

ORDINANCE NO. 7, FOURTH SERIES
AN ORDINANCE AMENDING CHAPTER IV OF THE CITY OF NISSWA'S
ZONING ORDINANCE, REGARDING SHORT TERM RENTALS
THE CITY OF NISSWA
COUNTY OF CROW WING
STATE OF MINNESOTA

The City of Nisswa ordains:

Section 1. **Purpose and Intent.** The purpose and intent of this Ordinance is to amend the City Zoning Ordinance, Chapter 8; Article I; Sec 8-1. - Short Term City Rentals.

Section 2. **Amendments.** Note: all ordinance language below supersedes the current Ordinance and upon publication will replace the current language in its entirety.

Sec. 8-1. - Short term city rentals.

1. PURPOSE, SCOPE, & OBJECTIVES

- a. Purpose. It is the purpose and intent of this Ordinance to regulate short-term rentals within the City of Nisswa. To continue the allowed use of short term rental units, but also mitigate possible adverse impacts to the health, safety, welfare, and quality of life of surrounding properties, as well as water and environmental quality, through the establishment of a licensing program for the review and approval of short term rental unit operations.
- b. Scope. Pursuant to Minnesota Statutes Chapter 462 and Minnesota Rules Chapters 7080 -7083 in their entirety and as otherwise expressly modified by the City of Nisswa Code of Ordinances, are hereby adopted by the City of Nisswa by reference.
- c. Objectives.
 1. To provide and enforce standards for the maintenance of short-term rentals.
 2. To provide local governance to promote health, safety, and wellness to the City of Nisswa citizens and patrons of short-term rentals.
- d. Enforcement
 1. Any violations of this ordinance may result in enforcement as noted under Section 6. Enforcements.

2. DEFINITIONS AND GENERAL PROVISIONS

- a. Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the same meaning they have in common usage and to give this Ordinance its most reasonable application.
 1. "Owner" means the property owner of record of the real estate located in the City of Nisswa.
 2. "Owners Authorized Agent" means a person who has written designation to act on behalf of the owner.
 3. "Parcel" means a unit of real property that has been given a parcel identification

number maintained by the County.

4. "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 time period and is not a bed and breakfast, resort, hotel or motel.
5. "SSTS" means "Subsurface sewage treatment system" is either an individual subsurface sewage treatment system as defined in subpart 41 of rule 7080.1100 or a mid-sized subsurface sewage treatment as defined in subpart 4 of rule 7081.0020, as applicable.
6. "Bedroom" means, an area that is (A)-a room designed or used for sleeping; or (B)-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.

- b. 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.

3. ANNUAL LICENSE REQUIRED

- a. No Short-Term Rental may be operated without a valid Short-Term Rental license issued pursuant to this Ordinance.
- b. All new Short-Term Rental operations as of the enactment date of this Ordinance shall obtain a license from Crow Wing County prior to commencing operations.
- c. A separate Short-Term Rental license is required for each unit on a parcel that has Short-Term Rental operations conducted in it.
- d. All Short-Term Rental licenses are an annual license and must be renewed each year. License renewal applications for rental operations in the following year must be submitted prior to any rental activity. Licenses are valid from January 1 – December 31 each year.
- e. The Owner or Owners Authorized Agent shall permit access to the property and all permitted units at any reasonable time for the purpose of inspection upon request of Crow Wing County and/or the City of Nisswa.

4. LICENSE APPLICATION REQUIREMENTS

- a. Application Requirements. The following information shall be provided to Crow Wing County on the Short-Term Rental license application:
 1. The full name (First, Middle, Last), Date of Birth, mailing address, email address and telephone number of the owner of the Short-Term Rental home for which the license is to be issued. If the property is owned by a business or corporation, the CEO or Designee is responsible for obtaining the license in their name.

2. Physical address and parcel identification number.
 3. The name, address, telephone number and email address of the Owner's Authorized agent for the Short-Term Rental who is available 24 hours a day.
 4. All other information that is requested on the Short-Term Rental License Application.
 5. No application for initial or renewal license will be accepted if there are past due property taxes on the property described in the license application.
 6. No license will be issued if there are pending permits and/or open enforcements related to the property.
 7. No license will be issued if the property has three substantiated violations prior to application for a license.
- b. Application Process. Applications for Short-Term rental operation licenses may be filled out online at www.crowwing.us.
1. Once the application is received along with the supplemental information and payment of fee, Crow Wing County will issue or deny the license in accordance with the timelines established under Minnesota Statute 15.99, (60 days) during which time the County may contact the Owner or Owner's Authorized Agent for additional information. If the permit is denied, a letter will accompany the denial explaining the reasons for the denial, and the Owner or Owner's Authorized Agent may reapply once the conditions surrounding the application denial are corrected.

5. GENERAL REQUIREMENTS

- a. Septic/Solid Waste
 1. The short-term rental must be connected to an approved SSTS or served by central sanitary sewer system.
 2. A valid Certificate of Compliance, which is a certificate that was issued on a new septic system installed within the past 5 years OR a copy of a compliance inspection form which was performed within the past 3 years. Holding tanks are not allowed for rental units.
 3. 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 indicated in the application.
 4. Garbage, refuse, or recycling shall be stored completely enclosed within designated refuse containers. The owner or operator of the rental unit shall provide sufficient trash storage containers and service to accommodate the demand of the occupants.
- b. Occupancy
 1. The overnight occupancy of a short-term rental shall be limited to no more than three (3) people per bedroom plus one (1) additional persons per unit.
 2. Use of recreational vehicles, tents, RV's, accessory structures or fish houses to obtain additional occupancy is prohibited.

3. Licensee shall not advertise the property as containing any more than the number of bedrooms identified on the license.
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 Vacation Rental licenses will be issued per parcel
- c. Noise
 1. Quiet hours are between the hours of 10 pm to 7 am, Sunday through Thursday; and 12 am to 7 am, Friday and Saturday. The owner of the short-term rental is expected to enforce this rule. Failure to do so may result in enforcement action as provided in section 6.
- d. Parking
 1. Parking cannot restrict access by emergency vehicles or the traveling public and shall not impede any ingress or egress of property owner. In addition, parking cannot encroach neighboring properties.
- e. Property Contact Information.
 1. The Owner or the Owner's Authorized Agent shall keep on file, with Crow Wing County, and shall notify each renter, in writing, of the contact information for the Owner or Owner's Authorized Agent who shall be available 24 hours a day, seven (7) days a week, whenever the property is being rented for short-term rental purposes. 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 24/7 on the Crow Wing County Website.
- f. License Fees.
 1. License fees will be established by the Crow Wing County Board of Commissioners and published in the County Fee Schedule.
- g. License Transfer.
 1. The short-term rental license shall not be transferrable upon any change in ownership of the licensed property, or otherwise.

6. ENFORCEMENT

- a. Enforcement. Crow Wing County will investigate all complaints and alleged violations of this Ordinance. Crow Wing County will follow up with all Owners or Owner's Authorized Agents and Complainants within a reasonable period of time. The Owner or Owner's Authorized Agent shall address any substantiated complaints/violations as directed by Crow Wing County. All substantiated complaints/violations not resolved as directed will result in enforcement action as provided in 6. d.
- b. If three (3) substantiated complaints/violations have occurred at a Short-Term Rental Unit within one year, then the license may be subject to revocation as determined by Crow Wing County.
- c. The intentional false reporting of a violation of this ordinance shall be considered a violation of this ordinance. The penalty for intentional false reporting of a violation will be \$100.00 for a first offense, \$150.00 for a second offense, and \$1,000.00 for a third or subsequent offense.

- d. Any Owner or Owner’s Authorized Agent who fails to comply with a directive of Crow Wing County as provided in section 6. a: or who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any of the provisions of this Ordinance may be subject to forfeiture of their license, misdemeanor prosecution by the Nisswa City Attorney, or both.
- e. Any license revoked under this section will not be reissued for a period of 1 year from the date of revocation.

7. APPEALS

- a. Administrative Appeal. Appeals from any order, requirement, decision or determination made by Crow Wing County shall be first made to the County Administrator.
- b. Appeals of the decision of the County Administrator shall be brought in the District Court of Crow Wing County.

Section 3. **Repeal.** This ordinance shall supersede and repeal all ordinances or policies inconsistent herewith.

Section 4. **Effective Date.** This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City of Nisswa Council this 21st day of February 2023 by a 5/5ths vote.

John Ryan, Mayor

Attest: _____
Jenny Max, City Administrator