

REVISED

FEBRUARY 14, 2017
SECOND READING

17-58

ORDINANCE

(CARRIED _____ LOST _____ LAID OVER _____ WITHDRAWN _____)

PURPOSE: AMEND RESIDENTIAL RENTAL CONTACT REGISTRATION REQUIRED ORDINANCE TO CLARIFY REGISTRATION REQUIREMENTS, TO DELETE REMEDY OF WITHHOLDING OCCUPANCY; TO AMEND THE RESIDENTIAL INSPECTION ORDINANCE TO DELETE THE REQUIREMENT FOR 21 DAYS NOTICE PRIOR TO SCHEDULED INSPECTIONS; AND TO CLARIFY WHEN INSPECTIONS WILL BE DONE WITH CONSENT OR UPON OBTAINING A WARRANT

INITIATED BY: LEGAL DEPARTMENT

A GENERAL ORDINANCE OF THE CITY OF OSHKOSH AMENDING SECTION 16-48 OF THE OSHKOSH MUNICIPAL CODE PERTAINING TO THE REQUIREMENTS FOR THE RESIDENTIAL RENTAL CONTACT REGISTRATION ORDINANCE, TO DELETE THE REMEDY OF WITHHOLDING OCCUPANCY; DELETING SECTION 16-49(B) REQUIRING A 21 DAY NOTICE PRIOR TO SCHEDULED INSPECTIONS AND TO CLARIFY WHEN INSPECTIONS WILL BE DONE WITH CONSENT OR UPON OBTAINING A WARRANT

The Common Council of the City of Oshkosh do ordain as follows:

SECTION 1. That Section 16-48 of the Oshkosh Municipal Code pertaining to the requirement for residential rental contact registration is hereby repealed and recreated to read as follows:

**SECTION 16-48 RESIDENTIAL RENTAL CONTACT
REGISTRATION REQUIRED.**

(A) The owner of a residential rental dwelling unit located in the City shall record the residential rental contact registration with the

Department on application forms provided by the Department by January 1, 2017 for rental units existing on the effective date of this ordinance or within 30 days of full or partial occupancy of new construction or creation of residential rental units.

- (B) The owner shall provide information on the form which will enable the Department to contact the owner, or at the option of the owner, an agent of the owner, including the street address of the residential rental dwelling unit to be registered and the owner's or agent's legal name and telephone number. The owner may voluntary provide an email address, for the owner or the agent of the owner.
- (C) The owner of a Residential Rental Dwelling Unit shall update the Residential Rental Contact Registration on file with the Department within 30 days of any changes in the information required by (B) above to ensure that it includes the correct and current contact information at all times.
- (D) Within 30 days of the Sale, Transfer or Conveyance of the Residential Rental Dwelling Unit the new Owner shall submit to the City the completed Residential Contact Registration as provided in (B) above.
- (E) The residential rental contact registration does not act as a statement or admission regarding the rental unit condition or compliance of the rental unit with any other code or ordinance.
- (F) There shall be no fee for the residential rental contact registration.

SECTION 2. That Section 16-49(B) of the Oshkosh Municipal Code pertaining to the requirement for 21 days prior written notice for residential rental inspections is hereby repealed.

SECTION 3. That Section 16-49(C) of the Oshkosh Municipal Code pertaining to consent for residential rental inspections and warrant requirements is hereby repealed and recreated to read as follows:

(C) Inspections shall only be conducted:

- (1) in an occupied dwelling unit with consent from an adult tenant present at the time of the inspection;
- (2) in an unoccupied dwelling unit with consent from the owner or owner's agent who is present at the time of the inspection; or
- (3) upon obtaining a special inspection warrant pursuant to Wis. Stat. 66.0119.

SECTION 4. The several sections of Chapter 16, Division 6, of the Oshkosh Municipal Code entitled "Residential Rental Contact Registration and Inspection Program" are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that are in conflict.

SECTION 5. This ordinance shall be in full force and effect from and after its passage and publication.

SECTION 6. Publication Notice. Please take notice that the City of Oshkosh enacted ordinance #17-XXX AMEND RESIDENTIAL RENTAL CONTACT REGISTRATION REQUIRED ORDINANCE TO CLARIFY REGISTRATION REQUIREMENTS, TO DELETE REMEDY OF WITHHOLDING OCCUPANCY; TO AMEND THE RESIDENTIAL INSPECTION ORDINANCE TO DELETE THE REQUIREMENT FOR 21 DAYS NOTICE PRIOR TO SCHEDULED INSPECTIONS; AND TO CLARIFY WHEN INSPECTIONS WILL BE DONE WITH CONSENT OR UPON OBTAINING A WARRANT (A GENERAL ORDINANCE OF THE CITY OF OSHKOSH AMENDING SECTION 16-48 OF THE OSHKOSH MUNICIPAL CODE PERTAINING TO THE REQUIREMENTS FOR THE RESIDENTIAL RENTAL CONTACT REGISTRATION ORDINANCE, TO DELETE THE REMEDY OF WITHHOLDING

OCCUPANCY; DELETING SECTION 16-49(B) REQUIRING A 21 DAY NOTICE PRIOR TO SCHEDULED INSPECTIONS AND TO CLARIFY WHEN INSPECTIONS WILL BE DONE WITH CONSENT OR UPON OBTAINING A WARRANT) on February 14, 2017. The ordinance clarifies language in the ordinance; eliminates the requirement to annually register residential rental dwelling units; requires registration as needed to maintain current information; deletes the remedy of withholding occupancy; deletes the requirement for a 21 day prior written notice for inspections that are scheduled with the tenant or property owner or limited to external inspections of the property and clarifies that inspections will only be conducted in occupied units with consent and presence of an adult tenant, in unoccupied units with consent and presence of the owner or owner's agent or upon the issuance of a special inspection warrant as provided by statute.

The full text of the ordinance may be obtained at the Office of the City Clerk, 215 Church Avenue and through the City's website at www.ci.oshkosh.wi.us. Clerk's phone: 920-236-5011.