

# Walworth County Short Term Rentals Frequently Asked Questions

## 1. Why did the County adopt a licensing requirement?

For many, many years, Walworth County regulated short term rentals through its zoning code. On September 21, 2017, Governor Scott Walker signed into law Wisconsin Act 59 which was intended to set fiscal appropriations for the next State budgetary biennium. One component of this bill changed the language of the Wisconsin State Statutes as they pertain to local government's regulation of rentals of dwelling units on a short term basis ("Short Term Rental"). Wisconsin Act 59 prohibits local jurisdictions from prohibiting stays between 7 and 29 days and sets parameters for other regulations.

After months of review and consideration, the County Zoning Agency developed a short term rental licensing requirement. The ordinance requiring a license was adopted by the Walworth County Board of Supervisors on April 19, 2018. The license regulates 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. An update to the Zoning Code prohibits stays of less than 7 days as allowed by State Statute.

## 2. Why is the fee so high?

The State of Wisconsin has limits on how much a government entity can levy for taxes. Due to these constraints coupled with the need to fund staff to implement the license, the original fee was set by the County Board to cover the cost of the program. Due to fee reviews, the fees have been reduced as the Short Term Rental Licensing program has matured. Generally, the more individuals obtaining licenses, the more likely the cost of the license can go down. The County remains committed to reviewing the fee during its budgeting process.

## 3. What happens if I do not get a license?

You will be subject to enforcement action in the form of citations at a cost of \$663 per day. If you are "offering" your property for rent for less than 30 days, you need a County license. There is also a State of Wisconsin Tourist Rooming House license that is subject to penalties if you choose not to obtain the license and you continue to rent your property. Information on the State license can be found here: [https://datcp.wi.gov/Pages/Programs\\_Services/TouristRoomingHouses.aspx](https://datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx)

## 4. Do I have to rent for an entire 7 days?

No. As long as you only have one group renting the property in a seven day period, the number of days they actually stay does not matter. For example, if you have a rental from Friday to Monday, as long as you do not have another renter until the next Friday, you would be in compliance with this requirement.

## 5. How do I calculate occupancy if I am on public sewer?

If your property is served by a public sewer, the State Administrative Code sets your occupancy. Wisconsin Administrative Code ATCP 72.14(2)(b) states, "*Size of sleeping rooms.* Every sleeping room shall be of sufficient size to afford at least 400 cubic feet (12 cu m) of air space for each occupant over 12 years of age and 200 cubic feet (6 cu m) for each occupant 12 years and under. Every sleeping room shall have a minimum ceiling height of 7 feet (2.13 m). No greater number of sleeping occupants than the number established by application of these standards is permitted in any sleeping room."



Land Use and Resource  
Management Department  
100 W. Walworth  
P.O. Box 1001  
Eikhorn, WI 53121

**6. Why am I limited to only two people per bedroom if I am on a septic system (POWTS)?**

A septic system is designed for a maximum daily flow into the absorption field of 75 gallons per person per day or 150 gallons per day per bedroom. If the system is oversized, you will be allowed a greater occupancy. Overloading the system will result in discharges of sewage into the groundwater, onto the surface or back into your home. A common misconception is that if the system is heavily used for a few days, it will “catch up” when no one is there. Unfortunately, this is not the case. The absorption field is designed based on the rate of infiltration of the soils where the system was installed and it will fail if the maximum daily load is frequently exceeded.

**7. Do I need a survey or building blue prints for the site and floor plans?**

No. Many properties already have a survey on file with the County that you can use to get started on your site plan. You can find out if there is a survey for your property through the County’s online mapping program. <https://gisinfo.co.walworth.wi.us/oneview/>



**Tax Parcels** [Download] [Zoom] [Close]

PARCEL TYPE: Simple Tax Parcel  
Owner Name 1: COUNTY OF WALWORTH  
Address 1: PO BOX 1001  
City: ELKHORN  
State: WI  
Zip: 531210000  
Tax Bill(s): [View](#)  
Tax Bill(s) {'01 - '12}: [View](#)  
Survey History: [View](#) ←  
Documents: [View](#)  
[Print Document\(s\)](#)

Instructions on how to find information in the County’s mapping program can be found on the Department’s webpage at [www.co.walworth.wi.us](http://www.co.walworth.wi.us). You can link to the Land Use and Resource Management Department from here.

If there is not a survey for your property and you do not have floor plans, you can hand draw the site plan and floor plan for your property. Be sure to provide accurate information including dimensions and square footage of rooms to be occupied for sleeping. The plans do not need to be to scale, but they should accurately reflect the information required.