

ORDINANCE NO. 77

TOWN OF GENEVA

AN ORDINANCE TO REGULATE SHORT-TERM RENTAL LICENSING AND RENTAL OF RESIDENTIAL ZONED PROPERTIES

SECTION 1.0 INTRODUCTION

1.01 Purpose

The purpose of this ordinance is to ensure that the quality and nature of the short-term rentals operating within the Town of Geneva are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the town.

1.02 Authority

The Town Board of the Town of Geneva has been authorized to exercise village powers pursuant to ss. 60.10(2)(c) and s. 60.22(3), Wis. Stats. The Town Board adopts this ordinance under its general village powers authority and s. 66.1014 of the Wisconsin Statutes.

1.03 Definition

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (A) Board: The Town Board of the Town of Geneva
- (B) Property Manager: 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.
- (C) Property Owner: the person who owns the residential dwelling that is being rented.
- (D) Residential Dwelling: any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
- (E) Service Check List: a list of emergency and non-emergency numbers.
- (F) Short-term Rental: a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

1.05 Severability

This ordinance and its individual provisions are declared to be severable. If any section, clause, provision, or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the ordinance as a whole. All parts of the ordinance not declared invalid or unconstitutional shall remain in full force and effect.

1.06 Conflict

If any part of this ordinance is found to be in conflict with any other ordinance or with any other part of this ordinance, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state statute that part shall not be enforced.

SECTION 2.0 SHORT-TERM RENTAL LICENSE

2.01 License required

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.

2.02 License procedures:

- (A) All applications for a short-term rental license shall be filed with the town clerk on forms provided. Applications must be filed by the Property Owner. No license shall be issued unless the completed application form is accompanied by supporting documentation and by the payment of the required application fee.
- (B) The town clerk shall issue a short-term rental license to all applicants following payment of the required fee, receipt of all information and documentation requested by the application, and town board approval of the application.
- (C) 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 board has adequate time to consider the application. All short-term rental licenses shall be in effect July 1st to June 30th, with the application approval process beginning at the April Town Board meeting.
- (D) A short-term rental license shall be effective for one year and may be renewed for additional one-year periods. 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.
- (E) The town board may suspend, revoke, or non-renew a short-term rental license following a due process hearing if the board determines that the licensee: a) failed to comply with any of the requirements of this ordinance; b) has been convicted or whose Property Manager or renters have been convicted of engaging in illegal activity while on the short-term rental premises on 2 or more separate occasions within the past 12 months; or c) has outstanding fees, taxes, or forfeitures owed to the town.
- (F) Upon request by the town clerk, the Property Owner shall provide the current register to the clerk with the names, addresses, and the monetary amount or consideration paid for the rental.

SECTION 3.0 OPERATION OF A SHORT-TERM RENTAL

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

- (A) If a residential dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days.
- (B) Short-term rentals of 6 or fewer consecutive days in duration are prohibited.
- (C) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
- (D) Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 7:00 am and 10:00 pm. Any activities occurring at the short-term rental shall comply with other applicable noise regulations.
- (E) A local property management contact (either the Property Owner or an appointed Property Manager) must be on file with the town at all times and must be located within 25 miles of the short-term rental. 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. The town must be notified within 24 hours of any change in contact information.
- (F) 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 two years. The register shall also include the time period for the rental and the monetary amount or consideration paid for the rental.
- (G) 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.
- (H) Each short-term rental property shall provide a "Service Check List".
- (I) A minimum of two parking spaces shall be provided. No on-street parking for renters of the property will be allowed. Parking may be provided off-site. Parking spaces must meet the standards set forth in the Walworth County Zoning Code.
- (J) A list of property rules must be posted at the property, provided to the guests, and a copy submitted with the application for a license. Property rules must include the following minimum information:
 - i. Maximum occupancy of the property.
 - ii. Contact information for the designated operator.
 - iii. Where to park.
 - iv. Quiet hours of 10:00 pm to 7:00 am.
 - v. Pet policy. No more than four pets are allowed at the property.
 - vi. Outdoor burning regulations.
 - vii. Non-emergency contact information for law enforcement and fire.
 - viii. If applicable, information on the location of the high-water alarm for the POWTS, and procedure to follow if the alarm is activated.
 - ix. What to do with the garbage after the rental period is done.
 - x. Copy of the State of Wisconsin tourist rooming house license.
 - xi. Copy of the County and Town's short-term rental license.
 - xii. Copy of the boating regulations.

SECTION 4.0 PENALTIES

- (A) Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50 (fifty dollars) nor more than \$500 (five hundred dollars), plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.
- (B) 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.

SECTION 5.0 FEES

Fees are established annually by the Town Board and are made a part of the Town of Geneva Fee Schedule.

SECTION 6.0 EFFECTIVE DATE

The repeal of the existing Ordinance and the passage of the Ordinance herein shall take effect from and after its adoption by the Town Board and upon posting a publication thereof as provided by the Statutes of the State of Wisconsin.

This Ordinance shall take effect upon its passage and publication, as provided by law.

This Ordinance was adopted this 16th day of April, 2024,
by a vote of: 5 in favor 0 against 0 abstain.