

ORDINANCE NO. 865

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
AMENDING CHAPTER 38 – OFFENSES AND MISCELLANEOUS PROVISIONS OF THE
BAYPORT CITY CODE, BY ADDING ARTICLE VI. – SHORT-TERM RENTALS**

THE CITY COUNCIL OF THE CITY OF BAYPORT DOES HEREBY ORDAIN:

Section 1. The following article is added to the Bayport City Code, Chapter 38 – Offenses and Miscellaneous Provisions:

ARTICLE VI. – SHORT-TERM RENTALS

Sec. 38-90. Findings and purpose.

The city is committed to maintaining the quality of life and has a compelling interest in protecting the character of its residential neighborhoods. The city finds that short-term rentals located in residential zoning districts constitute commercial use of residential property, conflict with the residential nature of the zoning districts, disrupt the residential nature of neighborhoods, and have a negative impact on the livability of residential neighborhoods. Therefore, in order to ensure adequate and stable housing options for residents, preserve the residential character of the city’s residential zoning districts, and provide for the health, safety and welfare of its residents, the city determines that it is appropriate to limit short-term rentals to hotels, motels and similar accommodations which are appropriately zoned and have the appropriate infrastructure and services for short-term use.

Accordingly, the city deems it necessary to define and prohibit the short-term rental of residential dwelling units based on these findings:

- (a) Short-term rental of private homes for temporary occupancy threatens the essential character and stability of residential neighborhoods because short-term tenants have little interest in the welfare of the local community, do not engage in activities that strengthen residential neighborhoods, and do not integrate into residential neighborhoods.
- (b) Short-term rental of private homes for temporary occupancy disturbs otherwise stable residential neighborhoods by creating the potential for excessive noise, accumulation of refuse, trespassing, disorderly conduct, vandalism, frequent occupant turnover, increased traffic, and decreased parking.
- (c) Short-term rental of residential homes for temporary occupancy is often undertaken without adequate on-site management by the property owner or some other responsible person, compliance with state and local codes, and other safeguards.
- (d) Prohibiting short-term rental of private homes for temporary occupancy is necessary to protect the essential character of residential neighborhoods and the health, safety, and welfare of the community.

Sec. 38-91. Definitions.

For the purpose of this article, the following words and terms are defined as follows:

Operator: a property owner, person, enterprise, or agency responsible for operating a short-term rental.

Person(s): an individual or group of individuals.

Rental: an arrangement between an operator and transient whereby compensation in the form of money, goods, labor, consideration, or otherwise is charged, whether or not received, in exchange for the right to use or occupy a residential structure.

Short-term rental: a process by which any residential structure, or portion thereof, is rented to a transient for less than thirty (30) consecutive days in a residential zoning district or planned residential development zoning district.

Transient: any person who, at their own expense or at the expense of another, exercises or is entitled to occupancy or possession of a short-term rental, by reason of any rental arrangement, agreement, concession, permit, right of access, option to purchase, license, time sharing arrangement, or any other type of agreement for a period of less than thirty (30) consecutive days. Any individual who is related by blood, marriage, adoption or foster care arrangement to the property owner is not a transient.

Sec. 38-92. Short-term rental activity prohibited.

Short-term rental of any parcel zoned residential or structure operated as a residential dwelling unit or units by an operator to any transient is prohibited. State licensed hotels, motels and lodging establishments located outside residential or planned residential development zoning districts shall be regulated per Appendix B-Zoning of the Bayport City Code of Ordinances.

Sec. 38-93. Existing short-term rentals; inspection and compliance procedures.

Short-term rentals existing at the time this article is adopted, pursuant to the city enabling such ordinance, shall cease within sixty (60) days of ordinance publication. Extensions may be granted by the city administrator or his/her designee, in his/her sole discretion, for good cause and with appropriate documentation. The city may inspect a premises in existence as an unlawful short-term rental, or which is reasonably believed to be in violation of the prohibitions of this article to verify compliance. The city also may require a property owner to produce a rental agreement, lease, contract, or similar documentation to verify the subject property is not being used as a short-term rental.

Sec. 38-94. Violations and penalties.

- (a) The violation of any section of this article shall be considered a misdemeanor as defined in Chapter 25 – Prohibited Acts and Penalties of the Bayport City Code of Ordinances punishable by a fine or imprisonment, at the discretion of the court. Each day any violation of any section of this article continues shall constitute a separate offense.
- (b) The city may bring an action to restrain, enjoin or abate violations of this article.

Section 2. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council of the City of Bayport, Minnesota, this 8th day of January, 2018.

Susan St. Ores, Mayor

ATTEST:

Adam Bell, City Administrator