

# Considerations for the purpose of amending the current East Gull Lake short Term Rental agreement while staying consistent with our East Gull Lake Comprehensive Plan

## Revision 08/23/23 A

- **Currently East Gull Lake is at a maximum of (4) short term rentals per calendar year. The question is should the (4) short term rentals per calendar year be expanded to a greater number of occurrences, but limited to a number not to exceed?**
- **Second question – what should or could be changed in our current ordinance to enhance or improve the current ordinance in place that would support our East Gull Lake Comprehensive plan as written.**

My thoughts are our East Gull Lake Planning Commission, East Gull Lake City Council and our East Gull Lake Mayor when creating the short-term rental ordinance were concerned with how to manage private home short term rentals at time of creating the ordinance, which I can certainly appreciate to include neighborhood possible disruptions. Since the city of East Gull Lakes ordinance has been written, approved and in effect many of our surrounding communities and cities have developed a process / guideline for private short-term rentals to protect homeowners and homeowners' properties. Additionally, if we are going to review short-term rentals it would also be the appropriate time to at least look at should we include long term rentals as well or not at all.

I have attempted to include in this suggested write-up to our short-term property rental review team what could be believed to be best practice from our surrounding neighboring cities.

**Objectives.** - To provide and enforce standards for the maintenance of short-term or long-term rentals. Provide local governance to promote health, safety, and wellness to East Gull Lake citizens and patrons of short-term rentals.

**Enforcement** - Any violations of this ordinance may result in enforcement.

**Enforcement Continued – (Violations, Injunctive Relief)** – Nothing in this Ordinance prevents the City from taking enforcement action under any of its fire, housing, zoning, health, safety or other codes, ordinances, and State laws for violations thereof or seek injunctive relief and criminal prosecution for violations of any ordinance, code, or law. Nothing contained in this Ordinance prevents the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this Ordinance or to obtain an order closing such rental units until violations of this particular Ordinance have been remedied by the property owner or designated property manager.

**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.

(a) **“Owner”** means the property owner of record of the real estate located in Cass County.

(b) **“Owners Authorized Agent”** means a person who has written designation to act on behalf of the owner.

(c) **“Parcel”** means a unit of real property that has been given a parcel identification number maintained by the Cass County.

(d) **“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.

(e) **“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.

(f) **“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.

**Private / Vacation Home Rental** – “Private / Vacation Home Rental” means any home, cabin, condominium, bedroom, or similar building that is advertised as, or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly, or less than 30-day time period, and is not a bed and breakfast, resort, hotel, or motel.

**Property Contact Information** - The Owner or the Owner’s Authorized Agent shall keep on file, with the 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.

**Overnight guest** – “Overnight Guest” means a person that is boarding overnight at a private/vacation home rental, hotel, motel, bed and breakfast, or resort.

**Use of** - Recreational vehicles, tents, RV’s, accessory structures, or fish houses to obtain additional occupancy is prohibited.

**Person** – “Person” means a natural person over the age of 5 years, that is patronizing, staying, or visiting a private/ vacation home either as the renter of the facility or a guest of the renter: or an individual, firm, partnership, association, or corporation or other entity including the United States government, any interstate body, the state, and any agency, department, or political subdivision of the state.

**Good Neighbor Brochure** – “Good Neighbor Brochure” means a brochure to be given to guest that includes a summary of the City’s regulations relating to private / vacation home rentals: local rules or ordinances related to lakes, aquatic invasive species, and water use: and best practice for neighbor behavior.

**Fees** – Fees for the administration of this Ordinance shall be established and amended periodically by action of the City Council, acting in concert with Horizon Public Health and matching the fees charged by Horizon Public Health and /or Case County for similar services.

**Regulatory Agency - Possible solution for supporting enforcement of ordinance.**

**Horizon Public Health** is hereby established in this Ordinance as the Agency responsible for enforcement and administration of this Ordinance. The agency shall:

- 1) Act as the inspecting Agency for the City:
- 2) Issue licenses and maintain records relating to this Ordinance:
- 3) Provide informational materials regarding this Ordinance:
- 4) Administrator this Ordinance: receive applications, request, documentation: interpret and apply the Ordinance: and enforce the Ordinance.
- 5) Assist in enforcement / section pertaining to private / vacation home rental.

**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 East Gull Lake Website.

**Incorporation of Minnesota Lodging Code**

Minnesota Rules, Chapter 4625, parts 4625.0100 to 4625.2300, the Minnesota Lodging Code, in effect on the effective date of this Ordinance, and all future revisions thereof. Are hereby adopted by reference and made part of this Ordinance.

**ANNUAL LICENSE REQUIRED** - No Short-Term Rental may be operated without a valid Short-Term Rental license issued pursuant to this Ordinance. All new Short-Term Rental operations as of the enactment date of this Ordinance shall obtain a license from the City of East Gull Lake prior to commencing operations.

**Annual License submittals** – All short-term licenses request must be submitted by period 10 (October) of each calendar year in order for East Gull Lake administration to have the appropriate length of time to verify all requirements have been met to obtain an annual short term rental license for the following annual year. The submittal period provides the city of East Gull Lake administration time to review / inspect records of current short-term rentals in service verifying if any violations had occurred during current calendar year and if yes, have those violations ben addressed for avoidance of recurrences prior to granting a short new term rental permit.

**Short Term License** - are valid from January 1 – December 31 each year.

**Short-term rental license** -shall not be transferrable upon any change in ownership of the licensed property, or otherwise.

**A separate** - Short-Term Rental license is required for each unit on a parcel that has Short-Term Rental operations conducted in it.

**LICENSE APPLICATION REQUIREMENTS** - Application Requirements. The following information shall be provided to the city of East Gull Lake on the Short-Term Rental license application: (a) 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.

**LICENSE APPLICATION REQUIREMENTS CONTINUED** - The following information shall be provided to the County on the Short-Term Rental license application: (a) 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.

**All other information that is requested on the Short-Term Rental License**

**Application.** Application Process. Applications for Short-Term rental operation licenses may be filled out online. Once the application is received along with the supplemental information and payment city of East Gull Lake will issue or deny the license in accordance with the timelines established under Minnesota Statute 15.99, (60 days) during which time city administration’s office of East Gull Lake may contact the Owner or Owner’s Authorized Agent for additional information.

**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. **ANNUAL LICENSE IS REQUIRED**

**If the property is owned by a business or corporation** - the CEO or Designee is responsible for obtaining the license in their name. (b) Physical address and parcel identification number. (c) 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.**

**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.

**No license** - will be issued if the property has three substantiated violations prior to application for a license.

**No license continued** - will be issued if there are pending permits and/or open enforcements related to the property.

**Change of Ownership:** A license shall not be issued to any person when an establishment changes ownership until an inspection by the Agency has been conducted and a compliance schedule has been established that is mutually agreeable to the owner and the Agency regarding previous orders.

**License Non – Transferable:**

- a. A license is not transferable and non – refundable.
- b. The discontinuation of an operation by the licensee at the address covered by the license voids the license.
- c. A voided license shall be surrendered to the Agency immediately.

**Closed establishment** -When an establishment has been closed for 90 days or more, the Agency shall conduct an inspection and set forth a compliance schedule that is mutually agreeable to the new owners and the Agency to achieve compliance with the Minnesota Lodging Code prior to issuing a license.

**Temporary sleeping Accommodations** – The use of detached or temporary sleeping accommodations such as RVs, tent, fish -houses, campers, or others to increase the overnight guest capacity shall be prohibited.

**Private / vacation home rental** – Not more than one private / vacation home rental unit shall be allowed on a parcel.

**Property capacity** – The property capacity is the total number of overnight guest and visitors allowed to be present on the property at any given time. The property capacity shall not exceed the following thresholds.

- a. Two times (2x) the overnight guest occupancy for properties where neighboring dwellings are 200 feet or less from the rental dwellings or the property is less than 2 acres in area.
- b. Three times (3x) the overnight guest occupancy for properties where neighboring dwelling are more than 200 feet from the property rental dwelling and the property is 2 acres or greater.

**If or should the permit would be 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.

## GENERAL REQUIREMENTS

Septic/Solid Waste (a) The short-term rental must be connected to an approved SSTS or served by central sanitary sewer system. (b) 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.

**Septic Inspections** - 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.

**Rental Property with Septic Treatment** – For a rental property with individual septic treatment system which is considered to be substandard the maximum number of overnight guests shall not exceed the total treatment capacity of the system in gallons per day divided by 75 gallons per overnight quest. (i.e.: 450 gal/day / 75gal = 6 overnight guests).

**Disposal of solid waste** - must comply with Cass County Solid Waste Ordinance, or its successor or replacement. (e) 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.

**Occupancy** - The overnight occupancy of a short-term rental shall be limited to no more than three (3) people per bedroom plus one (1) additional person per unit.

**Licensee** - shall not advertise the property as containing any more than the number of bedrooms identified on the license.

**Licensee** - shall not advertise the property as available to more guests than the occupancy limit identified on the license.

**Noise** – Noise levels shall not exceed the standards established in NMN Rules, chapter 7030, or successor rules. Noise levels shall not exceed 50 db. for more than 30 minutes at the property line of the rental property, between the hours of 10pm and 7am. **(Any day of the week).**

**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.

**Parking** - 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.

**Parking continued** – Public streets and right-of-way shall not be used for parking of trailers or overnight parking of vehicles by tenants. On-site parking shall be on a designated improved surface (gravel, class -5, asphalt, concrete, pavers). Designated parking shall be set back 10-ft from the property line.

**Boundaries** – The boundaries of the rental property shall be visually demarcated by signs, a fence , vegetation, landscaping, or other method.

## **ENFORCEMENT - Thoughts from the group ?**

**The Owner or Owner’s Authorized Agent** - shall address any substantiated complaints/violations as directed by East Gull Lake Administrations office.

**All substantiated complaints/violations** - not resolved as directed will result in enforcement action. 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 East Gull Lake Administration.

**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.

**Any Owner or Owner’s Authorized Agent** - who fails to comply with a directive of East Gull Lake city administration 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 temporally or permanently depending on the failure to comply.

**Any license revoked** - under this section will not be reissued for a period of 1 year from the date of revocation.

**APPEALS** - Administrative Appeal. Appeals from any order, requirement, decision, or determination made by East Gull Lake City Administrator shall be first made to the East Gull Lake City Council. Appeals of the decision of the City Council shall be brought to the office of East Gull Lake Mayor.