

SECTION 8-1.2 SHORT TERM RENTALS**(A) Purpose.**

The purpose of this Article is to ensure that the quality of short-term rentals operating within the City is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators and property managers offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially residential areas, within the City of Oshkosh; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

(B) Definitions.

(1) For the purpose of administering and enforcing this Article, the terms or words used herein shall be interpreted as follows:

- (a) Words used in the present tense include the future.
- (b) Words in the singular number include the plural number.
- (c) Words in the plural number include the singular number.

(2) The following definitions and conditions apply unless specifically modified:

Department of Community Development. The City Department of Community Development of the City of Oshkosh or designee.

Corporate Entity: A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.

Dwelling Unit: One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family. Dwelling Units include residential, tourist rooming house, seasonal employee housing and dormitory units.

License. The Short-Term Rental License issued under 8-1.2

Owner. The owner of a short-term rental.

Person. Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any section of this Article prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

Resident Agent. Any person appointed by the owner of a short-term rental to act as agent on behalf of the owner.

Short Term Rental. A residential dwelling unit that is offered for rent for a fee and for fewer than 29 consecutive days, as defined in Wis. Stat. Sec. 66.0615 (1)(dk).

State. The State of Wisconsin Department of Health, or its designee.

(C) Operation of Short-Term Rentals.

- (1) No person may maintain, manage, or operate a short-term rental more than 16 nights each year without a short-term rental license. Every short-term rental shall be operated by a Property Owner or a Resident Agent
 - (2) Each short-term rental is required to have the following licenses and permits:
 - (a) A Winnebago County Tourist Rooming House License or Winnebago County Bed and Breakfast License;
 - (b) A seller's permit issued by the Wisconsin Department of Revenue;
 - (c) A Room Tax Permit; and
 - (d) A permit or license issued pursuant to the provisions of this Article.
 - (3) Each short-term rental shall comply with all of the following:
 - (a) The total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days.
 - (b) No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.
 - (c) There shall not be excessive noise, fumes, glare, vibrations generated during the use.
 - (d) Name plates or other signage shall not exceed zoning code allowances for Building Management Identification Sign. No other signage advertising the short-term rental is permitted on site. Off-site advertising in media channels relating to the availability of the rental may take place only after all City, County and State permits and licenses have been obtained.
 - (e) The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable county and City housing regulations based upon the number of bedrooms in each unit.
 - (f) No recreational vehicles (RVs), 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.
 - (g) Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 8:00 a.m. and 10:00 p.m. Any activities shall be in compliance with other noise regulations of the City.
 - (h) All rentals of the short-term rental shall be subject to payment of the City of Oshkosh room tax at the current applicable rate. Permit holders are responsible for complying with all regulations of the room tax.
 - (i) Compliance with all state, county, and local regulations is required.
 - (j) A short-term rental license will not be issued until the following contingencies have been met:
 - (1) County health department inspection completed and license issued;
 - (k) Short-term rental licenses are issued for one year period and must be renewed annually subject to City approval or denial.
- (D) Short-Term Rental License.

- (1) The Department of Community Development shall issue a short-term rental license to all applicants following the approval of an application and the filing of all documents and records required under this Article. The application shall also contain the following information:
 - (a) Identify the Property Owner;
 - (b) Identify the Resident Agent with contact information;
 - (c) The maximum occupancy for the premises;
 - (d) The license term;
 - (e) State lodging license number, if any; and
 - (f) Contact information for the City.
 - (2) The Department of Community Development shall issue a property manager license to all applicants following the approval of the application and the filing of all documents and records required under this Article.
 - (3) The resident agent must be authorized to allow City employees, officers and their designees, to enter the owner's property for purposes of inspection and enforcement of this Article and the Municipal Code.
- (E) Short-Term Rental License Procedure.
- (1) All applications for a short-term rental license shall be filed with the Department of Community Development on forms provided. Applications must be filed by the property owner or on the owner's behalf by the Resident Agent. No permit shall be issued unless the completed application form is accompanied by payment of the required fee.
 - (2) Each application shall include the following information and documentation for each short-term rental unit:
 - (a) Winnebago County License for a Tourist Rooming House License or Bed and Breakfast License issued under Wis. Stat. Sec. 254.64;
 - (b) A copy of a completed State Lodging Establishment Inspection form dated within
 - (c) one (1) year of the date of issuance or renewal;
 - (d) Seller's Permit from the Department of Revenue, if any;
 - (e) Designation of the Resident Agent (if applicable);
 - (f) Certification from the owner or licensee that the property meets the requirements of this Article;
 - (3) Terms and Filing date. Each permit and license shall run during a calendar year. The filing fee shall be paid upon filing of the application. The Department of Community Development may conditionally accept late applications, subject to payment of the late filing fee. Any application which does not include all of the information and documentation shall not be considered as complete.
 - (4) Application Review Procedure. When satisfied that the application is complete, the Department of Community Development shall forward initial applications for permits and licenses to the appropriate City Departments for review. If the Department of Community Development in

consultation with City staff determines that the application meets the requirements of this Article, they may approve the application. If the Department of Community Development in consultation with City staff determines that the application does not meet the requirements of this Article, they may deny the application.

(F) Renewal.

- (1) Each application for a renewal of a permit or license shall include updated information for the documentation on file with the Department of Community Development and payment of the applicable fee. The Department of Community Development shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Article. The Department of Community Development shall request reports from the City of Oshkosh Police regarding any complaints received, calls for service or actions taken regarding the short-term rental properties. The Department of Community Development shall issue renewal licenses within thirty (30) days of the filing of the application unless the information provided is incomplete or otherwise not in compliance with the requirements of this Article and/or the reports from the Police Department and the Zoning Administrator indicate that there are complaints or actions involving the property.
- (2) If the Department of Community Development finds that the license or permit should not be renewed, the Department of Community Development shall deny the renewal.
- (3) No permit or license shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the City, or is under an order issued by the Building Inspector, or his designee, to bring the premises into compliance with City ordinances, unless arrangements for payment have been approved by the Department of Community Development.

(G) Resident Agent.

- (1) All short-term rentals are required to appoint a Resident Agent for the receipt of service of notice of violation of this Article's provisions and for service of process pursuant to this Article. Such a designation shall be made by the owner and shall accompany each application form. Said applicant shall immediately notify the Department of Community Development of any change in residence or information regarding the Resident Agent.
- (2) To qualify as a Resident Agent the person must meet the following requirements:
 - (a) The applicant is authorized by owner to accept service of process for all City communications, citations and orders.
- (3) Each Resident Agent shall be authorized by the property owner to act as the agent for the owner for the receipt of service of notice of violation of this Article's provisions and for service of process pursuant to this Article and shall be authorized by the owner to allow City employees, officers and their designees, to enter the owner's property for purposes of inspection and enforcement of this Article and/or the City Municipal Code.

(H) Standards for Short-term Rentals.

- (1) Each short-term rental shall comply with this Article's requirements or any other applicable City ordinance. Each short-term rental shall comply with the following minimum requirements:
 - (a) Not less than one (1) bathroom for every six (6) occupants;
 - (b) Not less one hundred fifty (150) square feet of floor space for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room area. Floor space is determined using interior measurements of each room. Floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people;
 - (c) Not less than one (1) onsite off-street parking spaces for every four (4) occupants based upon maximum occupancy;
 - (d) A safe, unobstructed means of egress leading to safe, open space at ground level;
 - (e) Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code;
 - (f) Shall not have an accessible wood burning fireplace unless the property owner provides a certificate from a certified HVAC / Fireplace Installer or technician, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances;
 - (g) Shall not have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose on any balcony, deck or under any overhanging structure or within ten (10) feet of any structure;
 - (h) Certification of compliance. As a condition of issuance of a license under this Article, the Owner / Resident Agent shall certify that property is in compliance with the terms and conditions of the license and this Article.

(I) Room Tax.

- (1) Each short-term rental shall comply with the room tax reporting requirements of the City Municipal Code Chapter 8-1.1
- (2) All tax returns and supporting documentation filed with the Department of Community Development are confidential and subject to the protections provided under City Municipal Code 8-1.1 and Wis. Stat. Sec. 66.0615 (3) and Wis. Stat. Sec. 77.61.

(J) Display of Permit.

Each license or permit shall be displayed on the inside of the main entrance door of each short-term rental.

(K) Appeal and License Revocation.

- (1) The denial of any license or permit application or renewal under this Article may be appealed by filing a written appeal request with the Department of Community Development within ten (10) days of the City's notice of denial. The appeal shall be heard by the Board of Appeals.

- (2) A license may be revoked for one or more of the following reasons:
- (a) Failure to make payment on taxes or debt owed to the City;
 - (b) Failure to make payment on the City of Oshkosh room tax;
 - (c) Three (3) or more calls for police service, building inspection or the health department for nuisance activities or other law violations in a twelve (12) month period as defined in Sec. 17-38.1, Chronic Nuisance Premises;
 - (d) Failure to obtain all necessary county and state permits and licenses within twelve (12) months of obtaining the City license;
 - (e) Failure to maintain all required local, county, and state licensing requirements;
 - (f) Failure to use the property as a short-term rental within twelve (12) months of obtaining the City license;
 - (g) Any violation of local, county, or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

(L) Penalties.

- (1) Any person who shall violate any provision of this Article shall be subject to a penalty as provided in Chapter 8-1.06
- (2) Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Article or otherwise.

(M) Fees.

Fees for licenses required by this Article are due and payable before issuance of a new license and renewal license annually before January 1 of each year. All fees for these services will be listed on the Planning Services Division fee schedule and will be established by resolution.