

ORDINANCE NO. 77  
TOWN OF GENEVA

**Ordinance to Regulate the Short-Term Rental of Residential Zoned Properties**

The Town Board of the Town of Geneva, Walworth County, Wisconsin, does ordain Town of Geneva Ordinance No. 77 as follows:

Section 1. Purpose:

This ordinance is to provide the Town with a means to prohibit the solicitation for the unlawful use of residential properties prohibited by the laws of the State of Wisconsin and Walworth County Ordinances from renting to transients for a period of less than one calendar month or 30 consecutive days whichever is less.

Section 2. Definitions.

A. Advertise: Any oral or written communication or publication, dissemination, solicitation or circulation which is intended to directly or indirectly induce any person(s) to enter into an agreement for the rental of a residential dwelling in violation of this Ordinance. Included in this definition (but not limited to) are mailings, print advertisements, internet listings, e-mail publications or other written, printed, electronic or oral conveyance.

B. Enterprise: Any individual, corporation, association, firm, partnership, LLC or other legal entity.

C. Facilitate: Any of the above Enterprises facilitates if, acting with knowledge that an operator, managing agency, rental agency, etc. is committing or intends to commit the offense of renting a residential dwelling in violation of the laws of the State of Wisconsin or the ordinances of Walworth County, the person or enterprise knowingly provides the operator, managing agency or rental agent with the means or opportunity to advertise the same.

D. Managing Agency or Rental Agent: A person, enterprise or agency representing the owner of the short-term rental, or a person, enterprise or agency owning a property offered or used for the residential transient rental for less than a calendar month or 30 consecutive days whichever is less.

E. Operator: The person or enterprise who is owner or proprietor of a property offered or used for short-term rental, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agency of any type or character, or where the operator performs his functions through a rental agent, the managing agency or the rental agent has the same duties as its principal.

F. Person: One or more individuals.

G. Rent: The consideration or remuneration charged, whether or not received, for the occupancy of Short-Term Unit, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property or services of any kind. Rent may include consideration or remuneration received pursuant to an option to purchase whereby a person is given a right to possess the property for a term of less than one calendar month or 30 consecutive days whichever is less.

H. Rental: An arrangement between a person or enterprise and an operator, managing agency or rental agent whereby rent is received in exchange for the right to possess a residential structure contrary to the laws of the State of Wisconsin or the ordinances of Walworth County.

I. Remuneration: Compensation, money, or other consideration given in return for occupancy, possession or use of real property.

J. Rental Duration: Only one contract per calendar month or thirty day period whichever is less may be entered into for a residential property. If either party for any reason cancels the rental, another contract may not be entered into for any portion of that calendar month or thirty day period, and no other person or enterprise may occupy said property except the owner for that calendar month or thirty day period or any part thereof.

K. Short Term Unit: Any structure or any portion of any structure that is offered for or rented to a person or enterprise for less than one calendar month or 30 consecutive days whichever is less in a residential zoning district or a planned residential development district as classified in the Walworth County zoning code, including detached single-family dwellings, condominiums, duplexes, town homes and multiple-family dwellings which is not permitted by the Walworth County Zoning Ordinance as a hotel, motel, lodge, boarding house or bed and breakfast.

L. Solicit: A person or enterprise solicits if, with the intent to promote or facilitate a short-term unit in violation of the laws of the State of Wisconsin and the Walworth County ordinances, such person or enterprise advertises or otherwise solicits another person to engage in conduct which would constitute a violation of the laws of the State of Wisconsin or the ordinances of Walworth County.

M. Transient: Any person or enterprise who, at his/her/its own expense or at the expense of another, exercises occupancy or possession or is entitled to occupancy or possession by reason of any rental agreement, concession, permit, right of access, option to purchase, license, time-sharing arrangement, or any other type of agreement for a period of less than one calendar month or 30 consecutive days whichever is less, counting portions of calendar days as full days.

### Section 3. Prohibited Advertisement

It is prohibited for any person, enterprise, managing agency or rental agent to advertise, solicit or facilitate the rental for less than one calendar month or 30 consecutive days whichever is less of a short term unit located within residential districts of the Town of Geneva. Such activity is prohibited, whether by mailings, print advertisements, internet listings, or other means, and is a violation of this Ordinance.

Section 4. Penalty.

Any person who violates any provision of this Ordinance shall, upon conviction thereof, forfeit not less than One Thousand (\$1,000.00) Dollars nor more than Thirty-Five Hundred (\$3,500.00) Dollars and the costs of prosecution. Each day of violation shall constitute a separate violation.

Section 5. Severability.

If any Section, Subsection, Sentence, Clause, or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause, or Phrase hereof. The Town Chairman and Town Board of the Town of Geneva hereby declares that it would have passed this Ordinance and each Section, Subsection, Sentence, Clause, Phrase, or Portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases, or Portions thereof may be declared invalid or unconstitutional.

Section 6. Effective Date.

The passage of this Ordinance shall take effect from and after its adoption by the Town Board and its posting or publication thereof as required, pursuant to s. 60.80, Wis. Stat.

This Ordinance was Adopted this 9th day of June, 2014,  
by a vote of: 3 in favor 2 against 0 abstain:

Merle Loomer  Absent  Aye  Nay  Abstain  Preside  
Merle Loomer – Supervisor No. 1

Keith Millard  Absent  Aye  Nay  Abstain  Preside  
Keith Millard – Supervisor No. 2

Gene Decker  Absent  Aye  Nay  Abstain  Preside  
Gene Decker – Supervisor No. 3

Mike Mumford  Absent  Aye  Nay  Abstain  Preside  
Mike Mumford – Supervisor No. 4

Joseph H. Kopecky  Absent  Aye  Nay  Abstain  Preside  
Joseph H. Kopecky – Chairperson

Debra L. Kirch  Attest  
Debra L. Kirch – Clerk/Treasurer