Owner		Property Manager	
Name:		Name:	
Below Information <b>OPTIONAL</b>		Below Information <b>REQUIRED</b>	
Address		Address	
Home #:		Home #:	
Office #:		Office #:	
Cell #:		Cell #:	
E-mail:		E-mail:	

The named above

☐

Individual

☐

Partnership

☐

Limited Liability Co (LLC)

☐

Corporation/Non-Profit Organization

Hereby makes an application for the Short Term Rental License.

The undersigned hereby states that he/she is the record owner of, or a duly authorized property manager for, the above- described rental property consisting of \_\_\_\_\_ residential rental unit(s), and that the information provided herein is true and accurate. The undersigned further acknowledges that any change of rental property ownership or type of occupancy shall require a completion of a new Registration Statement.

The applicant is responsible for paying the quarterly 8% Gross Room Tax Fee to the Town of Delavan; due within 30 days of each quarter.

Signature Owner/Manager

Signature Committee Chair

Date

Date

For Office Use Only			
Date filed:		Permit Number:	
Committee Review:		Expiration Date:	
Approval Date:		Registration Fee:	
Payment Received:		Receipt Number:	

## 10.20 RESIDENTIAL RENTAL LICENSING

- 1) **DEFINITIONS** The following definition shall apply in the interpretation and enforcement of this section.
  - (a) **"Residential Dwelling"** means any building, structure, or part of a 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.
  - (b) **"Department"** means the Wisconsin Department of Agriculture, Trade and Consumer Protection.
  - (c) **"Short-term rental"** means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.
  - (d) **"State License"** means a license as a tourist rooming house, as defined in Section 97.01 (15k) Wisconsin State Statutes.
  - (e) **"Owner"** means any person who alone or jointly or severally with others is recorded or beneficial owner or has legal or equitable title to any dwelling or dwelling unit, or has charge, care or control of any dwelling unit as personal representative, trustee or guardian of the estate of the owner.
  - (f) **"Person"** includes an individual, a partnership, domestic or foreign limited liability company, a trust, an estate, an association, a corporation, or any other legal or commercial entity.
  - (g) **"Occupant"** means a person who rents a short-term rental.
- 2) **RESIDENTIAL RENTAL LICENSE REQUIRED**
  - (a) No owner shall lease any short-term rental, as defined herein, for more than 10 nights each year unless, at the time the short-term rental is let, the owner possesses a valid residential rental license approved by the Town Administration Committee for the operation of that short-term rental.
  - (b) A residential rental license may be issued by the Town upon approval of the Administration Committee and proof of compliance with the following:
    - i. Completion of an application for a residential rental license.
    - ii. Issuance by the Department of a State License as defined herein and County License.
    - iii. Payment of the \$500 (New) or \$250 (Renewal) permit fee. The fee is non-refundable and is not pro-rated for any partial license year.
  - (c) Each residential rental license shall expire on the next succeeding July 31, except that licenses initially issued during the period beginning on May 1 and ending on July 31 expire on July 31 of the following year. Residential rental licenses are not transferable. The license must be displayed on or near the inside of the main entrance door of the rental property.
  - (d) The issuance of a residential rental license does not warrant that the dwelling or dwelling unit to which it is issued is free of ordinance violations or otherwise for human habitation.
  - (e) A residential rental license may be denied if the owner of the dwelling or dwelling unit:
    - i. Has failed to provide all information required by the application form or has failed to sign the application form.
    - ii. Has provided false or incorrect information on the application form.
    - iii. Has failed to pay any delinquent charge relating to the real estate on which the unit is located.
    - iv. Does not hold a valid State License as defined herein and County license.
  - (f) No owner renting a residential dwelling for periods of more than 6 but fewer than 29 consecutive days shall rent said residential dwelling unit for more than a total of 180 days within any consecutive 365-day period.
    - i. The 180 day permissible rental period shall be consecutive days.
    - ii. A person who rents the person's residential dwelling shall notify the Town of the political subdivision in writing when the first rental within a 365 day period begins.
- 3) **APPLICATION**
  - a) An application for a residential rental license shall be filed with the Town on forms provided by the Town.
  - b) The application shall be signed by the owner and the owner shall provide all information requested on the form which will enable the Town to contact the owner, or at the option of

the owner, including the street address of the dwelling and the owner's legal name.

- c) The application shall be accompanied by the fee required in this section.
- d) The application shall be accompanied by a copy of the State License issued by the Department and a copy of the County License.

#### **4) REVOCATION, SUSPENSION, OR NON-RENEWAL OF RESIDENTIAL RENTAL LICENSE**

- a) The Town may revoke, suspend or non-renew a residential rental license for violation of this section including:
  - i. Revocation of the State or County License
  - ii. Fraud, misrepresentation, or false statement contained in the residential rental license application.
  - iii. Failure to pay any fees required to be paid under this section.
- b) No owner shall lease a short-term rental after the residential rental license is revoked, suspended, or non-renewed.
- c) Whenever an owner wishes to appeal the decision of the Town not to issue a residential rental license or the decision to revoke, suspend, or non-renew a residential rental license the owner shall, within ten (10) business days of the notice of the revocation, suspension, or non-renewal, deliver to the Town, a written objection stating specific reasons for contesting the decision. Upon receipt of the written objection, the matter shall be placed on the agenda for the Town Board for review hearing at the next regular meeting, unless the appeal is filed within four (4) days of the next meeting in which case it shall be heard at the following meeting. The decision of the Town Board shall constitute a final decision. The Town elects not to be bound by Chapter 68, Wisconsin Statutes with respect to the administrative procedure in this regard.
- d) If the owner wishes to further contest the determination, he or she may, within thirty (30) days of receiving the written decision of the Town Board seek a review of the decision by certiorari.

#### **5) REMEDIES AND APPLICATION OF OTHER PROVISIONS**

- a) The remedies provided in this section are not to be construed to be exclusive of any other remedy under the municipal code, and the Town may take further actions to ensure compliance with this section including but not limited to seeking injunctive relief.
- b) Nothing in this section limits, impairs, alters or extends the rights and remedies of persons in the relationship of landlord and tenant that exists under applicable law.
- c) Nothing in this section shall be construed to limit the authority of the Town to perform housing inspections in the accordance with any other provisions of this code or to enforce any other provision of state or federal law.

#### **6) PENALTY**

- a) An owner failing to comply with any other provisions of this section shall be subject to the penalties provided in section 10.17.

#### **7) REQUIRED ANNUAL STEPS**

- a) Complete the Tourist Rooming House License Application for the State of Wisconsin (Department of Agriculture) - DOA - \$300 (New) \$110 (Renewal)
- b) Complete the Walworth County Short Term Rental Application - \$500 (New) \$200 (Renewal)
- c) Complete the Town of Delavan Short Term Licensing Application - \$500 (New) \$250 (Renewal) \$50 late fee if paid within 30 days of renewal date, new license required after that 30 days.
- d) Complete the Room Tax Forms - \$10
- e) Complete the Town of Delavan General Business Registration Application - \$25
- f) Complete the Town of Delavan Business Directory Application
- g) The Town WILL NOT approve or renew a Short Term Rental until all paperwork (items 2, 4-7 above) and payment is received
- h) Make Payment & send all paper work to: Town of Delavan, 5621 Town Hall Rd, Delavan WI 531115
- i) Pay your quarterly Room Taxes to the Town of Delavan, using our Short Term Rental Room Tax & Calculation Form. Quarterly Reports are due by: April 30, July 31, October 31, January 31  
If you use a Market Place Provider (ie: VRBO, AirBnB, Home Away, etc.) that pays the Municipality Room Tax for you:
  - i. You are the responsible party for getting the report to the Town of Delavan Quarterly
  - ii. A Quarterly report can be obtained from your Market Place Provider by contacting them