

CHAPTER 909

LICENSING OF SHORT-TERM RENTALS

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909.01: PURPOSE:

The purpose of this Section is to ensure that the non-owner-occupied short-term rentals of dwelling units 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 to reinvest in the community. The operation of a short-term rental property is a business enterprise that entails responsibilities required of the owner, local agent, and guests. (Ord 1596, 2-8-2021)

909.02: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

- A. City: The City of Roseville, or the person or entity designated by the City to administer and enforce this Chapter.
- B. Family: Shall mean one of the following: (City Code Section 1001.10)
 - 1. Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care; or
 - 2. Up to four people not so related; or
 - 3. Any group of people, if no more than two adult members function as the heads of the household group and the remaining members are dependent upon them for care and direction due to age, physical disability, a mental

incompetency, or for other reasons; or

4. Any individual, who is the owner, living and maintaining a common household and using a common cooking and kitchen facility.

C. Local Agent: Owner's representative who resides in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington, and is authorized by the owner to make or order repairs or services for the property if in violation of the City or State Codes.

D. Owner: A person, agent, firm, or corporation having a legal or equitable interest in the property. In any corporation or partnership, the term owner includes general partners and corporate officers.

E. Person: Includes individual, as well as, business entities, whether one or more.

F. Rent: Includes money or services in exchange for occupation of the unit.

G. Short-Term Rental: A non-owner-occupied dwelling unit rented for a period of thirty (30) consecutive days or less. Rentals less than seven (7) consecutive days are prohibited between October 1st and May 1st and rentals less than ten (10) consecutive days are prohibited between May 1st and October 1st. The use of recreational vehicles, campers or other similar vehicles as rentals shall be prohibited. Short-term rental periods from eight (8) to thirty (30) consecutive days require a license under this Chapter.

H. Unit: All or a portion of a residential property that is arranged, designed, used, or intended to be used as separate living quarters and which is leased to an individual or group. (Ord 1596, 2-8-2021)

909.03: LICENSE REQUIRED:

A. It shall be unlawful for any person to hereafter occupy, allow to be occupied, or let to another person for occupancy any residential property within the City for which an application for a short-term rental license has not been properly made and filed with the City or after the time that a license is suspended or revoked. Applications for licensure shall be as required by Chapter 301 of City Code, and shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

1. Name, street address, email and phone number of the property owner.
2. The name, street address, email and phone number(s), of a local agent authorized to make or order repairs or services for the property, if in violation of City or State Codes, if the person is different than the owner.
3. The street address of the short-term rental property.
4. The type of units within the rental property (single family, twin-home, townhome, condo, duplex, triplex or fourplex).
5. The number of bedrooms in the unit.
6. Certification and attestation that the maximum occupancy per unit is either 4 or less unrelated adults or one family pursuant to Roseville City Codes 906.06 and 1001.10. (Ord 1596, 2-8-2021)

909.04: EXPIRATION OF LICENSE:

- A. Term: All licenses issued under this Chapter are effective upon issuance and shall expire one year (365 days) from date of issuance. All required renewal license application materials shall be received and submitted prior to the expiration date.
- B. Late fee: Any renewal license applications submitted after expiration will be considered late and subject to fee penalties.
- C. Violation: Any license not renewed after expiration, with continued short-term renting of the property, will be considered a violation of this ordinance. Renters will not be allowed to occupy a property if the renewal license is not issued within 5 days after expiration. (Ord 1596, 2-8-2021)

909.05: FEES, LODGING TAX:

- A. There shall be a license fee and late renewal fee as established by the City Fee Schedule in Section 314.05. All fees and fines shall be charged to and payable by the property owner.
- B. Pursuant to Minnesota Statutes, section 469.190, local lodging taxes shall be collected on all rentals less than 30 days in length in accordance with Chapter 312 of the City Code.
- C. Short-Term Rentals in violation of this ordinance may be subject to administrative fines, in addition to any other fees or penalties per Section 909.10 or other applicable sections of City Code. (Ord 1596, 2-8-2021)

909.06: MANNER OF LICENSURE:

- A. An owner who has an existing Short-Term Rental property as defined by this Chapter that is not already licensed under the requirements of City Code Chapter 909, must apply for licensure pursuant to this Chapter, no later than 30 days following the effective date of this Chapter.
- B. An owner of a property that after the effective date of this Chapter wishes to convert the property into a Short-Term Rental property, shall apply for and license the property prior to its conversion.
- C. If there is a change in the type of occupancy from the type stated on the license form, an amended license form shall be filed within 30 days of the change.
- D. When a previously licensed property is sold, the new owner, if continuing to offer Short-Term Rental, shall apply for a license within 30 days of the sale.
- E. Valid Short-term rental license holders shall not be required to register said rental per Chapter 907 if they enter into rental lease periods in excess of thirty (30) consecutive days.
- F. The City Manager may administratively deny a license under this Chapter if the property has been issued fines for repeat nuisance violations per City Code

Section 511.

- G. If a person is found to have engaged in rentals that require a license under this Chapter, but no license has been obtained, upon application for licensure said license shall not become effective for 90 days. (Ord 1596, 2-8-2021)

909.07 NOTICE TO RENTER, REQUIREMENT TO POST:

- A. The owner or its agent must post, in accordance with the instructions provided by the City, in each Short-Term Rental unit a current copy of the Short-term Rental License provided by the City upon issuance of license. This license shall specifically include the following minimum information:
1. The street address of the registered property; and
 2. The name, street address, email address(es) and telephone number(s) of the owner, the local agent or both as applicable; and
 3. The expiration date of the license.
- B. The owner or its agent must post in each Short-Term Rental unit a current copy of Roseville City Code Sections 405, Noise Control, 407, Nuisances, and 602, Stopping, Standing and Parking. (Ord 1596, 2-8-2021)

909.08 EXEMPTIONS:

- A. Individual sleeping rooms within an otherwise owner-occupied residence.
- B. Rentals where the owner is present for the duration of the rental.
- C. Rentals that exist solely due to “rent-back” provision of property sales.
- D. Month-to-month rental leases that originated from a lease period in excess of thirty (30) consecutive days.
- E. Accessory Dwelling Units permitted under Title 10, Zoning, of the City Code when said Accessory Dwelling Unit is not detached from the principal dwelling unit.
- F. Hotels, motels and/or similar establishments. (Ord 1596 2-8-2021)

909.09: LICENSE SUSPENSION AND REVOCATION:

- A. A Short-Term Rental license may be revoked or suspended by the City Council at any time under the provisions of this chapter, or Chapter 301 Section 301.09, for grounds including, but not limited to, the following:
1. Two or more confirmed violations of this section within 180 days, except for a single violation as outlined in paragraph B of this section.
 2. False or misleading information given or provided in connection with a license application.
 3. Failure to maintain the residential rental property in a manner that meets pertinent provisions of City Code including, but not limited to, Code

Chapters 407 and 906.

4. Violations committed or permitted by the owner or the owner's agent, or committed or permitted by the tenant or the tenant's guests or agents, of any rules, codes, statutes and ordinances relating to, pertaining to, or governing the premises including, but not limited to, the following:

- a. Minn. Stat. 609.75 through 609.76, which prohibit gambling;
 - b. Minn. Stat. 609.321 through 609.324, which prohibit prostitution and acts relating thereto;
 - c. Minn. Stat. 152.01 through 152.025 and 152.027, subs. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
 - d. Minn. Stat. 340A.401, which regulates the unlawful sale of alcoholic beverages;
 - e. Minn. Stat. 609.33, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
 - f. Minn. Stat. 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 and Chapter 103 of the City Code, which prohibit the unlawful possession, transportation, sale or use of weapon;
 - g. Minn. Stat. 609.72, which prohibits disorderly conduct;
 - h. Minn. Stat. 609.221, 609.222, 609.223, 609.2231 and 609.224, regarding assaults in the first, second, third, fourth and fifth degree.
 - i. Roseville City Code Sections: 407, prohibiting public nuisances, 405, noise control, 511, repeat nuisance, 906, property maintenance, 1004 and 1005, land use and 1018, parking.
- B. Upon recommendation by the Chief of Police, the City Manager is authorized to administratively suspend a license after a single violation that reasonably posed or poses a threat to public safety.
- C. License suspension shall be for a term not less than: 180 days for the first suspension and 365 days for the second suspension. Depending on the gravity of the offense, the Council may impose longer suspension timeframes than noted in this paragraph.
- D. License revocation shall be considered by the City Council when violations occur under paragraph A or B of this section and/or when two prior suspensions occurred under the same licensee.
- E. In order to reinstate a suspended license, the applicant shall apply following the same process as if applying for a new Short-Term Rental license. Reinstatements following suspension will only be considered when the circumstances leading to the suspension have been remedied, the suspension penalty imposed by the City

Council has been satisfied, the licensee has submitted a Mitigation Plan outlining policies and procedures to prevent violations from occurring in the future, and upon City Council approval. Reinstatement after suspension may be denied by the City Council if the licensee cannot satisfactorily meet the requirements in this paragraph.

- F. If a license is revoked, reinstatement may only be considered by the City Council if there is an ownership change. Ownership change to a family member of the prior owner, or entity affiliated with the prior owner shall not constitute compliance with this requirement.
- G. Repeat Nuisance Service Call fees shall be applied pursuant to City Code Section 511. (Ord 1596, 2-8-2021)

909.10: VIOLATION:

- A. Misdemeanor: Any person who maintains a short-term rental property without having the property licensed, or after the short-term rental license for the property has been revoked, or who permits new occupancy in violation of Section 909 is guilty of a misdemeanor and, upon conviction, is subject to a fine and imprisonment as prescribed by state law. Each day each violation continues or exists, constitutes a separate offense.
- B. Administrative fee: In addition to, or in lieu of, charging a misdemeanor, the City may impose administrative fees in an amount set in the City Fee Schedule. Each day each violation continues or exists, constitutes a separate offense.
 - 1. Upon the failure to pay an administrative fee, the City may post the dwelling unit as illegal for occupancy as a short-term rental.
- C. Prohibited occupancy: Pursuant to 909.10.B.1, the dwelling unit or portion of, may not be occupied by anyone other than the primary homestead owner and that person's immediate family until:
 - 1. The administrative fee has been paid; and
 - 2. A short-term rental license is obtained or the City is satisfied that the dwelling unit will not be used as a short-term rental dwelling unit; and
 - 3. Completion of any abatement, written compliance order, legal action from a citation or action per City Code Sections 407 and 906. (Ord 1596, 2-8-2021)

909.11: APPEALS:

- A. An Appeal pertaining to any violation, suspension, or revocation decision addressed in this Chapter may be filed by a short-term rental property owner.
 - 1. The appeal shall be submitted to the City Manager within ten (10) calendar days after the making of the order or decision being appealed.

2. The appeal shall state the specific grounds upon which the appeal is made.

3. The appeal shall be accompanied by the fee set forth in Chapter 314.

B. When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within thirty (30) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion if that information serves to clarify information previously considered by the Chief of Police and/or Community Development Director.

C. Appeals filed under this section shall require notification to properties within 350 feet of the subject property. (Ord 1596, 2-8-2021)

909.12: MAINTENANCE OF RECORDS:

All records, files and documents pertaining to the Short-Term Rental License Program shall be maintained in the office of the City and made available to the public as allowed or required by applicable laws, rules, codes, statutes or ordinances. (Ord 1596, 2-8-2021)

909.13: AUTHORITY:

Nothing in this Chapter shall prevent the City from acting under any applicable rule, standard, statute or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Chapter shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Chapter including an order prohibiting the occupancy of such rental units until violations of this Chapter have been remedied by the property owner or designated agent. (Ord 1596, 2-8-2021)

909.14: APPLICABLE LAWS:

Short-Term Rental Property shall be subject to all applicable rules, standards, statutes and ordinances governing use, maintenance and occupancy of the dwelling or dwelling unit; and this Chapter shall not be construed or interpreted to supersede any other such applicable rules, standards, statutes or ordinances. (Ord 1596, 2-8-2021)

909.15: RULES, POLICIES, PROCEDURES:

The City Council may adopt from time to time, by resolution, rules, policies and procedures for the implementation of this Chapter. Violation of any such rule, policy or procedure by a property owner shall be considered a violation of this Ordinance. (Ord 1596, 2-8-2021)

909.16: NO WARRANTY BY THE CITY:

By enacting and undertaking to enforce this Ordinance, neither the City, its designees, the City Council, or its officers, agents or employees warrant or guarantee the safety, fitness or suitability of any dwelling in the City. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the short-term rental license. (Ord 1596, 2-8-2021)

909.17: SEVERABILITY:

If any provision of this Chapter or amendment thereto, or the application thereof to any person, entity or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall remain in full force and effect and the application thereof to other persons, entities or circumstances shall not be affected thereby. (Ord 1596, 2-8-2021)