

Sec. 28-420. - Short Term Rentals

- (a) Purpose. The purpose of this section is to allow Short-Term Rentals where appropriate while mitigating impacts upon surrounding properties by implementing balanced regulations to protect the integrity of the area's neighborhoods as well as protect the general public health, safety and welfare.
- (b) Requirements. It is unlawful for any person to use property for a short-term rental unless it complies with all of the provisions of this paragraph and this code.
 - (1) *Zoning Districts*. Short-Term Rentals are only allowed within one of the following zoning districts; all other zoning districts are prohibited:
 - a. R-1, R-2, R-3, R-4, R-5, and R-6.
 - (2) *Annual Short-Term Rental License*. An annual short-term rental license must be obtained from the building department in accordance with paragraph C of this section.
 - (3) *Compliance and Additional Approvals*. The short-term rental must be conducted in accordance with this section and all applicable federal, state, and local laws, rules, regulations, and ordinances. All other approvals that may be required to use the property for a short-term rental must be obtained including, but not limited to, a license from the Minnesota Department of Health.
- (c) *Short-Term Rental License*. No property may be used for a short-term rental without first obtaining a Short-Term Rental License from the Building Official. A request for a Short-Term Rental License shall be submitted and processed in accordance with this section. A Short-Term Rental License shall terminate upon a change in ownership of the property for which it is issued, and the new owner shall pay all fees that would be required for any new application for a Short-Term Rental License.
 - (1) *Requirements before Applying*. No application for an initial short-term rental license shall be accepted or deemed complete until all of the following have occurred:
 - a. A meeting between the administrator, or any applicable city department staff, local government staff, state agency staff, and the property owner to confirm the property is zoned correctly, is suitable for use as a short-term rental, and application is complete.
 - b. The property has been reviewed and has been found to be in compliance with local building code and, if needed, all required corrective actions have been completed and verified; and
 - c. The property has been reviewed and/or inspected by the Minnesota Department of Health and, if needed, all required corrective actions have been completed and verified.

(2) *Initial License Application.* An application for a short-term rental license must be submitted on the form prescribed by the City. The application form shall include information on the items to be reviewed as part of the required review/inspections. To be considered complete, the application must contain all the information requested on the application form and all of the following:

- a. A site plan, drawn to scale, showing parking, driveways, all structures and outdoor recreational areas that guests will be allowed to use, which shall include, but not be limited to, deck/patio, barbeque grill, recreational fire, pool/hot tub or sauna, and any other information which may be reasonably required by the Building Official to evaluate the request;
- b. A floor plan of the home, which shall identify those rooms which will be used as guest bedrooms. Dining rooms, closets, and kitchens shall not be counted or used as a guest bedroom. Dimensions of the bedrooms shall be included and access points, doors and windows, shall be included. Homes and bedrooms must be in compliance with all applicable Building Codes;
- c. If not serviced by municipal sewer, then a Current SSTS Certificate of Compliance shall be submitted;
- d. Certification that the property has passed the review/inspections by the Bemidji Building Department and the Minnesota Department of Health;
- e. A copy of the review/inspection reports from the Bemidji Building Department and the Minnesota Department of Health. At least one of the reports shall identify the number of bedrooms contained on the property; and
- f. Certificate of insurance showing the types and amounts of insurance coverage for the property complying the Department of Health requirements.
- g. Contact information and signed document of understanding or consent for a local managing agent or local contact, if different than the property owner.

(3) *Renewal License Application.* An application for a short-term rental annual renewal license must be submitted on the form prescribed by the City. The application form shall include information on the items to be reviewed as part of the required review/inspections. To be considered complete, the application must contain all the information requested on the application form and all of the documentation from the original short-term rental application adding or correcting any changes and updating those said documents.

(4) *License Fee.* The application for a license shall not be deemed complete unless it is accompanied by payment in full of the required annual short-term rental license application fee. The license application fee amounts will be as determined by the council in its fee schedule.

- (5) *Issuance.* Short-term rental license shall be issued administratively by the Building Official. The Building Official may place conditions on the permit as the Building Official determines are reasonable and appropriate. Every short-term rental license is conditioned on compliance with the conditions placed on the license. Each short-term rental license shall indicate the number of bedrooms and parking spaces which are on the property, as determined at the time of the required review.
- (6) *Neighbor Notification.* Within ten (10) days of the issuance of an annual short-term rental permit, the planning and zoning staff shall mail written notice of the issuance of the permit to all property owners within five hundred (500) feet of the permitted property. Such distance shall be calculated by drawing a radius around the permitted property, with only those properties which are located within such radius receiving written notice. Failure of an owner to receive the notice does not affect the validity of the short-term rental license. The notice shall include, at a minimum, the following:
- a. Name of licensee;
 - b. Address of the permitted premises; and
 - c. Phone number of the licensee and/or local managing agent/contact.
 - d. The process for filing a complaint against the rental, to include, but is not limited to, the contact information of the local manager or agent of the rental.
- (7) *License Renewal.* Short-term rental license expire on December 31 of each year regardless of when it was issued in the year. No short-term rental of a property may occur in the subsequent year until a new annual short-term rental license has been issued for that year.
- (d) *General Standards.* The following general standards shall apply to all short-term rental license issued under this section. Failure to comply with the conditions placed on the license, may result in the revocation or suspension of the short-term rental license as provided in this section.
- (1) *No Physical Alterations.* No physical alterations of a short-term rental shall be permitted in conjunction with the operation of a short-term rental, except that
- a) additional on-site parking may be provided, to the extent that such parking is otherwise permitted by the applicable provisions of this development code and/or
 - b) any updates, alterations or changes to the structure or site is to bring said structure or site into compliance with not limited to, standards, codes, regulations and ordinances. Parking requirements shall adhere to Article X.

- (2) *Non-Transferable.* Annual short-term rental license are non-transferable and any such license shall automatically terminate upon the sale or other conveyance of the property.
- (3) *No Vested Right.* Annual short-term rental license issued under this section constitute a revocable, limited right. Nothing herein shall be construed as granting a vested property right in the short-term rental of the property.
- (4) *Insurance Confirmation.* The licensee must, upon reasonable request, confirm that the insurance coverages for the property identified in the certificate of insurance provided with the license application remains in place.
- (5) *Number of Bedrooms.* No licensee shall advertise the property as containing any more than the number of bedrooms identified in the short-term rental license. The number of bedrooms, as indicated on the license, shall be used for all calculations required herein.
- (6) *Parking Requirements.* Short-term rentals shall comply with the following parking requirements as well as Article X:
 - a. All guest parking must be accommodated on improved surfaces on the premises and shall comply with all parking standards in accordance with Article X. No on-street parking is allowed for guests. At a minimum, at least one parking space shall be provided for each bedroom up to three (3) bedrooms. Properties with four (4) or more bedrooms shall have the number of parking spaces equal the number of bedrooms, minus one space.
 - b. Parking shall not encumber the minimum greenspace requirements for that particular zoning district and adhere to Landscaping regulations. Parking conditions may be placed on the property through the license process. Parking shall not encumber ingress and egress of the neighborhood or right-of-ways.
- (7) *Length of Occupancy.* The short-term rental is defined by the maximum length of stay of thirty (30) consecutive days. If guests stay longer than thirty (30) consecutive days, then the property owner/applicant will need to apply and be granted a long-term rental property license at time of the short-term rental permit process, if within the city limits.
- (8) *Limit on the Number of Guests.* The maximum number of guests permitted to stay within a short-term rental during one rental period shall be the sum of the number of bedrooms contained in the building multiplied by two. Such sum shall include adults and children.
- (9) *Guest Records.* Each licensee shall maintain a transient guest record for the property. At a minimum, such guest record shall include the following information on all guests staying at the property:
 - a. Name;
 - b. Address;
 - c. Phone number;

- d. Number of guest per stay; and
 - e. Record of lodging tax collected.
- (10) *Annual Report.* Each licensee shall annually provide the Building Official with a written report at the end of every license term. The report shall include a copy of guest records for each stay. Failure to submit an annual report to the Building Official may result in revocation or nonrenewal of the short-term rental license.
- (11) *Guest Disclosures.* Each licensee shall provide a written disclosure to each short-term rental guest. Such written disclosure shall include, at a minimum, the following information:
- a. Name, phone number, and permanent address of the owner; and operating lessee or local managing agent/representative;
 - b. The maximum number of guests permitted to stay at the property pursuant to the short-term rental license;
 - c. The maximum number of vehicles permitted to be parked upon the property, as well as a visual display showing the permitted parking locations on the property;
 - d. A visual display along with a staked-out area showing where the property's septic system is located, if not served by municipal services, to reduce the potential of the system being damaged;
 - e. Property rules related to use of outdoor features such as but not limited to, decks, patios, grills, recreational fires, pools, hot tubs, saunas, and other recreational facilities;
 - f. Notice that all nuisance ordinances will be enforced by the Bemidji Police Department or the Beltrami County Sheriff's Department, including reduced noise levels between 10 PM and 7 AM.; and
 - g. Notice of any current burning or water use restrictions, as may be imposed by the municipality or other government agency in effect during the duration of the guest occupancy
 - h. Notice that no "Special Events" (see definition in Sec. 28-9) are allowed to be hosted by a guest on the premises of a short-term rental. Events hosted by the property owner are allowed, but must abide by all applicable ordinances and policies, and obtain all required approvals.
- (12) *Display of License.* Each permittee shall post or publish their annual short-term rental license number upon all print, poster, or web advertisements offering the property for short-term rental.

- (13) *Proximity of Assistance.* The licensee must designate a local managing agent or a local contact who resides within thirty (30) minutes travel time of the property who can respond 24-hours-a-day to any complaints or to offer any assistance upon request. The licensee shall notify and provide the building staff within ten (10) days of a change in the local managing agent or local contact. Within ten (10) days of such notice, the planning and zoning staff shall send the updated contact information for such person(s) to those properties within a five hundred (500) foot radius provided written notice of the issuance of a short-term rental license under this section.
- (14) *Garbage.* All garbage must be kept in suitable containers that are stored out of view of a public street and shall be disposed of at least once a week or as guest depart the property. Any excessive trash or debris will need to be removed from the property by the property owner or local contact within a week of the guests stay. Property shall adhere to this ordinance.
- (15) *Signage.* One (1) informational sign is allowed on the property of a short-term vacation rental that does not exceed three (3) square feet. The sign shall comply with all setback requirements in its applicable zoning district and in conformance to Article VII.
- (16) *Additional Inspections.* The Building Department may, as a condition of every short-term rental license, conduct ongoing compliance reviews/inspections of the property or conduct a compliant/violation inspection of the property.
- (17) *Local Lodging Taxes.* In addition to state sales-use tax, the licensee/applicant is required/responsible to pay all federal, state, and local taxes.
- (18) *Long-Term Rentals.* A licensee that is permitted to operate a short-term rental in the city of Bemidji must also obtain a long-term rental license from the city of Bemidji, if the licensee desires to rent out the property to one (1) party for longer than thirty (30) consecutive days. An annual short-term rental permit and a long-term rental permit are not interchangeable.
- (e) *Enforcement, License Suspension, and/or Revocation.* Upon a finding that a short-term rental has violated any provision of this development code, or any and all applicable federal, state, and local laws, rules, regulations, and ordinances, on three (3) separate occasions within a twelve (12) month period, the Building Official may revoke or suspend the annual short-term rental license.
- (1) License Suspension. Prior to such revocation, the building staff shall mail written notice of the license violation and suspension to the licensee and local contact. The license will be suspended until the violation has been corrected or the licensee has contacted building staff and has an agreement or plan of action with staff. No guests will be allowed on the property during the suspension period.
- a. *Violation is a Misdemeanor.* Each violation of any term of this section shall constitute a misdemeanor. Each day that such violation occurs shall constitute a separate offense.

(2) *Request Hearing for Revocation.* The licensee shall have ten (10) days to request a hearing regarding such revocation before the council. Failure to request such a hearing shall constitute waiver of the right to be heard on such revocation. If a timely request for a hearing is received, the council shall hold a hearing at a regular meeting, provide the licensee an opportunity to be heard, and shall then act on whether to revoke the annual short-term rental license. If the council does not revoke the license, it may add conditions to the license as it determines is appropriate to mitigate further violations.

a. *Effect of Revocation.* Upon revocation of an annual short-term rental license, the licensee shall be ineligible to apply for a new short-term rental license for a period of twelve (12) months from the date of revocation.

(3) *Complaints.* All complaints against a short-term rental shall first be directed to the property owner, local managing agent or a local contact. In cases of immediate health and safety of people and property, contact emergency services. If the property owner, local managing agent or the local contact fail to respond to the complaint, then the complaint shall be addressed to building staff. A complaint shall include the type of violation, and details of the violation along with the date and time it occurred.