

ORDINANCE NO. \_\_\_\_\_,

STILLWATER TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA

**AN ORDINANCE  
REGARDING SHORT TERM RESIDENTIAL RENTALS**

**Commented [EPM1]:** Standalone ordinance; not included in the zoning ordinance

**THE TOWN BOARD ORDAINS:**

**SECTION 1.** Purpose:

The Town Board finds that to promote the health, safety, and welfare of the residents of the Township, assure preservation of the existing housing supply, maintain property values, eliminate substandard and deteriorating short-term rental housing, and maintain a living environment that contributes to healthful individual and family living, it is in the best interest of the residents of Stillwater Township to require a license for all short-term residential rental property.

**SECTION 1.** Definitions:

*Applicant* means a “person” as defined herein, who completes or signs an application for a license or permit.

*Dwelling Unit, Short-Term Residential Rental* means a Single-Family Dwelling or portion thereof used for short-term rent for a time no longer than 30 consecutive days by people other than the owner.

*Emergency Contact* means the Owner, or an owner-designee, who is required to respond to emergencies, who must stay within thirty (30) minutes traveling distance of the property, and be available by cellphone during Short-Term Rental use.

*Occupant* means any person living, sleeping, cooking, and eating in a Short-Term Residential Rental dwelling unit.

*Owner* means the person or people or entity which owns the dwelling offered for Short-Term Residential Rental Dwelling Unit. Any person who, alone or with others, has title or interest in any building, property, dwelling, dwelling unit or portion thereof, with or without accompanying actual possession thereof, including any person who as tenant, agent, executor, administrator, trustee, or guardian of an estate has charge, care, control of any dwelling or dwelling unit.

**Commented [EPM2]:** This is the language used by Marine on St Croix. Can still revise if desired.

*Rent* means leasing, subleasing, letting, or hiring for occupancy.

*Rental charge* means any compensation, either monetary or “in lieu of” payments, such as, but not limited to, utilities, upkeep, or repair.

*Short-Term Residential Rental* means a Short-Term Residential Rental Dwelling Unit that is occupied by people other than the owner for a time of no longer than 30 consecutive days. This land use does not include Bed and Breakfast Inns, Boarding Houses, Hotels, Motels, or property licensed as a nursing home, boarding care home and other state licensed residential facilities by the State of Minnesota Department of Health.

*Tenant* means any adult person granted temporary use of a Short-Term Residential Rental dwelling unit in exchange for rent payable to the owner of the Short-Term Residential Rental dwelling unit.

**SECTION 3.** Licensing of Short-Term Residential Rentals:

(1) License Required – An applicant shall receive a Short-Term Residential Rental License in order to permit the use of a dwelling as a Short-Term Residential Rental. Acquiring, reviewing, approving, expiration, and denial of a license shall follow the rules as outlined in this Ordinance.

- (a) License Application. The application for a short-term residential rental license shall include, but is not limited to:
1. Full name of the property owner;
  2. Address, e-mail address, and telephone numbers of the applicant, and proposed emergency contact;
  3. The address for which the license is sought;
  4. A site plan of the rooms being rented and locations of smoke detectors and fire extinguishers;
  5. A copy of a policy number for a valid, in-force liability insurance policy;
  6. The number of & location of parking spots available on-site.

The completed application, along with the application fee (as determined by the Town Board from time to time) shall be submitted to the Township Clerk, Zoning Administrator, or other designee for review. If the designee determines that an application is incomplete, they shall return the application to the applicant with notice of the deficiencies. Should any application information change during the permit period, the applicant shall notify the Township within seven (7) business days. Failure to do so may be considered a permit violation.

7. License Standards. No license may be issued by the designee unless all of the following conditions in Section 3(1)(a) above are met.

8. License Length. A license shall be good for up to one year (365 days) from the date of issuance. The license may be renewed by following the same process as the application for the initial license.

**Commented [EPM3]:** If requiring insurance, can include that here

**Commented [EPM4]:** Other option is to have it run from 1/1 to 12/31; if we do that we would likely want to pro-rate the fee if one were to apply at the end of a calendar year.

9. Denials. The following shall be grounds for denying the issuance or renewal of a license under this Ordinance. The following list is not exhaustive or exclusive.
  1. The applicant fails to provide any information required on the Township license application or license fee, or provides false or misleading information.
  2. The applicant has outstanding building, fire, or safety code violations; fines; penalties; or delinquent property taxes, assessments, or other charges owed to the Township.
  3. A development contract or land use requirement that restricts rental units.
  4. The applicant fails to meet or comply with the standards enumerated in this Ordinance.
  5. The applicant fails to take any action required by Township Ordinance.
- (h) Consideration of Revocation. At any time during the permit period, if a Short-Term Residential Rental property does not meet or exceed the criteria established for the current permit, the permit may be brought forth to the Town Board for consideration of revocation.
- (2) License Revocation and Nonrenewal
  - (a) The following actions by property owners are misdemeanors and are subject to civil penalties, may constitute the basis for suspension, revocation, or nonrenewal of licenses, and may result in injunctive action by the Township. The property owner shall be responsible for the conduct of its agents and employees while engaged in normal business activities on the permitted premises. Any violation of this Ordinance shall be considered an act of the property owner or permit holder for purposes of imposing a civil penalty or permit revocation.
  - (b) Basis for Sanctions. The designee may revoke, or decline to renew a license issued under this Ordinance for a Short-Term Residential Rental dwelling unit upon the following grounds:
    1. Leasing without a license, or leasing areas not permitted under an issued license or this ordinance. RV's, tents, detached accessory structures, recreational vehicles, trailers, and similar items are not to be used as a Short Term Residential Rental Dwelling unit.
    2. Violations of Codes. Violation of the building, fire, or safety code.
    3. Commission of a Felony. Commission of a felony related to the licensed activity by the property owner or manager.

4. Updated Application Information. Failure to provide updated application information during the permit period.
  5. False Statements. False statements on any application or other information or report required by this Article to be given by the applicant or licensee.
  6. Fees. Failure to pay any application fee or penalty required by this Ordinance or Town Board resolution.
  7. Disorderly Use. Permitting a use in a Short-term Residential dwelling unit not permitted by Township Ordinances.
  8. Delinquent Taxes or Fines. Real estate or personal property taxes have become delinquent or unpaid fines.
- (c) The minimum penalty for three or more violations of this Article relate to the same license within a twelve (12) month period is suspension of the rental license for twelve (12) months.
- (3) Performance Standards – The Short-Term Residential Rental shall comply with the following standards.
- (a) The structure in which the Short-Term Residential Rental is a part of shall be owner occupied.
  - (b) A minimum of two off street parking spaces shall be provided on-site. The maximum number of vehicles allowed at a Short-Term Residential Rental shall be limited to the number of available on-site parking spaces.
  - (c) The Short-Term Residential Rental property shall provide sufficient trash collection containers and service to meet the demands of the occupants.
  - (d) The Short-Term Residential Rental shall not be rented out for more than 240 days a year.
  - (e) The owner shall ensure that the property complies with all applicable codes regarding fire, building, and safety.
  - (f) The rental property must have a visible house number that can be easily seen by from the street both day and night.
  - (g) The Short-Term Residential Rental shall not be used by a tenant or occupant for events. The Short-Term Rental owner shall expressly prohibit and prevent the use of their property for events in any advertisement, as well as on-site informational material. Examples of events include, but are not limited to: sponsored events,

**Commented [EPM5]:** Was discussed previously to change the # of days to allow renting to a lower number, such as 72?

conference gatherings, retreats, concerts, banquets, receptions, weddings, reunions, dances, parties, or similar uses.

- (h) The Short-Term Residential Rental property owner shall provide information to tenants and occupants on Township and County laws.
- (i) The Short-Term Residential Rental property owner shall provide information on the emergency contact for the rental to adjacent property owners.
- (j) All advertising for the rental shall include the Township issued permit number.
- (k) The primary overnight and daytime occupant of a rental unit must be an adult eighteen years of age or older. This adult must provide a telephone number to the owner and shall be accessible to the owner by telephone at all times.

(4) Disorderly Use by Tenants

- (a) The owner shall ensure that the occupants and guests of a Short-Term Residential Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any provision of the Stillwater Township Ordinances or any State law pertaining to noise, disorderly conduct, overcrowding, the consumption of alcohol, or the use of illegal drugs. Owners are expected to take any measures necessary to abate disturbances including, but not limited to, directing the occupants and guests of a Short-Term Residential Rental dwelling unit to cease the disturbing conduct, removing the occupant and/or guest, or taking any other action necessary to immediately abate the disturbance.

(5) Penalties

- (a) A violation of this Article is a misdemeanor under state law. In addition, the Township may impose a civil penalty in the amount of one thousand dollars (\$1,000) for renting, leasing, or occupying a rental residential building or rental dwelling unit or part thereof without a license. Failure to pay civil fines or penalties may result in future license ineligibility. Nothing in this Article may be construed to limit the Township's other available legal remedies for any violation of law. Each day that the property owner or license holder is in violation of this Article constitutes a separate violation.