

**ORDINANCE NO. 2019-02**

**SYLVAN TOWNSHIP SHORT-TERM  
RENTAL ORDINANCE**

**SYLVAN TOWNSHIP  
CASS COUNTY, MINNESOTA**

Sylvan Township ordains:

Section 1. **Intent.** To establish and regulate the short-term rental of property within Sylvan Township.

Section 2. **Short-Term Rentals of Property.** (Definition) Any rental less than sixty (60) days is considered short-term and therefore requires a permit.

**2.1 Purpose.** The purpose of this section is to allow short-term rentals, where appropriate, while mitigating impacts upon surrounding properties by implementing balanced regulations to protect the integrity of the area's neighborhood as well as protect the general public health, safety, and welfare. Sylvan Township homeowners have a reasonable expectation to enjoyment of their property without interference from short-term renters.

**2.2 Requirements.** It is unlawful for any person to use property for a short-term rental unless it complies with all of the provisions of this Ordinance. Owners are only allowed one (1) short term rental unit in Sylvan Township. Ownership by LLC or other family member does not constitute a separate owner. Owner must be compliant with all Sylvan Township and Cass County taxes at time of application.

**2.2.1 Annual Permit Application.** An application for an annual short-term rental permit must be submitted on the form prescribed by the Sylvan Township Board of Supervisors. To be considered complete, the application must contain all the information requested on the application form and all of the following:

**2.2.1.1 Site Plan.** A site plan, drawn to scale, showing locations and dimensions of clearly marked property lines, parking, driveways, garbage disposal, all structures and outdoor recreational areas that guests will be allowed to use; which shall include, but are not limited to, deck/patio, barbeque grill, recreational fire pit/ring, pool/hot tub or sauna, and any other information which may be reasonably required by the Sylvan Township Board of Supervisors to evaluate the request;

**2.2.1.2 Floor Plan.** A floor plan of the home, which shall identify those rooms which will be used as guest bedrooms. Dining rooms and kitchens shall not be counted or used as a guest bedroom. In each bedroom and any room used for

sleeping, show the dimensions of egress windows on the drawing and the style of window (double hung, sliding or casement). Two (2) forms of egress will be required to be considered a legal bedroom.

**2.2.1.3 Contact Information.** The owner shall keep on file with the Township the name and telephone number of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be kept current. This information also shall be posted in a conspicuous location within the dwelling unit. The contact person must be available to accept telephone calls at all hours that the short-term rental is rented and occupied. The contact person must have access to the rental unit and be able to respond to the short-term rental within sixty (60) minutes to address issues or must have arranged for another person to address issues within the same timeframe. The requirement for identifying a contact person applies to each person or entity making arrangements for renting a given short-term rental.

**2.2.1.4 Septic Compliance Certificate.** The certificate of individual septic treatment system compliance from Cass County Environmental Services Department that is valid for three years shall accompany the application.

**2.2.1.5 Water Test.** Water must be tested annually from an accredited laboratory prior to permit renewal with the test results for nitrate-nitrogen and coliform bacteria. Water qualities must meet MN Department of Health standards for consumption for all ages.

**2.2.1.6 Parking.** A parking layout must accompany the application as part of the site plan. At a minimum, at least one parking space shall be provided for each bedroom up to three (3) bedrooms. Properties with four (4) or more bedrooms shall have the number of parking spaces equal the number of bedrooms, minus one space. It is the owner's responsibility to arrange for off site parking for excess cars and trailers when needed. All parking must be two (2) feet off roadway.

**2.2.1.7 Shoreline Setback.** Short-term rentals of existing homes must achieve at least 75% of shoreline setback required by Cass County. No variance to set back requirements shall be granted for new construction of a short-term rental. Short-term rentals also must meet impervious surface and side lot setback requirements of the Cass County Land Use Ordinance.

**2.2.1.8 Premises Inspection.** The owner agrees that the short-term rental authority designated by the Township may enter premises to confirm compliance as a condition of getting permit.

**2.2.1.9 Proof of Insurance.** Sylvan Township shall require all owners to carry one million dollars (\$1,000,000.00) of liability insurance. A certificate of insurance will be required prior to issuance of permit.

**2.2.2 Permit Fee.** The application for a permit shall not be deemed complete unless it is accompanied by payment in full of the required annual short-term rental permit application fee. The permit application fee amount will be as determined by the Sylvan Town Board in its fee schedule.

**2.2.3 Issuance.** Short-term rental permits shall be issued administratively by the short-term rental authority designated by Sylvan Township. The Sylvan Town Board of Supervisors may place conditions on the permit that they determine are reasonable and appropriate. Every short-term rental permit is conditioned on compliance with the standards and requirements of this section, this Ordinance, and all applicable federal, state, and local laws, rules, regulations, and ordinances. Each short-term rental permit shall indicate the number of bedrooms which are on the property, as determined at the time of application. No property may be rented to a number of individuals greater than the structure's bedroom and septic capacity. Application must be submitted two (2) weeks prior to the next Planning Commission meeting at which the Planning Commission will make a recommendation to the Sylvan Town Board for final determination.

**2.2.4 Permit Renewal.** Annual Short-term rental permits expire on December 31 each year regardless of when it was issued in the year. No short-term rental of a property may occur in the subsequent year until a new annual short-term rental permit has been issued for that year. Renewal application must be initiated two (2) weeks prior to the November Planning Commission meeting.

**2.3 General Standards.** The following general standards shall apply to all annual short-term rental permits issued under this section. Failure to comply with the general standards in this paragraph, or any other provision in this section, may result in the revocation of the short-term rental permit as provided in this section.

**2.3.1 Occupancy.** Maximum occupancy will be based on two (2) adult people per bedroom or the number compliant with septic capacity, whichever is smaller. Bedrooms do not include using kitchen; dining room; living room; den; or any porch for sleeping space. Children under 5 years of age do not count in the total of persons.

**2.3.1.1 Pets.** All pets must be on leash or under direct control of the owners. No pets will be allowed to enter a neighbor's property.

**2.3.2 Rental Restrictions.** Properties may not be rented or leased more than 6 rental events during the May 20 through September 10 summer season and an additional 8 rental events during the off-season.

**2.3.3 Additional Occupancy.** Occupancy by use of recreational vehicles, travel trailers, yurts, tents, accessory structures, garages, boathouses, pole barns, sheds, fish houses or similar structures is not permitted; including commercial buildings.

**2.3.4 Building/Safety Codes/Fire Inspection.** Owner will be required to have a walk through by the Pillager Area Fire Department at initial permit or within 12 months prior to the permit renewal application date.

**2.3.5 Parking/Vehicles.** Parking shall not encumber the minimum greenspace requirements for that particular zoning district and no on-street parking is allowed for guests. Parking must be setback a minimum of 5' from a property line.

**2.3.5.1 Watercraft Launching.** Any trailered watercraft (jet ski, boat, pontoon, etc.) owned by the renter must be launched from a DNR boat launch. If a DNR launch is not available, it may be launched from a private launch. At no time shall a watercraft be launched from the rental property. Wake boats are prohibited as part of the Short-Term Rental Ordinance.

**2.3.6 Signage/Lighting.** Signage for the rental property must not exceed 12 sq. ft. and must remain unlighted.

**2.3.6.1 Outside Lighting.** All outside lighting on the rental property must be down lighting. Existing lighting must be converted upon granting of permit.

**2.3.7 Non-Transferable.** Annual Short-term rental permits are non-transferable, and any such permit shall automatically terminate upon the sale or other conveyance of the property.

**2.3.8 No Vested Right.** Annual Short-term rental permits issued under this section constitute a revocable, limited right. Nothing herein shall be construed as granting a vested property right in the short-term rental of the property.

**2.3.9 Number of Bedrooms.** No permittee shall advertise the property as containing any more than the number of bedrooms identified in the short-term rental permit. The number of bedrooms, as indicated on the permit, shall be used for all calculations required herein.

**2.3.10 Guest Records.** Each permittee shall maintain a guest record for the property. At a minimum, such guest record shall include the following information on all guests staying at the property:

- 2.3.10.1 Name;
- 2.3.10.2 Address;
- 2.3.10.3 Phone number;
- 2.3.10.4 Number of guests and number of pets per stay;
- 2.3.10.5 Dates of use; and
- 2.3.10.6 Number of watercrafts supplied by renters.

**2.3.11 Annual Report.** Each permittee shall annually provide the Township with a written report at the end of every calendar year. The report shall include number of guests; number of rental events; number of watercraft and number of pets during the calendar year. Other items may be required in the future.

**2.3.12 Guest Disclosures.** Each permittee shall provide a written disclosure to each short-term rental guest. Such written disclosure shall include, at a minimum, the following information:

2.3.12.1 Name, phone number, and permanent address of the owner; and operating lessee or managing agent/representative;

2.3.12.2 The maximum number of guests permitted to stay at the property pursuant to the short-term rental permit;

2.3.12.3 The maximum number of vehicles permitted to be parked upon the property, as well as a visual display showing the permitted parking locations on the property;

2.3.12.4 A visual display along with a staked-out area showing where the property's septic system is located, if not served by municipal services, to reduce the potential of system damage;

2.3.12.5 Property rules related to use of outdoor features such as decks, patios, grills, recreational fires, pools, hot tubs, saunas, and other recreational facilities; and all rules required by the MN Department of Health must be visible;

2.3.12.6 Notice that all applicable ordinances will be enforced by the Cass County Sheriff's Department, including reduced noise levels between 10 PM and 7 AM.

2.3.13 **Display of Permit.** Each permittee shall post or publish their annual short-term rental permit number upon all print, poster, or web advertisements offering the property for short-term rental.

2.3.14 **Garbage.** All garbage must be kept in suitable containers that are stored out of view of a public street and shall be disposed of at least once a week or as guests depart the property.

2.3.15 **Additional Inspections.** Sylvan Township may conduct ongoing compliance inspections of every short-term rental property.

2.4 **Enforcement and Permit Revocation.** In the event of a violation of this Ordinance as determined by short term rental authority designated by the Township, owner will be notified and a period of thirty (30) days will begin to request a hearing for dispute of claim. the first substantiated and relevant complaint or violation shall be an administrative fine of \$500. The administrative fine for the second violation shall be \$1000. The administrative fine for the third violation shall be \$1500. In addition, upon a finding that a permittee has violated a provision of this section, this Ordinance, or the Sylvan Town Board of Supervisors on three (3) separate occasions within a twelve (12) month period, the Board of Supervisors may revoke the annual short-term rental permit. Prior to such revocation, Township staff will mail written notice of the permit violations to the permittee. The permittee shall have ten (10) business days to request a hearing regarding such revocation before the Board of Supervisors. Failure to request such a hearing shall constitute waiver of the right to be heard on such revocation. If a timely request for a hearing is received, the Board of Supervisors shall hold a hearing at a regular scheduled meeting, provide the permittee an opportunity to be heard, and shall then act on whether to revoke the annual short-term rental permit. If the Board of Supervisors does not revoke the permit, they may add conditions to the permit as they determine are appropriate to mitigate further violations.

Administrative fines will be assessed on the property taxes of the owner if not paid within ninety (90) days. The billed amount, if not paid within ninety (90) days, shall be added to the property tax roll and shall constitute a lien against the responsible person's property which shall be collected and enforced in the same manner as general property taxes pursuant to Minnesota Statute § 366.012 or any other relevant statute. This cost recovery shall be in addition to any penalty or legal or equitable remedy the Township may seek or receive for the violation of this Ordinance.

**2.4.1 Effect of Revocation.** Upon revocation of an annual short-term rental permit, the permittee shall be ineligible to apply for a new short-term rental permit for a period of twelve (12) months from the date of revocation.

**2.4.2 Violation.** Each violation of any term of this section is punishable by an administrative citation and or misdemeanor. Each day that such violation occurs shall constitute a separate offense. Failure to license as a short-term rental is considered a violation. No application will be allowed for six (6) months if found to be in violation.

**2.4.3 Complaints.** All complaints against a short-term rental shall be directed to either law enforcement or to the short-term rental authority designated by Sylvan Township. A complaint shall include the type of violation, along with the date and time it occurred.

Any person who makes a false complaint regarding a short-term rental is guilty of a misdemeanor.

**Section 3. Rental Events.** A rental event is defined as any rental to an individual party from 1 to 7 days. Every 1 to 7 days thereafter is a separate rental event.

**Section 4. Repeal.** This Ordinance shall supercede and repeal all ordinances or policies inconsistent herewith.

**Section 5. Prior Rentals.** All rentals in existence prior to this Ordinance shall be in compliance with this Ordinance by January 1, 2020. If owner chooses not to comply with this Ordinance, they must comply with Sylvan Township Commercial Ordinance.

**Section 5. Effective Date.** This ordinance shall become effective September 1, 2019 upon its passage and publication as provided by law.

Approved by the Sylvan Township Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Greg Booth, Chairperson

Attest:

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Faith Broberg, Town Clerk