

PURPOSE, SCOPE, & OBJECTIVES

1.1 Purpose and Intent

It is the purpose and intent of this ordinance to regulate short-term vacation rentals within Windemere Township, consistent with the Windemere Township comprehensive plan, by continuing to allow the use of short-term vacation 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 permitting program for the review and approval of short-term vacation rental unit operations.

1.2 Scope

Pursuant to Minnesota Statutes 145A.01-145A.11, Windemere Township does hereby affirm that Chapter 157, Chapter 327, Chapter 375.51 - 375.55, and Minnesota Rules 4625.0100 -4625.2300 relating to lodging establishments, including all subsequent amendments thereto, are hereby adopted by Windemere Township by reference, and pursuant to the authorization and policies contained in the Windemere Township Planning and Zoning enabling legislation in MN Statute Chapter 394.

1.3 Objectives

- To provide and enforce standards for the maintenance of short-term rentals.
- To provide local governance to promote health, safety, and wellness to Windemere Township citizens and patrons of short-term vacation rentals, and to protect the natural resources for the enjoyment of all.

DEFINITIONS AND GENERAL PROVISIONS

2.1 **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. For the purpose of this ordinance, the words “must” and “shall” are mandatory and not permissive. The words “may” and “should” are permissive.

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

(b) **“Owners Authorized Agent”** means a person or entity 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 Pine County.

(d) **“Lot”** for the purposes of this ordinance means a parcel or group of parcels that are contiguous to each other and owned by a single owner or any combination of common owners, regardless of how the parcels are recorded or when they were purchased.

(e) **“Short Term Vacation 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, apartment complex, resort, hotel, or motel. The short-term vacation rental excludes Commercial Planned Unit Developments as defined in the Windemere Township ordinance.

(f) **“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.

(g) **“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.

(h) **“Bed and Breakfast”** means an establishment in a residential dwelling, typically consisting of a bedroom and shared bathroom, that supplies temporary accommodations and a morning meal to overnight guests for a fee. The owner or manager resides on the premises while the guests are present.

2.2 **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.

2.3 **Jurisdiction.** The provisions of this ordinance apply to all areas within the boundaries of Windemere Township.

INTERIM USE PERMIT REQUIRED

3.1 **Interim Use Permit Required.** No short-term vacation rental may be operated without a valid short-term vacation rental interim use permit issued pursuant to this ordinance.

3.2 **New Operations.** All new short-term vacation rental operations as of the enactment date of this ordinance shall obtain an interim use permit from the township prior to commencing operations.

3.3 **Multiple Units.** A separate short-term Rental license is required for each unit on a parcel that has short-term vacation rental operations conducted in it. An accessory dwelling shall not be used for commercial or rental purposes unless a permit for short-term vacation rental is applied for and on file as part of the overall property for rent. Accessory dwellings shall not be used as separate from the overall property.

3.4 **Renewal.** All short-term vacation rental permits are issued for a three-year term, and must be renewed every three years thereafter. Permit renewal applications for short-

term vacation rental operations in the following three-year period must be submitted and approved prior to any rental activity within that period.

- 3.5 **Access.** The owner or owner's authorized agent shall permit access to the property and all permitted units at any reasonable time for the purpose of inspection upon request of Windermere Township.

LICENSE APPLICATION REQUIREMENTS

- 4.1 **Application Requirements.** The following information shall be provided on the Windemere Township short-term vacation rental permit application:
- (a) The name, mailing address, email address and telephone number of the owner of the short-term vacation rental unit for which the permit is to be issued.
 - (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 vacation rental unit, who is available 24 hours a day, seven (7) days a week, whenever the property is being rented for short-term vacation rental purposes.
 - (d) All other information that is requested on the short-term vacation rental permit application.

No application for initial or renewal permit will be accepted if there are past due property taxes on the property described in the license application. A license issued for a short-term vacation rental use may not be transferred upon change of ownership of a property where a permit was issued.

- 4.2 **Application Process.** Applications for short-term vacation rental operation licenses may be found online at www.windemeretownship.com. Incomplete applications will not be accepted.

Once the completed application is received, along with any supplemental information and payment of fee, Windemere Township will issue or deny the short-term vacation rental permit in accordance with the timelines established under Minnesota Statute 15.99 (60 days), during which time the Township 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.

- 4.3 **Fee.** The Windemere Township Board shall set a reasonable fee for the issuance of the permit. The Board may require that some or all of the fee is non-refundable.
- 4.4 **Limitations.** Short-term vacation rentals shall be limited to no more than 10% of all habitable dwellings, including any habitable park models connected to a residential sanitary sewer system or municipal sewer system, located on riparian lots within the

1000' setback of the shoreland overlay zone of each of the following lakes: Sturgeon, Island, and Sand.

Short-Term Vacation Rentals shall be limited to no more than 5% of all habitable dwellings, including any habitable park models connected to a residential sanitary sewer system or municipal sewer system, located on riparian lots within the 1000' setback of a shoreland overlay zone of each of the following lakes: Eleven, Twelve, Rush, and Passenger.

Short-term vacation rentals shall not be permitted on any other riparian lots not otherwise specified in this ordinance, including any environmentally classed lakes or any rivers.

Short-term vacation rentals shall be limited to 10% of all habitable dwellings, including any habitable park models connected to a residential sanitary sewer system or a municipal sewer system, located on any non-riparian lots located in the remainder of the township. For lots with more than one inhabitable dwelling unit, that lot shall count as one dwelling unit for the purpose of determining the overall number of dwelling units. Where shoreland overlay zones overlap, the more restrictive rules shall apply, and any dwelling units found in both shall be counted only as lying in the more restrictive zone. For purposes of determining the number of dwelling units per zone, this determination will be made prior to the passage of this ordinance, and shall be approved by the Township Board. The number shall be verified annually and approved by the Township Board at its annual meeting.

GENERAL REQUIREMENTS

5.1 Septic/Solid Waste

- (a) A short-term vacation rental unit must be connected to an approved SSTS or served by a 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 must be provided. Holding tanks are not allowed for rental units.
- (c) Whenever a short-term vacation rental unit permit is renewed, the owner or owner's authorized agent shall provide as part of that permit renewal process, an updated certificate of septic compliance showing that the system is compliant, including for the number of bedrooms indicated in the application.
- (d) Disposal of solid waste must comply with any Pine 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.

5.2 Occupancy

- (a) The overnight occupancy of a short-term vacation rental unit shall be limited to no more than four (4) people per bedroom plus two (2) additional person per unit. In no case shall a unit be permitted to accommodate more than 12 guests.
- (b) Use of tents, fish houses, or similar structures to obtain additional occupancy is prohibited. No short-term vacation rental shall be allowed in any park model homes not connected to a compliant septic system, or in a recreational camping vehicle as defined in the Windemere Township zoning ordinance regardless of whether or not it is connected to a septic system.
- (c) A permittee shall not advertise the property as containing more sleeping accommodations than the number of bedrooms identified on the permit.
- (d) A permittee shall not advertise the property as available to more guests than the occupancy limit identified on the permit.

5.3 Noise. 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 vacation rental is expected to enforce this rule. Failure to do so may result in enforcement action as provided in Section 7 of this ordinance. Fireworks are not allowed at any time except in conjunction with the 4th of July Holiday, but in no case outside the nine (9) day period that includes the weekends before and after the 4th of July Holiday.

5.4 Parking.

- (a) Parking cannot restrict access by emergency vehicles or the traveling public and shall not impede any ingress or egress to any other properties. In addition, parking cannot encroach on neighboring properties.
- (b) The site shall provide on-site parking sufficient to accommodate the occupants of the rental dwelling unit.
- (c) No person shall, for any purpose related to the rental or use of a short-term vacation rental unit, shall leave or park a vehicle, motor vehicle or recreational vehicle on or within the limits of any road or any road right of way, except as part of a permitted driveway.

5.5 Property Contact Information. The owner or the owner's authorized agent shall keep on file, with the township, 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 vacation rental purposes. The owner or the owner's authorized agent shall respond to any issue or complaint raised within one (1) hour of being notified of the issue or

complaint. Property contact information shall be accessible to the public 24/7 on the Windemere Township website.

- 5.6 **Permit Fees.** Permit fees will be established by the Windemere Township Board and published in the township fee schedule.
- 5.7 **Minnesota Department of Health (MDH) License.** It is the owner or owner's authorized agent's responsibility to contact MDH about lodging license requirements.
- 5.8 **Other Laws Apply.** All applicable local, county, state and federal requirements shall be followed for the taxing, permitting, and other applicable requirements.
- 5.9 **Posting Emergency Information.** The owner or owner's authorized agent shall post within the rental unit the rules and regulations and emergency contact information for fire, law enforcement, hospital, septic tank pumper and the owner or owner's authorized agent.
- 5.10 **Property Line Demarcation.** The owner or owner's authorized agent shall provide visual demarcation of property lines. All property lines shall be located by a licensed land surveyor. The cost of the survey shall be the responsibility of the owner or owner's authorized agent.
- 5.11 **Aquatic Invasive Species (AIS).** Current AIS prevention guidelines must be posted in the rental unit for watercraft use.
- 5.12 **Watercraft.** All guest watercraft must be currently licensed and must be put in the water body at a state-designated public landing. Guest watercraft cannot be launched from the short-term vacation rental property shoreline.

LOT REQUIREMENTS

- 6.1 **Conforming Lot.** A short-term vacation rental unit must be located on a conforming lot or an existing lot of record/legal non-conforming lot. The lot must meet all minimum zoning requirements.
- 6.2 **Single Dwelling Units.** No more than one short-term vacation rental unit per lot may be rented, except as may be permitted. Additional occupancy, other than by owners of the property, through the use of recreational vehicles, park models, tents, accessory structures, garages, boat houses, pole barns, sheds, fish houses or other similar structures, is not allowed. Cottages or bunkhouses, as defined in the Windemere Township ordinance, shall not be rented unless a permit is on file for that cottage or bunkhouse as part of the overall property for rent.
- 6.3 **Multiple Dwelling Units.** Any request for a permit for a multiple dwelling unit (for example, a duplex, triplex, quad) on a lot shall require, in addition to the interim use permit, a conditional use permit. If it is determined that a multiple dwelling unit constitutes an apartment complex, resort, hotel, or motel, or similar facility, it must meet the applicable standards of the full township ordinance.

- 6.4 **Additional Standards.** The Windemere Township zoning administrator, under authority of the Windemere Township Board, may impose additional standards or conditions that will reduce impacts of the proposed use on neighboring properties.

ENFORCEMENT

- 7.1 **Generally.** Windemere Township will investigate all complaints and alleged violations of this ordinance. Windemere Township will follow up with all owners or owner's authorized agents regarding any complainants and alleged violations within a reasonable period of time. The owner or owner's authorized agent shall address any substantiated complaints and/or violations as directed by Windemere Township. All substantiated complaints and/or violations not resolved as directed will result in enforcement action as provided in 7.4.
- 7.2 **Revocation.** If three (3) substantiated complaints and/or violations have occurred at a short-term vacation rental unit within one year, the permit may be subject to revocation as determined by Windemere Township.
- 7.3 **False Reports.** The intentional false reporting of a violation of this ordinance shall be considered a violation of this ordinance.
- 7.4 **Failure to Comply.** Any owner or owner's authorized agent who fails to comply with a directive of Windemere Township as provided in section 7.1, 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 misdemeanor prosecution, forfeiture of their license, or both.
- 7.5 **Penalty.** The penalty for a substantiated violation or a substantiated false reporting of a violation will be \$100.00 fine for a first offense, \$150.00 fine for a second offense, and \$1,000.00 for a third or subsequent offense.
- 7.6 **Reissuance.** Any license revoked under this section will not be reissued for a period of at least one (1) year from the date of revocation.

APPEALS

- 8.1 **Administrative Appeal.** Appeals from any order, requirement, decision, or determination made by Windemere Township shall be first made to the Windemere Township Board of Adjustment.
- 8.2 **Appeal to Township Board.** Appeals of the decision of the Planning Commission shall be brought in the Windemere Township Board.