**ORDINANCE NO. _____,**

**STILLWATER TOWNSHIP**
**WASHINGTON COUNTY, MINNESOTA**

**AN ORDINANCE**
**REGARDING SHORT TERM RESIDENTIAL RENTALS**

**THE TOWN BOARD ORDAINS:**

**SECTION 1.** Findings and Intent:

The Town Board finds that there is more potential for nuisances to arise from short term residential uses, including increased noise, inappropriate parking, parties, late hours, multiple invitees, intensive uses over short periods and other features of transient stays as the users come to the property for a short period, recreate and then leave.

The Town Board finds that an ordinance is necessary to regulate, limit, and control short term rentals to eliminate potential nuisances, ensure such uses are compatible with existing neighborhoods in the township, and to maintain their activities in a way that avoids the disruption that can occur because of transient stays among otherwise agricultural and rural residential developments.

The Town Board finds that this ordinance will allow the Township to follow the vision statement of "Actively supporting a rural residential lifestyle as an alternative to city development. The Township promotes and encourages lifestyle and land use practices that protect the natural environment and rural character of the area, and works diligently to ensure that agriculture, open space, views and vistas, wildlife and water resources are preserved. This will be accomplished through careful land development and stewardship, as well as continuing to provide a responsive government and cost-efficient rural services."

**SECTION 2.** Purpose:

The purpose of this ordinance is to allow Short-Term Residential Rentals, where appropriate, within single-family residences, while mitigating impacts upon neighboring properties by implementing a licensing system and regulating the amount of time such dwellings are rented.

**SECTION 3.** Definitions:

*Applicant* means a "person" as defined herein, who completes or signs an application for a license that, if meeting criteria, will be issued by the Town Board.

*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.

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*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, or eating in a Short-Term Residential Rental dwelling unit.

*Owner* means the person or people or entity which owns the dwelling offered as a Short-Term Residential Rental Dwelling Unit.

*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.

*Short-Term Residential Rental License* means a license issued by the Township to approved applicants who operate a Short-Term Residential Rental. Said license shall include a license number, issue date, and other information regarding the Short-Term Residential Rental.

*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.

*Weekend* means the time spanning from Friday evening to the end of Sunday.

**SECTION 4.** Licensing of Short-Term Residential Rentals:

(1) License Required. An applicant shall acquire 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.

(2) License Application. The application for a new short-term residential rental license shall include, but is not limited to:
   (a) Full name of the property owner and applicant;
   (b) Address, e-mail address, and telephone numbers of the applicant;
   (c) Address, e-mail address, and telephone numbers of an emergency contact;
   (d) The address for which the license is sought;

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(e) Indication of notice being made to property owners within 1,320 feet of the subject property, or the ten nearest properties, whichever would provide notice to the most properties. Said notice shall include the contact information of the applicant and emergency contact.

(f) A site plan of the rooms being rented and locations of smoke detectors and fire extinguishers;

(g) A copy of a policy number for a valid, in-force liability insurance policy for a short-term rental. Said copy shall include the name and contact information of the insurance company issuing the policy;

(h) The number of & location of parking spots available on-site.

(3) Determination of Application Completeness. The completed application, along with the application fee (as determined by the Town Board) shall be submitted to the Township Clerk, Zoning Administrator, or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with notice of the deficiencies. Once an application is considered complete, and licenses are available, the designee shall inform the applicant of such, process the application fees, and forward the application to the Town Board for approval or denial.

(4) The application fee shall be non-refundable once processed.

(5) Should any application information change during the license period, the applicant shall notify the Township within seven (7) business days. Failure to do so may be considered a license violation.

(6) License Standards. No license may be issued by the Town Board unless all of the following conditions in Section 4(2) above are met.

(7) License Length. A license shall be good for up to one calendar year (January 1st to December 31st). The license may be renewed by following the renewal process outlined in Section 5.

**Commented [EPM1]:** if adopted after start of year, licenses would still end on December 31st. TB may want to prorate license fees for the first year

(8) A license shall be non-transferrable, and shall not run with the land for which it is issued.

(9) Maximum number of Short-Term Residential Rental Licenses. The maximum number of licenses able to be issued at one time shall be ten.

(a) Applications considered complete and received once the maximum number of licenses have been issued shall be placed on a waiting list, managed by the designee. In the event of a license becoming available, applications on the waiting list shall have first priority for review and approval.

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**SECTION 5.** License Renewal:

(1) Renewal Period. A Short-Term Residential Rental License may be renewed by the license owner. Applicants shall file a completed renewal application a minimum of 60 days prior to expiration (November 1st). Failure to file a completed renewal application shall result in a license expiring at the end of its length, and requiring the Applicant to file a new license application as outline in Section 4.

(2) Renewal Application. The application for a renewal of a short-term residential rental license shall include, but is not limited to:

a. Items required in Section 4(2) for a new Short-Term Residential License
b. A report or log indicating the number of guests rented to, a list of days and weekends rented out each month, and the total number of days rented out in the previous year.

**SECTION 6.** License Denials, Revocation and Nonrenewal, and Enforcement:

(1) 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.

a. The applicant fails to provide any information required on the Township license application or license fee, or provides false or misleading information.
b. The applicant has outstanding ordinance violations; fines; penalties; or delinquent property taxes, assessments, or other charges owed to the Township.
c. A development contract or land use requirement that restricts rental units.
d. The applicant fails to meet or comply with the standards enumerated in this Ordinance.
e. The applicant fails to take any action(s) required by Township Ordinance.

(2) Consideration of Revocation. At any time during the license period, if a Short-Term Residential Rental property does not meet or exceed the criteria established for the current license, the license may be brought forth to the Town Board for consideration of revocation.

(3) 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

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an act of the property owner or license holder for purposes of imposing a civil penalty or license revocation.

a. Basis for Sanctions. The Town Board may revoke, or decline to renew a license issued under this Ordinance for a Short-Term Residential Rental dwelling unit upon the following grounds:

i. 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.

ii. Violations of Codes. Violation of Township Ordinances and codes applicable to the Township.

iii. Commission of a Felony. Commission of a felony related to the licensed activity by the property owner or manager.

iv. Updated Application Information. Failure to provide updated application information during the license period.

v. False Statements. False statements on any application or other information or report required by this Ordinance to be given by the applicant or licensee.

vi. Fees. Failure to pay any application fee or penalty required by this Ordinance or Town Board resolution.

vii. Disorderly Use. Permitting a use in a Short-term Residential dwelling unit not permitted by Township Ordinances.

viii. Delinquent Taxes or Fines. Real estate or personal property taxes have become delinquent or unpaid fines.

(4) The minimum penalty for two or more violations of this Ordinance relating to the same license within a license period is revocation of said license.

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(5) Complaints of potential violations shall be forwarded to the Community Service Officer (CSO) or other applicable agency. The CSO shall investigate and determine the validity of complaints received, and forward information on valid complaints to the Town Board in order for the license to be brought forth to the Town Board for consideration of revocation.

**SECTION 7.** Performance Standards

(1) A Short-Term Residential Rental shall comply with the following standards.

a. 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.

b. The Short-Term Residential Rental property shall provide sufficient trash collection containers and service to meet the demands of the occupants.

c. The Short-Term Residential Rental shall not be rented out for more than two weekends a month.

    i. Short-Term Residential Rentals located on parcels that are 20 acres in size or greater shall be allowed to rent for more than two weekends a month, due to the reduced potential for nuisances as a result of increased distances between neighboring residences.

d. The Short-Term Residential Rental shall not be rented out for more than 75 days total in a year.

e. The owner shall ensure that the property complies with all applicable codes and ordinances.

f. The rental property must have a visible house number that can be easily seen 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, conference gatherings, retreats, concerts, banquets, receptions, weddings, reunions, dances, parties, or similar uses.

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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 license number.

k. The primary occupant of a rental unit must be twenty-one (21) years of age or older. The occupant must provide a telephone number to the owner and shall be accessible to the owner by telephone at all times.

(2) 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 between the hours of 10PM and 7AM, 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.

**SECTION 8.** Penalties:

(1) A violation of this Ordinance 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 Ordinance 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 Ordinance constitutes a separate violation.

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**SECTION 9.** Severability

(1) Should any portion of this ordinance be declared invalid or unconstitutional by a court of law that the township is within the jurisdiction of, the remainder of this chapter shall not be affected.

This ordinance shall be in full force and effect upon its passage and publication according to law.

**PASSED AND ADOPTED** by the Town Board of Stillwater Township, Minnesota this ____ day of _____, 2023.

**STILLWATER TOWNSHIP**

By: _____
Sheila-Marie Untiedt, Town Board Chair

ATTEST:

_____
Barbara Riehle, Township Clerk

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