

ORDINANCE NO. 1109 – 05/18

AMENDING SECTIONS 74-131 OF THE WALWORTH COUNTY CODE OF ORDINANCES – ZONING AND SECTION(S) 74-263 OF THE WALWORTH COUNTY CODE OF ORDINANCES – SHORELAND ZONING RELATIVE TO SHORT TERM RENTAL

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 **PART I: That Section 74-131 of the Walworth County Code of Ordinances is hereby**  
2 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
3 **through):**

4  
5 **“Sec. 74-131. Definitions.**  
6

7 ...

8 *Dwelling:* A structure or portion thereof that is designed or arranged for human habitation,  
9 which may be a short term rental, but does not include ~~lodging facilities~~ boarding houses, lodges,  
10 motels, hotels, or camping units.

11 ...  
12 ...  
13

14 *Lodging facility:* A structure or part thereof rented, used or advertised for stays by transients  
15 including but not limited to hotel, motel, tourist court, cabin, lodge, rooming house, lodging  
16 house, bed and breakfast, and short term rental. The use of any building or structure for  
17 transients deems the structure to be a lodging facility.

18 ...  
19 ...  
20

21 *Short term rental:* A residential dwelling offered or occupied for rent for a fee or similar  
22 consideration for more than 6 but fewer than 29 consecutive days; or a residential dwelling in the  
23 B-5 zone district offered or occupied for rent for a fee or similar consideration for fewer than 29  
24 consecutive days. Short term rental does not include bed and breakfast establishments.  
25

26 ...  
27

28 **PART II: That Section 74-263 of the Walworth County Code of Ordinances is hereby**  
29 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
30 **through):**

31  
32 **“Sec. 74-131. Definitions.**  
33

34 ...  
35

1 Dwelling: A structure or portion thereof that is designed or arranged for human habitation,  
2 which may be a short term rental, but does not include lodging facilities boarding houses, lodges,  
3 motels, hotels, or camping units.

4 ...

7 Lodging facility: A structure or part thereof rented, used or advertised for stays by transients  
8 including but not limited to hotel, motel, tourist court, cabin, lodge, rooming house, lodging  
9 house, bed and breakfast, and short term rental. The use of any building or structure for  
10 transients deems the structure to be a lodging facility.


11 ...

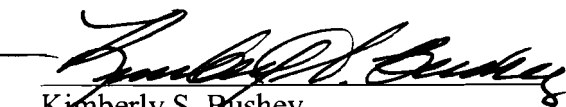
14 Short term rental: A residential dwelling offered or occupied for rent for a fee or similar  
15 consideration for more than 6 but fewer than 29 consecutive days; or a residential dwelling in the  
16 B-5 zone district offered or occupied for rent for a fee or similar consideration for fewer than 29  
17 consecutive days. Short term rental does not include bed and breakfast establishments.

18 ...

21 **PART III: This Ordinance shall become effective upon passage.**

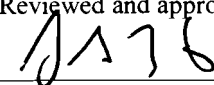
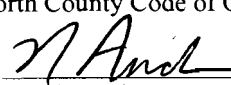
23 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 8<sup>th</sup> day of May,  
24 2018.

25   
26 \_\_\_\_\_  
27 Nancy Russell  
28 County Board Chair

25   
26 \_\_\_\_\_  
27 Kimberly S. Bushey  
28 County Clerk

31 County Board Meeting Date: May 8, 2018

33 Action Required: Majority Vote X Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:  
 4/30/18  
David A. Bretl Date  
County Administrator/Corporation Counsel  
 4/30/18  
Nicole Andersen Date  
Deputy County Administrator-Finance  
If unsigned, exceptions shall be so noted by the County Administrator.

This Resolution/Ordinance was:  
Adopted: Roll Call/U.C./Voice  
Rejected/Referred/Laid Over  
Ayes: Noes: Absent:  
Date May 8, 2018

**Policy and Fiscal Note**  
**Ordinance No. 1109 – 05/18**

**I. Title:** Amendment to Section(s) 74-131 Of The Walworth County Code Of Ordinances – Zoning And Section(s) 74-263 Of The Walworth County Code Of Ordinances – Shoreland Zoning Relative To Short Term Rental

**II. Purpose and Policy Impact Statement:**

The purpose of this amendment is to bring the zoning ordinances into compliance with Wisconsin Act 59. In September 2017, Act 59 created State Statute 66.1014 barring a county from prohibiting the rental of a residential dwelling for 7 consecutive days or longer.

The amendment defines **short term rental** and adds the new term into the definitions of **dwelling** and **lodging facility**. In addition, boarding houses, lodges, motels, and hotels are added in the **dwelling** definition to replace “lodging facility” which had been used as an inclusive term for the types of uses not to be considered a dwelling.

These changes will allow a dwelling to be offered for rent to transients in the B-5 zone district and allow a dwelling in any other zone district to be offered for rent to transients for 7 consecutive days or longer. A residence in B-5 is not being limited to 7 days because those residences had been allowed to rent for less than 7 days prior to the change in state law.

**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.

**III. Referred to the following standing committees for consideration and date of referral:**

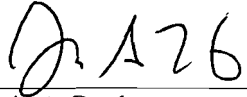
Committee: County Zoning Agency

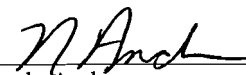
Date: April 24, 2018

Vote: 7-0

County Board Meeting Date: May 8, 2018

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

 4/26/18  
\_\_\_\_\_  
Date  
David A. Bretl  
County Administrator/Corporation Counsel

 4/30/18  
\_\_\_\_\_  
Date  
Nicole Andersen  
Deputy County Administrator-Finance