

BC. Administration

OFFICE OF COUNTY RECORDER
COUNTY OF BELTRAMI, MINNESOTA
THIS IS TO CERTIFY
THAT THIS INSTRUMENT
WAS FILED IN THIS
OFFICE ON 06/13/2022 AT
03:15 PM BY DOCUMENT NUMBER
A000608767
By: CHARLENE D. STURK
CHARLENE D. STURK
COUNTY RECORDER
PAGES: 9

BELTRAMI COUNTY COVER SHEET

This cover sheet is now a permanent part of the recorded document.



Beltrami County Short-Term Rental Ordinance No: 49

A. Statutory Authorization and Policy

1. This ordinance is adopted pursuant to the Minnesota Statute Sections 145A.05 and 375.51
2. This ordinance adopts by reference the provisions of Minnesota Statutes Chapters 145A, 157, 327, and Sections 375.51-375.55, and Minnesota Rules 4625.0100 – 4625.2300, inclusive relating to lodging establishments, including all subsequent amendments thereto.

B. Purpose, Intent and Objective

1. This ordinance establishes a permitting program for short-term rentals.
2. It is the intent of this ordinance to continue the allowed use of private vacation rental homes, but also mitigate possible adverse impacts to health, safety, welfare, and quality of life of surrounding properties, as well as water and environmental quality, through the establishment of a permitting program for the review and appeal of short-term rental unit operations.
3. It is the objective of this ordinance to establish and enforce standards for the permitting of short-term rentals that strike a balance between protecting homeowners' private property rights; enhancing localized economic activity and tourism; preserving the residential integrity of neighborhoods; and promoting and protecting the health, safety, and wellness to the citizens and patrons of short-term rentals.

C. Definitions

Unless specifically defined herein, 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 it's most reasonable application.

1. **Owner** means the property owner of record of the real estate located in Beltrami County.
2. **Owners Authorized Agent** means a person who has written designation to act on behalf of the owner as placed on record and supplied as part of the application process.
3. **Parcel** means a unit of property that has been given a parcel identification number maintained by the County. For purposes of this ordinance multiple contiguous parcels in single ownership shall be considered a single parcel.

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 accommodations are furnished to the public on a nightly, weekly, or for less than a 30 day period and is not a bed and breakfast, resort, hotel, motel, or other venue as determined by the County.
5. **Type A STR** means a short-term rental unit having up to 3 bedrooms and having a maximum occupancy of 8 people or less.
6. **Type B STR** means a short-term rental unit exceeding Type A STR sizes and having a maximum occupancy of 12 people or less.
7. **Type C STR** means a short-term rental unit having a maximum occupancy of 13 or more people.

D. General Provisions

1. **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.
2. **Jurisdiction.** The provisions of this ordinance apply to all unincorporated areas and incorporated areas by mutual agreement, within the boundaries of Beltrami County.

E. Use Permit Required

1. No short-term rental may be operated without a valid short-term rental use permit issued pursuant to this ordinance.
 - a. Type A STR requires a use permit issued by Beltrami County Environmental Services Department. New Type A use permits are valid for 1 year. Renewal use permits may be issued for uses that met all of the requirements of the previous permit and shall be valid until revoked.
 - i. Type A STR units existing as of the date of this ordinance shall be exempt from the renewal fee requirement if the renewal use permit application is submitted within 15 months of the date of enactment of this Ordinance.
 - b. Type B STR requires a use permit issued by Beltrami County Environmental Services Department. New Type B use permits are valid for 1 year. Renewal use permits may be issued for uses that met all of the requirements of the previous permit and shall be valid for 8 years unless revoked prior the expiration.
 - c. Type C STR requires an interim use permit issued by the Beltrami County Planning Commission. Type C interim use permits are valid for a period of time as specified by the Planning Commission or unless revoked prior to expiration.
 - d. Owner occupied residential structures with 1 room/space available and up to 3 guests or less per night are allowed without a permit provided that the owner is on premises at all times while there are guests on site.

2. All existing short-term rental operations as of the enactment date of this ordinance shall apply and obtain a use permit within 90 days from the effective date of this ordinance.
3. All new short-term rental operations as of the enactment of this ordinance shall obtain a use permit from the County prior to commencing operations.
4. All short-term rental permits are non-transferrable to other owners
5. The owner or owners authorized agent shall, upon request of the Beltrami County Environmental Services Department, permit access to the property and all permitted units at any reasonable time for the purpose of inspection upon request of Beltrami County.
6. The owner or owners authorized agent shall, upon request of the Beltrami County Environmental Services Department, provide rental records and any other records related to the occupancy of the unit for the purpose of inspection upon request of Beltrami County.

F. Permit Application Requirements

1. **Application Requirements.** The following information shall be provided to the County prior to use as a short-term rental unit.
 - a. Application fees shall be submitted with the application and are as follows;
Type A \$200
Type B \$400
Type C \$800 plus recording fee
All after-the-fact applications are double the normal fee
 - b. The name, mailing address, email address, and telephone number(s) of the owner of the short-term rental unit for which the application is being submitted.
 - c. Physical address and parcel identification number of the property where the short-term rental unit is located.
 - d. The name, address, email address, and telephone number(s) of owner or owners authorized agent for the short-term rental who is available to respond to the property within 30 minutes and is available 24 hours a day.
 - e. Proof of non-revocable property liability insurance coverage suitable for the commercial liability coverage of the short-term rental operation during the term of the permit.
 - f. Minnesota Department of Health license to operate a lodging establishment consistent with the type of permit being applied. This license is required to be valid while property is used as a short-term rental.
 - g. All other information requested on the short-term rental permit application.

G. General Regulations

1. Septic Systems/Solid Waste

- a. The short-term rental must be connected to an approved SSTS or served by a municipal wastewater treatment system. Holding tank only systems shall be sized according to Minnesota Rules, Chapter 7080.
- b. A valid certificate of compliance shall be provided with an application for a short-term rental use permit.
 - i. This requirement will be waived for the initial permit application of Type A STR units if applied for within the first 90 days of adoption of this Ordinance.
- c. The storage, collection, and disposal of refuse and garbage shall be in accordance with the Beltrami County Solid Waste Ordinance. All garbage, trash, and refuse shall be removed from the premises frequently to prevent nuisance and unsightly conditions, and shall be kept clean and in good repair. All refuse and garbage storage shall be kept in fly-tight, water-tight rodent proof containers.

2. Occupancy

- a. The overnight occupancy of a short-term rental shall be limited to no more than two persons per bedroom plus two additional persons, or equal to the permitted SSTS design flow (which can be found in the original design for the sewage treatment system) divided by 75 plus one additional person, whichever is less. If the STR is connected to a municipal sewage treatment system, the maximum occupancy shall be determined by the municipality where the short-term rental unit is located.
- b. The maximum occupancy allowed by permit shall be conspicuously displayed within the rental unit. Children under the age of 3 do not count towards the maximum occupancy limit.
- c. Use of recreational vehicles, tents, accessory structures or fish houses as short-term rentals or used to obtain additional occupancy is prohibited. Use of said structures or vehicles for overnight or sleeping accommodations is prohibited at a short-term rental.
- d. Permittee shall not advertise the property as available to more guests than the occupancy limit identified in the permit.
- e. No more than 1 short-term rental permit will be issued per parcel in the shoreland zone. More than one short-term rental on the same parcel or contiguous parcels under common ownership in the shoreland zone shall constitute a resort and are not permitted under this ordinance but may be permitted under a different ordinance.

3. Registration of Guests

- a. The owner or owner's authorized agent shall keep a registration report in accordance with MN Statutes 327.10 for all guests using the property. Such report shall be kept in an accurate and orderly manner, and provided to the

Environmental Services Department upon request. The registration report records of the current rental occupants shall be open to the inspection of all state and local law enforcement officers in real time at the property upon request.

- b. Every guest in a short-term rental shall furnish the owner or owner's authorized agent operating the short-term rental the information necessary to complete registration report information.
- c. In addition to state sales-use tax, the owner or owner's authorized agent is required/responsible to pay all federal, state, and local taxes including but not limited to any local lodging taxes.

4. Noise

- a. Quiet hours are between the hours of 10 pm and 8 am at which time indoor and/or outdoor activity audible from neighboring property boundaries must not be carried on beyond a general conversation level in a manner that disturbs the peace. The owner or owner's authorized agent of the short-term rental is expected and required to enforce this rule. Failure to do so may result in revocation of short-term rental use permit.
- b. Permit issuance conditions may be placed and/or modified during the permit period to reasonably prohibit defined outdoor activity conducive to or deemed in violation of quiet hour periods or causing direct and excessive noise disturbance to adjacent occupied property. Conditions may include but are not limited to privacy fencing, screening, further limited hours, reduced maximum occupancy limits, relocation of site features/gathering spaces conducive to unreasonable noise disturbance.

5. Parking and Site Use

- a. Parking cannot restrict access by emergency vehicles or the traveling public and shall not impede the ingress or egress of the property.
- b. Parking shall be accommodated completely on-site, off-street, and in designated improved spaces. Parking and/or vehicle storage shall not occur in or on yards, boulevards, septic systems, or other green space.
- c. The owner shall provide a visual demarcation of the property lines. Where property lines are disputed, the owner or owner's authorized agent shall cause a licensed surveyor to conduct property line location and survey services.
- d. One informational sign is allowed on the property of a short-term rental and may not exceed three square feet and must comply with all setback requirements.
- e. Outdoor loitering gathering spaces including but not limited to patio areas, fire pits, beaches, shoreline recreation areas, and lawn games must be located in a manner that minimizes direct noise disturbance of adjacent occupied property and is considerate of neighbors.

6. Conformance with Existing Regulations

- a. Short-term rental operations shall conform to all existing standards listed in the Minnesota Statutes and Rules and all County Ordinances. Short-term rental operations shall conform to all City and Township Ordinances, if so enacted, and may be further restricted or prohibited as so determined by a host City or Township.
- b. This ordinance does not ensure compliance with the Minnesota State Fire Code or Department of Health rules. It is the responsibility of the owner or owner's authorized agent to comply with all local, state, and federal laws beyond that of this ordinance and to disclose such compliance to all renters during the time of occupancy.

7. Property Contact and Emergency Information

- a. The owner or owner's authorized agent shall keep on file with the county, and shall notify each renter and each adjacent landowner, in writing, of the contact information for the owner and/or owner's authorized agent who shall be available 24 hours a day, seven days a week, and available to respond within 30 minutes, whenever the property is being rented for short-term rental purposes. The owner or owner's authorized agent shall respond onsite if necessary to any issue or complaint raised from a notified party within 30 minutes of any such point of contact.
- b. The owner or owner's authorized agent shall provide to each renter in a form that is readily retained and posted on site information identifying the maximum occupancy, emergency contact information (police, fire, hospital, and septic tank maintainer), rental unit address, and operational guidelines and rules including proof of permit and permit obligations, conditions, and restrictions. Said information and postings shall be deliverable and viewable on site on demand to County officials and law enforcement. The rental unit address shall be readily retained and/or posted inside the rental unit and clearly posted outside in a manner that is visible from the street.
- c. The owner or owner's authorized agent name and contact information shall be posted in a conspicuous location outside of the main entrance to the short-term rental unit.

8. Special Events

- a. Special events where a large number of additional day time guests would be reasonably anticipated at the short-term rental are not allowed unless specifically allowed by the Planning Commission conditions of the permit to operate a short-term rental. Special events include but are not limited to weddings, family reunions, and class reunions.

9. Pets

- a. If pets are allowed, they must be leashed at all times when outside of the short-term rental unit and under the direct supervision of an adult at all times.

H. Enforcement Penalties and Fines

1. Enforcement. All complaints shall be in written form submitted to the Environmental Services Department on a form provided by the Department. The Environmental Services Department shall investigate all complaints of this ordinance. The Environmental Services Department shall notify the owner or owner's authorized agent and complainants and direct the owner or owner's authorized agent to correct violations within a reasonable period of time.

2. Penalties

- a. Violations of this ordinance shall be;
 - i. First violations of this ordinance shall be an administrative penalty of up to \$500 as determined by the Environmental Services Director.
 - ii. Second violations of this ordinance, within a permit period, shall be an administrative penalty of up to \$1,000 as determined by the Environmental Services Director.
 - iii. Third violation of this ordinance, within a permit period, shall be an administrative penalty of up to \$1,000, and may result in revocation of the short-term rental permit, as determined by the Environmental Services Director.
- b. For all violations, the Environmental Services Director shall issue the owner or owner's authorized agent written findings as to what the violation was, and what the penalty is.
- c. Issuance of a short-term rental permit that has previously been revoked can only be issued by the Planning Commission upon submittal of the appropriate application and fees, consistent with Type C short-term rental requirements regardless of type.

I. Variances

1. Variances. Applications for a variance from the strict interpretation and application of this Ordinance may be considered. The process for variance applications will be in the manner established in the Beltrami County Shoreland Management Ordinance.

J. Appeals

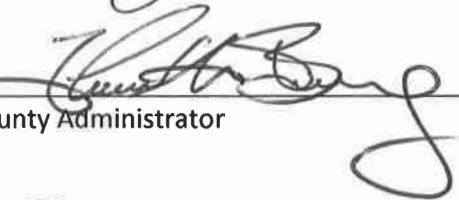
1. Administrative Appeal

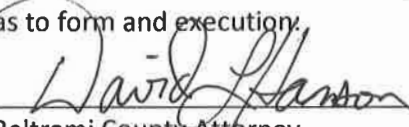
- a. Appeals from any order, requirement, decision, or determination made by the Environmental Services Department or other authorized Beltrami County agent shall be first made in writing, within 30 days, to the Board of Adjustment as outlined in the Beltrami County Shoreland Management Ordinance.

K. Adoption

ADOPTED BY THE BELTRAMI COUNTY BOARD OF COMMISSIOENRS THIS 17th DAY OF MAY, 2022

Chairman: 
Beltrami County Board of Commissioners

Attest: 
County Administrator

Approved as to form and execution.
Attorney: 
Beltrami County Attorney

First Reading: February 1, 2022
Public Hearing/Second Reading March 15, 2022
Adoption: May 17, 2022
Effective: July 1, 2022