

**AMENDED**  
**ORDINANCE NO. 1099 – 04/18**

**CREATING ARTICLE VII, CHAPTER 26 OF THE WALWORTH COUNTY CODE OF  
ORDINANCES RELATING TO LICENSING TO OFFER A RESIDENTIAL  
DWELLING AS A SHORT TERM RENTAL AND AMENDING 26-7 DEFINITIONS  
AND PHRASES**

**THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS  
FOLLOWS:**

1 **PART I: That Article VII of Chapter 26 of the Walworth County Code of Ordinances is**  
2 **hereby created to read as follows:**

3  
4 **“ARTICLE VII. OFFERING A RESIDENTIAL DWELLING AS A SHORT TERM**  
5 **RENTAL**

6  
7 **Sec. 26-334. Short Term Rental License Required.**

- 8  
9 a. Except as provided in (b), No person shall operate a Short Term Rental, as defined in  
10 Chapter 74 of the Walworth County Code of Ordinances, without first obtaining a license  
11 under this Section. Proof of the License and Property Rules shall be posted in a  
12 conspicuous location at all times while the property is rented and made available upon  
13 request for inspection.  
14 b. No license shall be required for a single rental of not greater than ten days which occurs  
15 in a calendar year.

16  
17 **Sec. 26-335. Purpose.**

18  
19 The purpose of this Article is to ensure a Short Term Rental operating in a Residential  
20 Dwelling within Walworth County is adequate for protecting public health, safety and general  
21 welfare, including establishing minimum standards for human occupancy; determining the  
22 responsibilities of owners, agents, and Designated Operators offering these properties for rent;  
23 to provide minimum standards necessary for the health and safety of persons occupying or  
24 using buildings, structures or premises as well as the surrounding community; and provisions  
25 for the administration and enforcement thereof.

26  
27 **Sec. 26-336. Applicability.**

28  
29 This article shall apply to all rentals of a Residential Dwelling as a Short Term Rental  
30 as defined in Chapter 74 of the Walworth County Code of Ordinances, but shall not apply to a  
31 full month rental in the month of February, within unincorporated Walworth County. This  
32 article shall not apply to facilities approved as a hotel, motel, tourist court, rooming house,  
33 lodge, lodging house, or bed and breakfast as defined in Section 74-131 and 74-263 of the  
34 Walworth County Code of Ordinances.  
35

1 **Sec. 26-337. Determination of application completeness.**

2  
3 The Department of Land Use and Resource Management shall make a finding of  
4 completeness of the application. Applications determined to be complete will be approved  
5 and the license shall be issued. Upon license issuance, the Department will attempt to notify all  
6 owners located within 150 feet of the property and shall provide said owners with the name  
7 and contact information of the applicant and the Designated Operator. Once approved, each  
8 license shall be valid for a period of one year from ~~January~~July 1<sup>st</sup> to ~~December 31<sup>st</sup>~~June 30<sup>th</sup>.  
9 If a license is granted after April 1<sup>st</sup> of a license year, that license will extend to June 30<sup>th</sup> of  
10 the following year.

11  
12 **Sec. 26-338. Sanitary facilities.**

13  
14 Adequate sanitary facilities shall be provided. Cesspools and non-plumbing sanitary  
15 systems such as composting toilets, incinerating toilets, privies, and portable restrooms are  
16 prohibited. If the property is not served by public sanitary sewer, a Private Onsite Wastewater  
17 Treatment System (POWTS) in full compliance with this Article and in accordance with Chapter  
18 70, Walworth County Code of Ordinances, and Wisconsin Administrative Code DSPS 383 must  
19 serve the property.

20  
21 **Sec. 26-339. Occupancy.**

22  
23 If the property is served by public sanitary sewer, occupancy is limited to the number of  
24 occupants authorized by the State Tourist Rooming House License issued by the State of  
25 Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with  
26 Wisconsin Administrative Code ATCP 72. If the property is served by a POWTS, occupancy  
27 is limited to the number of occupants for which the POWTS was designed, or the occupancy  
28 granted by the State Tourist Rooming House, whichever is less.

29  
30 **Sec. 26-340. Parking.**

31  
32 A minimum of two parking spaces shall be provided. No on-street parking for renters of  
33 the property will be allowed. Parking may be provided off-site. Parking spaces must meet the  
34 standards set forth in the Walworth County Zoning Code. The use of off-site parking for the  
35 rental property shall not cause a violation of the required parking for the off-site location  
36 where parking is to be provided.

37  
38 **Sec. 26-341. Solid waste disposal.**

39  
40 Adequate refuse containers shall be available to prevent accumulation or scattering of  
41 solid waste, garbage and rubbish on the ground. Refuse containers shall be no larger than 2  
42 cubic yards. Refuse must be picked up from the property one time each week and within 24  
43 hours of placement for pick up.

44  
45 **Sec. 26-342. Guest Registry.**

1 Each license holder shall keep a registry of the party responsible for securing the rental  
2 including their name, address, phone number, dates of stay, and number of occupants in the  
3 party. The registry shall be made available upon request by the Department. The license holder  
4 shall maintain the above-stated information for a period of not less than one year from the last  
5 date of stay of the occupants.  
6  
7  
8

9 **Sec. 26-343. Property Rules.**

10  
11 A list of property rules must be posted at the property, provided to the guests and a copy  
12 submitted with the application for a license. Property rules must include the following minimum  
13 information:

- 14 a. Maximum occupancy of the property.
- 15 b. Contact information for the Designated Operator.
- 16 c. Where to park.
- 17 d. Quiet hours of 10 pm to 7 am.
- 18 e. Pet policy. No more than four pets are allowed at the property.
- 19 f. Outdoor burning regulations.
- 20 g. Non-emergency contact information for law enforcement and fire.
- 21 h. If applicable, information on the location of the high water alarm for the POWTS, and  
22 procedure to follow if the alarm is activated.
- 23 i. What to do with the garbage after the rental period is done.
- 24 j. Copy of the State of Wisconsin Tourist Rooming House license.
- 25 k. Copy of the County Short Term Rental License.
- 26 l. Copy of the boating regulations if the property is located on a lake.

27  
28 **Sec. 26-344. License Application and Fees.**

29  
30 Any property owner or person having a contractual interest in any residential dwelling  
31 in the county may file an application for a license to offer for rent a Short Term Rental with the  
32 Department at least 30 days in advance of the date the property is first offered for rent on  
33 forms furnished by the Department and shall include the following:  
34

- 35 a. The application shall include the following:
  - 36 1. Address and tax key of the residential dwelling.
  - 37 2. Names and addresses of the applicant, owner of the dwelling, and promoter or  
38 sponsor.
  - 39 3. Copy of State of Wisconsin Tourist Rooming House license.
  - 40 4. Name, address and phone number of a Designated Operator for the property.
  - 41 5. Proposed occupancy for the dwelling.
  - 42 6. Floor plan of all floors to be occupied in the dwelling, drawn neatly and  
43 accurately with dimensions clearly shown.
  - 44 7. Site plan drawn neatly and accurately of the parcel including but not limited to, lot  
45 lines, parking, and location of garbage collection areas.
  - 46

- 1           8. Copy of property rules.
- 2           9. Schedule for refuse pickup and name of refuse hauler.
- 3           10. Proof of adequate sanitation facilities.

- 4
- 5       b. Any changes in ownership of the property, designated operator, or refuse hauler shall
- 6       be forwarded to the Department within 10 days of the change
- 7
- 8       c. Permit fee schedule. The license application fees shall be established by the Walworth
- 9       County Board of Supervisors, according to procedures set forth in chapter 30 of the
- 10       County Code of Ordinances, in a fee schedule and may, from time to time, be modified.
- 11       The fees shall be related to costs involved in processing license applications, reviewing
- 12       plans, conducting inspections, and documentation. A schedule of the fees shall be
- 13       available for review in the Walworth County Land Use and Resource Management
- 14       Department or on the county website.

15

16 **Sec. 26-345. Revocation.**

17

18           Revocation of the license shall commence when the owner of the property fails to comply

19 with the requirements of this ordinance as it existed at the time of the issuance of the license.

20

21 **Sec. 26-346. Revocation process.**

22

- 23       a. The owner of the property shall be notified of any noncompliance by the Department.
  - 24       b. The owner shall correct the violation within 24 hours to the satisfaction of the
  - 25       Department.
  - 26       c. The Department may notify the Walworth County Executive Committee of
  - 27       noncompliance and request permission to proceed with the revocation process.
  - 28       d. Upon scheduling of the hearing, the Department will notify the owner of the property at
  - 29       least two weeks prior to the hearing date.
  - 30       e. The Department will attempt to notify all property owners located within 150 feet of the
  - 31       property at least two weeks prior to the public hearing.
  - 32       f. A representative of the Department shall appear at the hearing before the Committee to
  - 33       present the evidence of noncompliance. All other interested parties may also give
  - 34       testimony to the Committee.
  - 35       g. A written decision of the Committee will be made and will be provided to the owner and
  - 36       the Department.
  - 37       h. If the license is revoked, the owner may apply for a new license after a 12 month
  - 38       revocation period.”
- 39
- 40

41 **PART II: That Section 26-7 of the Walworth County Code of Ordinances is hereby**

42 **amended to read as follows (additions are underlined; deletions are shown in strike-**

43 **through text):**

44

45 **“Sec. 26-7. Definitions and phrases.**

46

1 ...

2 Department: Walworth County Land Use and Resource Management

3

4 ...

5

6 Designated Operator: An individual who is available to respond to the property within one hour  
7 in the event of an emergency or complaint to the local law enforcement agency."

8

9 **PART III: That this ordinance shall become effective upon passage and publication.**

10

11 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 19<sup>th</sup> day of April  
12 2018.

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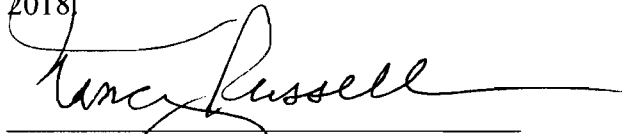
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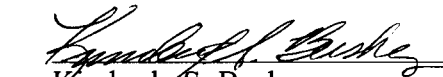
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23



Nancy Russell  
County Board Chair



Kimberly S. Bushey  
Attest: County Clerk

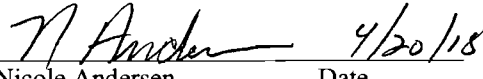
County Board Meeting Date: April 19, 2018

Action Required:      Majority Vote   X        Two-thirds Vote             Other       

Policy and Fiscal Note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached ordinance



David A. Bretl      Date 4/20/18  
County Administrator/Corporation Counsel



Nicole Andersen      Date 4/20/18  
Deputy County Administrator-Finance

This Resolution/Ordinance was:

Adopted: Roll Call/U.C./Voice

Rejected/Referred/Laid Over

Ayes:      Noes:      Absent:

Date April 19, 2018

As Amended

**Policy and Fiscal Note**  
**Ordinance No. 1099 – 04/18**

- I. Title:** Amendment to Chapter 26 of the Walworth County Code of Ordinances Relating to Licensing to Offer a Residential Dwelling as a Short Term Rental and Amending 26-7 Definitions and Phrases.
- II. Purpose and Policy Impact Statement:** A short term rental licensing requirement to regulate things such as occupancy of the rental, parking, garbage pickup, quiet hours, and identifies a responsible party to contact in the event of an emergency or if there is a complaint about a renter.
- III. Is this a budgeted item and what is its fiscal impact:** Passage of this Ordinance will have no fiscal impact on the County Budget. There is a companion ordinance, Ordinance No. 1106-04/18, to establish fees for implementation of the licensing program.
- IV. Referred to the following standing committees for consideration and date of referral:**

Committee: County Zoning Agency

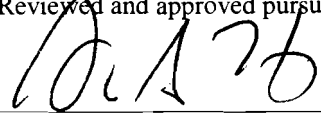
Date: March 15, 2018

Vote: 5-0


County Board Meeting Date: April 19, 2018

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

 4/20/18  
Date

David A. Bretl  
County Administrator/Corporation Counsel

 4/20/18  
Date

Nicole Andersen  
Deputy County Administrator - Finance

If unsigned, exceptions shall be so noted by the County Administrator.