

ORDINANCE NO. 880

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**AN ORDINANCE AMENDING CHAPTER 13 OF THE NEW BRIGHTON CITY CODE
REGARDING PERMITTING REQUIREMENTS FOR SHORT TERM RENTALS**

THE CITY OF NEW BRIGHTON ORDAINS:

SECTION 1. Chapter 13 of the Code of Ordinances of the City of New Brighton, Minnesota, is hereby amended as follows:

Existing Article 1, General Conditions, is amended as follows:

Sections 13-1 through 13-2 are hereby restated and incorporated herein unchanged.

Section 13-3. Definitions, introductory paragraphs and definitions (1) through (24) are hereby restated and incorporated herein unchanged.

(25) Short Term Rental. A dwelling unit or portion of a dwelling unit rented for a period of fourteen (14) consecutive days or less.

Section 13-3. Definitions, existing definitions (25) through (28) are hereby restated and incorporated herein as definitions (26) through (29).

Sections 13-4 through 13-29 are hereby restated and incorporated herein unchanged.

Existing Articles 2 through 6 are hereby restated and incorporated herein unchanged.

Article 7. Short Term Rentals

Sec. 13-200. Purpose.

The purpose of this Article is to ensure that the short-term rental of a permitted dwelling unit is conducted, operated, and maintained so as not to become a nuisance to the surrounding neighborhood, or an influence that fosters blight and deterioration, or creates a disincentive for others to reinvest in the community.

Sec. 13-210. Scope.

This Article applies to any dwelling unit or portion of a dwelling unit proposed to be used as a short-term rental.

Sec. 13-220. Permit Required.

The short-term rental of any dwelling unit, or advertisement of a dwelling unit for short-term rental, shall be prohibited unless a permit authorizing short-term rental has been approved in accordance with this Article.

Sec. 13-230. Short Term Rental Permit Application.

Applications for a short-term rental permit shall be made by the fee owner or authorized representative of the fee owner of the residence proposed for use as a short-term rental. All applications for a short-term rental permit shall include:

- (1) A completed City of New Brighton application form for short-term rental permits;
- (2) Verification of authority to file the application (i.e., proof of ownership or control of the property; if not the owner of the property, the signature of the fee owner of the property);
- (3) A fee in an amount that is set forth in the City's fee schedule;
- (4) Contact information for both the owner and any authorized agent involved with the short-term rental;
- (5) The short-term rental property's address, number of bedrooms, total livable square feet, and number of off-street parking spaces;
- (6) A site plan identifying the location and number of off-street parking spaces;
- (7) Confirmation that the applicant:
 - a. Has read and understands City Code Chapter 13, Article 7;
 - b. Will post an easily accessible list of emergency contacts at the short-term rental; and
 - c. Will post an easily accessible copy of rental rules and regulations at the short-term rental.
- (8) Any other information that may be reasonably required by the City to evaluate the application.

Sec. 13-240. Short Term Rental Permit Application Review and Issuance

- (1) Approval of a short-term rental application will be granted by City staff upon confirmation that all required information and the required fee has been submitted.

- (2) If City staff determines that an application is incomplete, the applicant shall be notified of the deficiencies in the application and the date by which all deficiencies must be rectified.
- a. The permit will be issued if all deficiencies are addressed prior to the deadline.
- b. Failure to address all deficiencies by the deadline will result in denial of the permit and forfeiture of the application fee. Reapplication shall require submittal of a new application and payment of an additional fee.
- (3) If an applicant disagrees with City staff that an application is incomplete, he or she may appeal the decision to the City Council. Said decision shall be heard by the City Council at its next regular meeting.

Sec. 13-250. Reasonable Conditions.

In approving a short-term rental permit, the City may impose such reasonable conditions and requirements as it deems necessary and appropriate to ensure compliance with short-term rental requirements.

Sec. 13-260. Requirements of All Short Term Rentals

(1) Resident Agent.

- a. No short-term rental permit shall be issued without designation of a local resident agent.
- b. The resident agent must live and work within 30 miles of the dwelling unit being offered as a short term rental.
- c. The resident agent may, but is not required to be, the owner.
- d. One person may be the resident agent for multiple dwelling units.
- e. At all times, the resident agent shall have on file with the City a primary and a secondary phone number as well as a current address. The resident agent or a representative of the resident agent shall be available 24-hours a day at the primary or secondary phone number during all times that the dwelling unit is being rented to respond immediately to complaints or issues relating to the dwelling unit.
- f. The City shall be notified in writing of any change of resident agent prior to the change occurring.
- g. The resident agent shall be responsible for the activities of the tenants and maintenance and upkeep of the dwelling unit; and shall be authorized and empowered to receive the notice of violation of the provisions of City ordinances and state law, to receive orders, and to institute remedial action to effect such orders, and to accept all service of process pursuant to law.

- (2) **Documentation of Renters.** The resident agent shall maintain a list of all occupants authorized to use the short-term rental during any given rental period. The resident agent shall make the list of occupants available to City staff and/or law enforcement upon request.

(3) **In-Unit Posting.** The following information shall be posted in a conspicuous place within the short term rental:

- a. Name and contact information for the resident agent in charge of monitoring the property while renters are present.
- b. Street address of the subject property.
- c. Floor plan indicating fire exits and escape routes.

(4) **Compliance with Local Ordinances.** No owner shall undertake or allow the short-term rental of a dwelling unit in a manner that does not comply with the City Zoning Code, the City Code, including but not limited to this Article and state and federal laws and regulations.

Sec. 13-270. Effect of Short Term Rental Permit Approval.

(1) **Effective Dates.** Issuance of a short term rental permit shall authorize use of the property as a short term rental per the following guidelines:

- a. All short term rental permits issued between January 1st and October 31st of any given calendar year shall expire at midnight on December 31st of that same calendar year.
- b. Short term rental permits issued between November 1st and December 31st of any given calendar year shall authorize use of the property as a short term rental through December 31st of the following calendar year.

(2) **Non-transferable.** Sale of a property or transfer of ownership rights to a non-permit holder shall invalidate an issued short term rental permit. The new owner must apply for and receive a new short term rental permit to re-establish short term rental rights. Prospective owners wishing to establish short term rental rights on a property prior to acquisition may apply for a permit jointly with the present property owner.

(3) **Renewal.** To ensure existing permit holders can avoid a lapse in eligibility, permit holders are encouraged to apply for renewal of their permit after November 1st for the following calendar year.

Sec. 13-280. Permit Suspension or Revocation.

Any short-term rental found to be out of compliance with the requirements of Section 13-260 shall be subject to permit suspension or revocation

(1) **First Offense.** Upon determining a short-term rental property is out of compliance with any provision of Section 13-260, the property owner shall be ordered by City staff to correct the violation and take any/all appropriate actions necessary to prevent further violations. If the property owner disagrees with the order, he or she may appeal the decision to the City Council. Said decision shall be heard by the City Council at its next regular meeting.

(2) **Second Offense.** Upon determining that a second offense has occurred within 365 days of an initial offense, the permit shall be immediately suspended and directed to the City Council for reinstatement, amendment, or revocation.

(3) **Council Review.** The City Council may take action to reinstate, amend, or revoke a short term rental permit upon finding that any of the conditions set forth in Section 13-260 have been violated twice in any 365 day period. The City shall notify the short term rental permit holder, in writing, of the violations triggering the review, and the date upon which a public hearing will be held by the City Council to consider the matter. Written notice of the public hearing shall be provided to the short term rental permit holder and to all property owners within 350 feet of the property subject to the permit. Such notice shall be mailed to the last known address of the owners at least 10 days prior to the hearing. Following the hearing and subsequent discussion, the City Council may reinstate the permit, make amendments to the permit conditions including but not limited to establishing a maximum occupancy, or revoke the permit by adopting a resolution with findings of fact that include the basis for the revocation.

(4) **Effect of Revocation.**

- a. No person who has had a permit revoked under this Section shall be issued a short-term rental permit for one year from the date of revocation.
- b. A property that has had its permit revoked shall not be issued another short-term rental permit for one-year from the date of revocation.

(5) **Enforcement.**

- a. An owner, operator, tenant, or occupant of any building or property in violation of the provisions of this Article may be charged and found guilty of a misdemeanor and may be held responsible for the cost of enforcement in addition to penalties.
- b. The City may exercise any and all remedies at law or in equity to ensure compliance with this Article. All unpaid costs, charges, and penalties may be certified to the property for collection with the property taxes.
- c. The City hereby further declares that the short-term rental of a dwelling or dwelling unit in violation of this Article may constitute a public nuisance pursuant to Chapter 17 of the City Code and the City may exercise its authority to abate such nuisances.

Sec. 13-290—299 Reserved

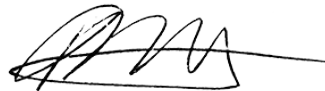
SECTION 2. The City's Adopted 2021 Fee Schedule is hereby amended to add the following fee within the "General" category of currently adopted Planning and Zoning Fees:

Short Term Rental Permit \$10

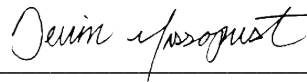
SECTION 3. Effective Date

This ordinance shall take effect upon its adoption by the City Council, its publication in the City's official newspaper.

ADOPTED this 13th day of April 2021, by the New Brighton City Council with a vote of 4 ayes and 0 nays (Abdulle absent).



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

