

CHAPTER 115: SHORT TERM RENTAL LICENSING

Section

- 115.001 Purpose
- 115.002 Definitions
- 115.003 General Provisions and Requirements
- 115.004 License Application Requirements
- 115.005 Enforcement
- 115.006 Appeals

Short Term Rental Licensing

§ 115.001 PURPOSE.

- (A) The purpose and intent of this ordinance is to regulate Short-Term Rental properties within the City of Breezy Point.

§ 115.002 DEFINITIONS.

- (A) Short-Term Rental Unit – means any home, cabin, condominium, or similar building that is advertised as, or held out to be, a place where sleeping quarters are furnished to the public on a nightly, weekly, or for less than a 30-day period and is not a bed and breakfast, resort, timeshare unit, hotel, or motel.
- (1) A bed and breakfast is defined as a place of lodging that provides not more than eight (8) rooms for rent to no more than twenty (20) guests at a time, is located on the same property as the owner's personal residence, provides no meals, other than breakfast served to persons who rent rooms, and was originally built and occupied as, or was converted to, a single-family residence prior to being used as a place of lodging.
 - (2) A resort is defined as a commercial business with a central management to provide necessary services, and having dwelling units and/or campsites for rent or owned by time interval and may provide related facilities such as restaurants, bars, golf courses or other recreational amenities.
 - (3) A timeshare unit is defined as a dwelling structure specifically used for interval ownership sales and not to be subdivided.
 - (4) A hotel/motel is defined as a commercial business with a central management to provide lodging and may provide related facilities such as restaurants, bars and other recreational amenities.
- (B) Long-Term Rental Unit – means any home, cabin, condominium, or similar building that is advertised as, or held out to be, a place where living quarters are furnished to the public for a 30-day period or greater and is not an apartment, resort, hotel, or motel.
- (C) Owner – means the property Owner of Record of the real estate located in the City of Breezy Point.

Short Term Rental Licensing

- (D) Owner's Authorized Agent – means a person who has written designation to act on behalf of the Owner.
- (E) Parcel – means a unit of real property that has been given a parcel identification number (PIN) assigned and maintained by the County.
- (F) Subsurface Sewage Treatment System – (SSTS) means a private septic system that is either an individual subsurface sewage treatment system as defined in subpart 41 of Minnesota Rule 7080.1100 or a midsized subsurface sewage treatment as defined in subpart 4 of Minnesota Rule 7081.0020, as applicable.
- (G) Bedroom – means, an area that is either:
 - (1) a room designed or used for sleeping; or
 - (2) a room or area of a dwelling that has a minimum floor area of 70 square feet with access gained from the living area or living area hallway. Architectural features that affect the use as a Bedroom under this item may be considered in making the Bedroom determination. Areas primarily used as a living area (e.g. living rooms, porches, family rooms, kitchens, dens, etc.) shall not be used as a bedroom.
- (H) Improved Parking Surface – means a driveway or other designated parking area consisting of a concrete, bituminous, paving brick, compacted Class-5 gravel, or rock surface. Parking is not allowed on grass surfaces.
- (I) Private Well System – (PWS) means the source of potable drinking water supplied to the Short-Term Rental unit that is in compliance with Minnesota Rules 4725 and has been assigned a unique well identification number.
- (J) Community Well System – (CWS) means a source of potable drinking water that is in compliance with Minnesota Rules 4725 and supplies at least 15 service connections and is separately licensed by the Minnesota Department of Health.

§ 115.003 GENERAL PROVISIONS AND REQUIREMENTS.

- (A) As of the effective date of this Ordinance, all new and existing Short-Term Rental Units shall obtain a City License prior to commencing rental operations.

Short Term Rental Licensing

- (B) Long-Term Rental Units do not require a City License.
- (C) All property taxes must be maintained as current. A property listed as delinquent shall not be issued a City License. If a property has a current City License and goes delinquent in property taxes it shall result in immediate revocation of the City License.
- (D) Separate Short-Term Rental Unit licenses are required for each unit on a Parcel that has Short-Term Rental Unit operations conducted in it.
- (E) All Short-Term Rental Unit licenses must be renewed each year.
 - (1) The annual licensing period shall be January 1 to December 31. Licensing fees for licenses issued after January 1 will not be prorated.
 - (2) License renewal applications for rental operations in the following year must be submitted and approved by the City of Breezy Point prior to any rental activity.
 - (3) Any City License that is not renewed prior to January 1 shall be considered expired.
- (F) The Owner or Owner's Authorized Agent shall permit access to the property and all permitted units at any reasonable time for the purpose of inspection upon request of the City of Breezy Point.
- (G) Private Well System – Whereas the City of Breezy Point does not have a municipal water system therefore all Short-Term Rental Units are supplied from either a Private Well System or a Community Well System. A Community Well System is regulated separately by MDH and is not subject to the following requirements.
 - (1) The Private Well System shall be identified by a unique identification number.
 - (2) Documentation shall be provided that an annual water quality test has been performed for Coliform Bacteria and Nitrates.
 - (3) Documentation shall be provided that the well has been tested for Arsenic, Mercury, Lead, and Sulfate within the last 10 years.

Short Term Rental Licensing

(H) Septic Systems

- (1) The Short-Term Rental Unit must be connected to an approved SSTS or served by central sanitary sewer system.
- (2) If connected to an SSTS a valid certificate of compliance that was issued on a new septic system installed within the past five (5) years OR a copy of a compliance inspection form which was performed within the past three (3) years, must be provided with the license application. Holding tanks are not allowed for Short-Term Rental Units. At least once every three (3) years thereafter the Owner or Owner's Authorized Agent shall provide an updated certificate of septic testing showing that the system is compliant for the number of Bedrooms and occupants indicated in the application prior to approval of the City License for the ensuing year.

(I) Solid Waste

- (1) Onsite solid waste must comply with City of Breezy Point Ordinances §51 and §153.067(A).
- (2) Garbage, refuse, and/or recycling shall be stored completely enclosed within designated refuse containers.
- (3) The Owner or Owner's Authorized Agent of the Short-Term Rental Unit shall provide sufficient garbage, refuse, or recycling storage containers and contract with a licensed service to accommodate the demand of the occupants.

(J) Occupancy

- (1) Occupancy of a Short Term Rental Unit shall be determined by bedroom size. Bedrooms shall be at least 70 square feet for 1 occupant, 90 square feet for 2 occupants, and an additional 50 square feet for each occupant over 2.
- (2) Use of recreational vehicles, tents, RV's, accessory structures, or fish houses to obtain additional occupancy is strictly prohibited. Accessory structures with appropriate plumbing and septic systems (i.e., guest house) may be used as a Short-Term Rental Unit and will require a separate City License.
- (3) Licensee shall not advertise the property as containing any more than the number of Bedrooms identified on the license.

Short Term Rental Licensing

(4) Licensee shall not advertise the property as available to more guests than the occupancy limit identified on the license.

(5) No more than two Short-Term Rental Unit licenses will be issued per Parcel.

(K) Noise

(1) Noise levels shall comply with Breezy Point Ordinance §153.063(D)(5)(c) and shall comply with the following quiet hours.

(2) Quiet hours are between the hours of 10 pm to 7 am daily (including weekends). The Owner of the Short-Term Rental Unit is expected to enforce this rule. Failure to do so may result in enforcement action as described in Section 5.

(L) Parking

(1) One (1) off-street parking space per Bedroom shall be provided for each rental unit with a minimum of two (2) off-street parking spaces.

(2) All off-street parking shall be on an Improved Parking Surface.

(3) On street parking shall be minimized and cannot restrict access by emergency vehicles or the traveling public and shall not impede any ingress or egress of the property or adjacent property Owners. In addition, parking cannot encroach neighboring properties.

(4) All on street parking shall meet the general requirements and limitations described in City of Breezy Point Ordinances §70.061 - §70.074.

(M) Property Contact Information.

(1) The Owner or the Owner's Authorized Agent shall keep on file with the city, and shall notify each renter, in writing, of the contact information for the Owner or Owner's Authorized Agent who shall be available twenty-four (24) hours a day, seven (7) days a week, whenever the property is being rented for Short-Term Rental Unit purposes.

(2) The Owner or the Owner's Authorized Agent shall respond to any issue or complaint raised within one (1) hour of any such point of contact being notified of the issue or complaint. Property contact information shall be accessible to the public twenty-four (24) hours a day, seven (7) days a

Short Term Rental Licensing

week on the Crow Wing County Website and the City of Breezy Point website.

- (3) A printed copy of the property contact information shall be prominently posted in the unit and distributed to all adjacent property Owners within 150 feet of the property boundaries.
- (N) Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (O) Jurisdiction: The provisions of this Ordinance apply to all areas within the boundaries of the City of Breezy Point.
- (P) License Transfer: The Short-Term Rental Unit license shall not be transferrable upon any change in Ownership of the licensed property, or otherwise.
- (Q) The City of Breezy Point shall issue no more than sixty (60) Short Term Rental Unit Licenses at any given time.
 - (1) Licenses shall be issued on a first come, first serve basis.
 - (2) Licenses that are not renewed annually by January 1 shall be made available to the next qualified applicant(s).

§ 115.004 LICENSE APPLICATION REQUIREMENTS

- (A) Parcel Identification Number (PIN) and physical address of the property that will be rented.
- (B) Sketch plan of the unit and property, including the number and size of bedrooms and available off-street parking space.
- (C) Contact information:
 - (1) The name, mailing address, email address and telephone number of the fee Owner of the Short-Term Rental Unit for which the license is to be issued (the "Owner").
 - (2) The name, mailing address, email address and telephone number of any listing agent that can represent the Owner (the "Owner's Authorized Agent").

Short Term Rental Licensing

- (3) Name and phone number of a person designated to be responsible twenty-four (24) hours per day seven (7) days per week when the unit is rented.
- (D) Proof of insurance showing coverage for Short-Term Rental Units such as landlord insurance or equivalent.
- (E) A non-refundable and non-prorated fee identified in City of Breezy Point fee schedule.
- (F) PWS information as set forth in section 3(g) above or a declaration that the STR is connected to a licensed CWS.
- (G) SSTS information as set forth in section 3(h) above, if applicable.

§ 115.005 ENFORCEMENT

- (A) While several areas of compliance for this ordinance duplicate areas of compliance for the County Ordinance, the City of Breezy Point shall be the first point of contact for any violations.
- (B) The City of Breezy Point will investigate all complaints and alleged violations of the City Ordinance. Violations of nuisance ordinances requiring immediate attention such as excessive noise, inappropriate behavior, etc. may be reported to law enforcement for handling. The Owner or Owner's Authorized Agent shall address any substantiated complaints/violations as directed by the City of Breezy Point in writing with 7 business days of the date on the notice of violation. All substantiated complaints/violations not resolved as directed may result in enforcement action.
- (C) If a violation is not addressed within the timeframe listed on the notice of violation, administrative citations shall be issued per Ordinance §10.98 until the violation is corrected.
- (D) If four (4) substantiated complaints/violations have occurred at a Short-Term Rental Unit within an eighteen (18) month period, then the City License may be subject to revocation as determined by the City Council.
- (E) Any City License revoked under this section will not be reissued for a period of one year from the date of revocation and until a written management plan outlining the steps taken to ensure future violations will not occur is accepted.
- (F) If two (2) substantiated complaints/violations occur within an eighteen (18) month period at a Short Term Rental Unit that has had its City License previously revoked, that Short Term Rental Unit may be subject to revocation and may not

Short Term Rental Licensing

be eligible for future licensure as determined by the City Council.

- (G) Any City License revoked under this section shall be reported to Crow Wing County.
- (H) If the Owner's County Short-Term Rental License is revoked for any reason, the City License shall be automatically revoked as of the date of the County's revocation.

§ 1115.006 APPEALS

- (A) Administrative Appeal. Appeals from any order, requirement, decision or determination made by the City Administrator shall be made to the Breezy Point City Council
- (B) Appeals of the decision of the Breezy Point City Council shall be brought in the District Court of Crow Wing County.