

TOWN OF OSHKOSH
ORDINANCE NO. 11 - 2025

AN ORDINANCE AMENDING TITLE 7, CHAPTER 13 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF OSHKOSH, WINNEBAGO COUNTY, WISCONSIN, WHICH REGULATES SHORT-TERM RENTAL OPERATIONS IN THE TOWN OF OSHKOSH.

WHEREAS, Title 7 – Chapter 13 of the Code of General Ordinances for the Town of Oshkosh was adopted by the Town Board of the Town of Oshkosh on March 24, 2025; and

WHEREAS, on June 9, 2025, the Wisconsin Court of Appeals issued a decision in *Wisconsin Realtors Association, Inc. v. City of Neenah*, 2025 WI App 49, 418 Wis. 2d 78, 25 N.W.3d 663, holding that permitting tourist housing rental only for “the primary residence” of the applicant is void as preempted by Wis. Stat. § 66.1014; and

WHEREAS, certain provisions of Title 7 - Chapter 13 are now void, and repealing said provisions would provide further clarity to Title 7 – Chapter 13.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the Town of Oshkosh, Winnebago County, Wisconsin, that Title 7 – Chapter 13 of the Town of Oshkosh Municipal Code is hereby amended and adopted as follows¹:

§ 7-13-3. Operation of short-term rentals; exceptions.

~~A.~~

~~All short-term rentals shall be of the primary residence of the property owner. The primary residence requirement does not apply to those dwelling units operated as short-term rentals, as defined in this chapter, prior to the effective time of this chapter. Property owners seeking this exemption shall, within 45 days of the effective time of this chapter, provide to the Town Clerk identification of the property and owner for which the exemption is sought, and proof of operations as a short-term rental prior to the effective date of this chapter, for review by the Town Board to determine if this exemption applies. Those properties exempted from the primary residence requirement are still required to comply with all other terms and conditions of this chapter and all other applicable state, county and local statutes, codes, regulations, and ordinances. This 45-day limit may be extended by the Town Board for extraordinary circumstances for good cause shown by the owner, but not beyond an additional 30 days.~~

~~B.~~ A. Property owners may rent their ~~primary residence~~ residential dwelling for no more than 10 total nights each year without a short-term rental license. After obtaining a short-term rental license, property owners may rent their ~~residence~~ residential dwelling for no more than 180 total nights in the 365-day license period. Property owners may rent their ~~residence~~ residential dwelling to no more than one renter or group of renters in a consecutive 6-day period. Nothing in this section prohibits a property owner from renting their residence to a renter or group of renters for a period

¹ Original text is in black font color. Additions are in red font color. Deletions are in red font color and struck-through.

of fewer than 6 consecutive days, but the property owner may not rent to a different renter or different group of renters within 6 days of the start of a prior rental period. ~~The rental limit in a 6 day period in this Subsection B is subject to the same exemption and compliance provisions as set forth in Subsection A above pertaining to the primary residence requirement for short-term rentals.~~

~~C. Property owners must continuously hold a License to maintain the exemptions described in § 7-13-3(A) and (B). The exemptions are non-transferable, and terminate upon the sale or transfer of an exempt property. Only the property owner operating a short-term rental prior to the effective date of this chapter is eligible for the exemptions. Notwithstanding the initial 45 days to apply for the exemption, if the property owner does not hold a License for a period of thirty (30) days, all exemptions will terminate, and any subsequent Licenses issued are subject to the full requirements of this chapter.~~

~~D. B. Each short-term rental property owner is required to have the following licenses and permits as ongoing required conditions for operating short-term rentals. However, the short-term rental license issued by the Town of Oshkosh shall reflect the exemptions in Subsections A and B above for short-term rentals that meet the requirements for these exemptions.~~

- (1) A state of Wisconsin tourist rooming house license.
- (2) A seller's permit issued by the Wisconsin Department of Revenue, unless all rentals of the property are exempt from such permit requirement per state regulations.
- (3) A license from the Town of Oshkosh issued pursuant to this chapter.

~~E. C. Each short-term rental shall comply with all of the following:~~

- (1) No residential dwelling unit may be rented for a period of six or fewer consecutive days, ~~unless qualified for exemption under Subsection B above.~~

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END OF AMENDMENT

Except as provided herein, all other provisions of Title 7 – Chapter 13 shall remain as adopted. If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this 11 day of November, 2025

TOWN OF OSHKOSH

VOTED FOR:

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VOTED AGAINST:

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Absent 1

Jim Erdman - Tr. Ch.
Jim Erdman, Town Chairman

Jeannette Merten
Jeannette Merten, Town Clerk