

**CITY OF WALKER
CASS COUNTY,
MINNESOTA
ORDINANCE
No. 2023-05**

**AN ORDINANCE AMENDING PART II – LAND DEVELOPMENT AND LAND
USE ORDINANCES, CHAPTER 109 – ZONING AND SUBDIVISIONS, ARTICLE
VI. REQUIREMENTS FOR SPECIFIC USES, DIVISION 1- GENERALLY,
SECTION 109- 201 VACATION/PRIVATE HOME RENTALS**

SECTION 1. Part II – Land Development and Land Use Ordinances, Chapter 109 – Zoning and Subdivisions, Article VI. Requirements for Specific Uses, Division 1- Generally, Section 109- 201 Vacation/Private home rentals is hereby amended as follows:

Article VI. – Requirements for Specific Uses:

Division 1.- Generally

Section 109-201. – Vacation/private home rentals.

(a) *Purpose.* The purpose of this section is to allow the short-term rental of private homes in the R-LDR-MFR and commercial districts, and to regulate such rentals. The city sees the benefit of such uses but also realizes that the high turnover in occupancy of residential structures can bring increased intensity of use, higher levels of noise, and increased need for parking and sanitation facilities which, if not controlled, can detract from the residential character of certain areas of the city. Therefore, such uses may be allowed by interim use permit, on an individual basis, subject to the criteria in this section.

(b) *Definition.* For the purpose of this section, the term "vacation/private home rentals" means a single-family dwelling that is rented out on a transient basis for a charge. A transient basis shall be any period of time less than 30 consecutive days.

(c) *Permit required.*

(1) Each vacation/private home rental is required to obtain an interim use permit (IUP). This section shall control IUPs for vacation/private home rentals, notwithstanding the provisions of [section 109-52](#). No more than 21 vacation/private home rentals shall be permitted to operate at once in the city. A waitlist shall be kept by the zoning administrator once there are 21 rentals operating. This capacity may be amended by the city from time to time.

(2) The appropriate lodging license must also be obtained from the Minnesota Department of Health in order for the IUP to be valid. An IUP granted by the city is contingent upon the applicant's receipt of an appropriate lodging license. Failure to obtain an appropriate lodging license within 30 days of IUP approval shall render the IUP void and of no effect, unless no license is required by the state.

(3) The initial term of a vacation rental IUP is two years. The property owner may thereafter apply to renew the IUP for a term of two years. There are no automatic renewals. Each initial

and renewal application is subject to an inspection as provided in subsection (c)(5) of this section. The zoning administrator shall send notice of renewal and application by mail 60 days prior to the deadline date for renewal. The applicant must supply their log as referenced in (d)(5) of this chapter. Once there is a waitlist in effect, if the applicant does not have the application for renewal in time for council approval prior to the two-year expiration month, the applicant will be moved to the end of the wait list. Any homes found to have no rental activity in the two-year period will be moved to the end of the wait list, notified by letter 60 days prior, and prior to collecting application fee.

(4) A site plan must be provided to the city with the IUP application. The site plan must contain a sketch of the floorplan of each floor of the house. The floorplan shall contain the dimensions of each room to be rented and have all exits marked. The site plan must also show all structures on the property and indicate all off-street parking locations.

(5) Prior to consideration of an initial or renewal IUP application by the council, the property shall be inspected by the city building inspector (the "application inspection"). In the event modifications are made to the property after the application inspection but prior to council consideration of the application, additional inspections may be required. The applicant is responsible for all inspection fees. The inspector shall provide a report to the council regarding the home's compliance with applicable building codes and this section.

(6) Any modifications to the property rendering the property unsuitable for residential use under this Code or the state building code may be grounds for revocation of the IUP upon notice of hearing and hearing by the planning and zoning commission sitting as the board of adjustment and appeals. The planning and zoning commission shall make a recommendation as to revocation to the city council, which shall make the final decision.

(7) Due to normal differences in operation, the IUP shall not be transferrable to a new owner, nor transferable to a different property. Any change in ownership of the property shall terminate the IUP and require a new application and process if the use is to continue.

(8) Each permittee is required to carry general liability insurance on the subject property with minimum coverage of \$1,000,000.00 per occurrence. An umbrella policy may be used in conjunction with liability coverage to reach the \$1,000,000.00 minimum. A certificate of insurance shall be provided to the city upon request of the city.

(d) Administrative requirements.

(1) Agent. Only the fee owner, power of attorney or immediate family members (spouse, children or parents) of the property owner shall rent it; the property shall not be rented by any outside agent.

(2) Water/sewer. Vacation/private home rentals are only allowed on properties served by and connected to municipal water and sewer.

(3) Parking. One off-street parking space for every two bedrooms shall be provided on-site. Garage spaces may be counted towards required parking spaces on a one-to-one basis. Parking spaces applied toward this requirement must be concrete, asphalt or other approved alternative. Parking on grass or dirt is not allowed.

(4) Signage. Notwithstanding any other provision of the zoning ordinance, no signage shall be allowed unless specifically allowed by IUP.

(5) Licensee. The licensee shall keep a report detailing use of the home by recording, at a minimum, the date, the name, address, phone number and vehicle license number of all guests using the property. A copy of the report shall be provided to the city and law enforcement upon request.

(6) House rules. Notification shall be posted both on the property and in rental documents stating the following: "Please be considerate of

neighbors. Quiet hours shall be observed between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday, and 11:59 p.m. and 7:00 a.m. Friday evening through Sunday morning."

(7) Complaint. If a problem arises, the owner or registered agent must respond to the issue within a two-hour time frame.

(8) All other city ordinances that are not listed in this section must be followed. Violations of city ordinances by vacation/private home owners are deemed a violation of this section.

(9) Maximum of two individuals per bedroom, and no more than two additional people per guest rental at any given time other than the renters.

(e) *Minimum standards.* All vacation/private home rentals must meet the following minimum standards:

(1) Every home shall contain a kitchen sink in good working condition and properly connected to water and sewer systems.

(2) Every home shall contain a bathroom that is fully enclosed with a properly functioning door, and which has a water closet and lavatory basin that are properly connected to water and sewer systems.

(3) Every home shall contain a room that is fully enclosed with a properly functioning door and which has a bathtub or shower in good working condition that is properly connected to water and sewer systems.

(4) Every kitchen sink, lavatory basin, bathtub and shower shall be properly connected to both hot and cold water, and the hot water heater must be in proper working condition.

(5) Every home shall be supplied with adequate refuse storage facilities. All refuse containers shall be made of rust-resistant material equipped with suitable handles and tightfitting covers, shall be watertight and vermin proof, with tapered side walls and shall have a capacity of not more than 32 gallons. Refuse containers shall be kept in good repair and free of ragged or sharp edges. All refuse containers shall be kept as near the rear of the premises as practical and shall be easily accessible to the collector.

(6) Every home shall have two independent, unobstructed exit doors in proper working condition. The exits shall lead to safe and open space as required by state law. Every home shall be provided with deadbolt locks on all entrance/exit doors.

(7) Every home shall have adequate natural and artificial lighting.

(8) Every home shall have adequate ventilation and every bedroom shall have at least one window that can be easily opened. All operable windows must be equipped with a locking device. At least one bedroom window must be an egress window, and that window shall:

- a. Be not less than 5.7 square feet in size;
- b. Have a minimum width of 20 inches;
- c. Have a minimum height of 24 inches; and
- d. Have a maximum sill height of 44 inches above the floor.

(9) Every home shall have heating facilities that are properly installed, maintained in a safe and good working condition, and are capable of safely heating all habitable rooms and bathrooms to a temperature of at least 68 degrees Fahrenheit at a distance of three feet above the floor and three feet from an outside wall, window or door when the outside temperature is minus 25 degrees Fahrenheit.

(10) Smoke alarms shall be installed in the following locations: each sleeping room, and on each story of the dwelling, including basements and cellars. Smoke alarm/carbon monoxide combo detector shall be installed outside of each sleeping room in the immediate vicinity of the sleeping rooms.

(11) A fire extinguisher should be located on each story of the dwelling, including basements.

(f) *Maintenance standards.* All vacation/private home rentals shall be maintained according to the following minimum standards:

(1) Every foundation, exterior wall, window and roof shall be weathertight, watertight, rodentproof, and insect proof, and shall be kept in a workmanlike state of maintenance and repair.

(2) Every interior partition wall, floor and ceiling shall be capable of affording privacy, and shall be kept in a workmanlike state of repair and maintained so as to permit them to be kept in clean and sanitary condition.

(3) Every inside and outside stairway, porch, or appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and in a reasonably good state of maintenance and repair. Every stairwell requiring one shall have a handrail provided with a minimum and maximum height of 34 and 38 inches on at least one side of the stairway.

(4) Every supplied plumbing fixture and water and waste pipes shall be properly installed and maintained free from defects, leaks, or obstructions.

(5) All open areas and parts of the premises shall be maintained and kept in a reasonably clean and neat condition. This requirement shall include the removal of dead trees and brush, inoperable machines, appliances, fixtures, and equipment so damaged, deteriorated, or obsolete as to have insubstantial value and which constitutes junk, the removal of lumber piles and building materials not being used in actual construction on the premises, and the removal of tin, cans, broken glass, broken furniture, boxes, crates and other debris.

(6) Ground fault outlets shall be installed where required and kept in operable condition.

(7) Every foundation, exterior wall, roof, window and exterior door of every nondwelling structure shall be so constructed and maintained as to prevent the structure from becoming a harborage for vermin. Each entranceway for persons or vehicles shall have properly maintained and operable exterior doors. Nondwelling structures shall not be used for the storage of garbage or rubbish unless it is placed in a container approved for that use. Nondwelling structures shall not be used for human occupancy.

(8) Every fence and retaining wall on the premises shall be properly maintained and in good repair.

(9) No excavation, pit, well, stairwell or window well shall be allowed on the premises if it constitutes a hazard to health and safety.

(g) Violations.

(1) Any IUP issued pursuant to this section is subject to the right of the city to suspend, revoke or nonrenew on grounds including:

a. False or misleading information is provided with the IUP application.

b. The applicant fails to pay the requisite fees.

c. The applicant fails to obtain a required state lodging license.

d. Violation of nuisance standards or other provisions of this Code.

(2) The owner shall be provided with notice of suspension, revocation or nonrenewal. The suspension or revocation is effective 30 days after notice is issued.

(3) The owner may appeal the suspension, revocation or nonrenewal by filing a notice of appeal with the city clerk within 14 days of the issuance of the notice of suspension, revocation or nonrenewal.

(4) Upon receipt of a notice of appeal, the city clerk shall issue a notice of hearing for a hearing by the planning and zoning commission sitting as the board of adjustment and appeals. At the hearing, the city shall present the basis for the permit decision, and the owner shall have an opportunity to respond. The planning and zoning commission shall issue findings of fact and make a recommendation to the city council, which shall make the final decision.

(5) If a violation of this section occurs, a fine according to the fee schedule may be issued. Such fine is appealable in the same manner as a suspension, revocation or nonrenewal.

A fine-per-day will be established, according to the fee schedule for those homes operating beyond the capacity of permitted rentals, that are advertised regularly and rented out without being permitted through the city. A certified letter will be sent, requesting the operation cease, and they will be placed on the wait list. If the activity continues more than thirty days from the day the letter is sent, the fines per the fee schedule will begin.

(6) Nothing in this section prevents the city from taking enforcement action under any other provision of the city code or under state law. (Ord. No. 2016-04, § 1, 6-6-2016)

SECTION 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 10th day of July 2023, by the City Council of the City of Walker.

Jerecho Worth, Mayor

Hope Fairchild, City Administrator/Clerk-Trs.

MOTION:

SECOND:

Hansen:

Worth:

Moore:

Senenfelder:

Wilkening: