

**AN ORDINANCE OF THE CITY OF PROCTOR, MINNESOTA
CONCERNING THE PERMITTING OF
SHORT-TERM VACATION RENTALS**

The City Council of the City of Proctor does ordain as follows:

Section 1. Purpose: The purpose of this ordinance is to ensure that the short-term rental of dwelling units within the City is conducted, operated and maintained in a manner so as to protect the public health, safety and welfare of the citizens of the City of Proctor, and so as to not become a nuisance to the surrounding neighborhood.

Section 2. Definitions: The following terms, as used in this Section, shall have the meanings stated:

1. **“Dwelling.”** Any building or portion thereof which is designed for or used for residential purposes.

2. **“Dwelling unit.”** Any room or group of rooms located within a dwelling and forming a single habitable unit equipped and intended to be used for living, sleeping, cooking and eating.

3. **“On-premise sign.”** As defined in Proctor City Code, §1002.13.

4. **“Operate.”** To charge a rental charge for the use of a unit in a dwelling.

5. **“Owner.”** Any person who, alone or jointly or severally with others:

(a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, prime tenant, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Section, to the same extent as if such person were the owner.

6. **“Person.”** Any individual, firm, corporation, association or partnership.

7. **“Recreational Vehicle.”** The term “recreational vehicle” means any of the following:

(a) **“Travel Trailer”** – vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified “Travel Trailer” by the manufacturer of the trailer.

(b) **“Pick-up Coach”** – A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

(c) **“Motor Home”** – A portable, temporary building to be used for travel, recreation and vacation, constructed as an integral part of the self-propelled vehicle.

8. **“Short-term rental.”** The rental or lease of a dwelling unit, in whole or in part, for thirty (30) days or less.

9. **“Short-term rental permit.”** The permit issued by the City for the rental or lease of a dwelling unit, in whole or in part, for thirty (30) days or less.

10. **“Solid waste.”** Garbage, refuse or any other discarded solid organic or inorganic materials.

11. **“Tenant.”** Any person who is occupying a dwelling unit in whole or in part under any agreement (written or oral), lease or contract.

Section 3. Exemptions. This Ordinance shall not apply to hospital units or rooms, nursing homes, retirement homes, hotels, motels, bed and breakfasts, or other similar rental space that is otherwise licensed by the State of Minnesota or the City of Proctor.

Section 4. License Required. No owner shall undertake the short-term rental of any dwelling unit to a tenant or tenants unless properly permitted by state, county and any other governmental regulations, and as hereinafter provided.

Section 5. Application. An owner desiring to undertake or allow the short-term rental of a dwelling unit in the City shall apply for a short-term rental license. The application shall be submitted by the owner. The permit application shall be on a form prescribed by the City and shall include all required information.

Section 6. Lodging Tax. Short-term rentals are subject to lodging tax as provided for in the City of Proctor City Code. An application for a short-term rental license must be accompanied by a lodging tax form as prescribed by the City including all required information. A short-term rental permit holder is required to file monthly lodging tax reports.

Section 7. Expiration of License. Short term rental license shall expire annually on December 31st of each year unless suspended or revoked as provided for in this Ordinance.

Section 8. Renewal of License. Applications for renewal of an existing short-term rental license must be made at least sixty (60) days prior to the expiration of the current short-term rental license. All such applications shall be made to the City on forms provided by the City.

Section 9. Permitted Premises. Short-term rentals shall only be licensed for dwelling units located on conforming lots as defined in the City of Proctor Zoning Ordinance. All licensed premises must be hooked up to City water and sewer services.

Section 10. Recreational Vehicles. The short-term rental of recreational vehicles parked or otherwise located on property outside of designated campsites within the City is prohibited.

Section 11. Licenses Not Transferable. No short-term rental licenses shall be transferable to another person or another dwelling unit. Every person holding a short-term rental license shall give notice in writing to the City within five (5) business days after having legally transferred or otherwise disposed of the legal control of any dwelling unit for which a short-term rental license has been issued. Such notice shall include the name and address of the person succeeding to the ownership or control of such dwelling unit.

Section 12. Registered Agent Required. No short-term rental permit shall be issued without the designation of a local agent. The agent must live and work within 30 miles of the dwelling unit. The agent may, but is not required to be, the owner. One person may be the agent for multiple dwelling units. At all times, the agent shall have on file with the City a primary and secondary phone number as well as current address. The agent or a representative of the agent shall be available 24 hours a day during all times that the dwelling unit is being rented as the primary or secondary phone number to respond immediately to complaints and contacts relating to the dwelling unit. The City shall be notified in writing within five (5) business days of any change of agent. The agent shall be responsible for the activities of tenants and the maintenance and upkeep the dwelling unit and shall be authorized and empowered to receive notice of a 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 service of process pursuant to law.

Section 13. Responsibility of Owners. No owner shall undertake or allow the short-term rental of a dwelling unit that does not comply with all applicable City ordinances, the laws of the State of Minnesota, and this Section. It shall be the owner's responsibility to ensure compliance with the following:

(a) Maintenance Standards. Every dwelling unit used for short-term rental shall conform to all building and zoning requirements of the City of Proctor and laws of the State of Minnesota.

(b) Parking. All short-term rentals shall have its own designated off-street parking and own drive not shared with another dwelling or business.

(d) Signs Prohibited. On-premise signs are prohibited.

(e) Tenants. Owner or registered agents shall maintain a list of all current and prior tenants of each dwelling unit, including dates stayed at the dwelling units. The owner or registered agent shall make the list available to City staff and/or law enforcement upon request.

(f) Emergency Contact. The owner shall post within the dwelling unit the name, address, email and primary and secondary telephone number of the owner or any registered agent that can be utilized twenty-four (24) hours a day by tenants or their guests.

(g) Noise Standards. Quiet hours shall be between 10 p.m. and 8 a.m. Any outdoor amplified sound during this time that can be heard by neighboring property owners is prohibited.

(h) Solid Waste. Owner shall ensure that appropriate solid waste and/or recycling bins are available for use by tenants and guests and shall not be stored in public view.

(i) Posted Notice. Owner shall post within the dwelling unit, notice of all use restrictions as set forth in this Ordinance.

Section 14. Disorderly Conduct Prohibited. Disorderly conduct is prohibited on all permitted premises. It shall be the responsibility of the owner to ensure that all tenants occupying the permitted premises and their guests conduct themselves in such a manner as not to cause the permitted premises to be disorderly. For purposes of this section, disorderly conduct refers to any disorderly conduct violation under Minnesota Statutes or City of Proctor Ordinances.

Section 15. Permit Revocation. Every short-term rental permit is subject to revocation for violations of this Section or any other provision of Minnesota or City of Proctor Ordinances.

A. Violations. Violations of this Section shall be reported to the City Clerk's Office and Orr City Council. The City Council shall review the violation and provide written notice to the permit holder of the violation and any necessary remedial actions.

B. Revocation. If a license holder fails to correct a violation or receives three (3) violations within any twelve (12) month period, the City Council shall recommend revocation of the short-term rental license. The City Council and City Clerk shall provide written notice to the owner and any registered agent of the revocation. The notice shall inform the owner and agent of the right to appeal the decision of the Proctor City Council.

C. Appeal. A license holder aggrieved by the revocation of a short-term rental license may appeal to the City Council. Such appeal shall be taken by filing with the City Clerk's office within ten (10) days after date of issuance of the written revocation notice, a written statement requesting a hearing before the City Council and setting forth fully the grounds for the appeal. A hearing shall be held within thirty (30) days of receipt of the request. Notice of the hearing shall be given by the City Clerk in writing, setting forth the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the permit holder at his/her last known address at least five (5) days prior to the date set for hearing.

D. Effect of Revocation. If a short-term rental permit is revoked, it shall be unlawful for anyone to thereafter allow any new short-term rental occupancies of the dwelling unit until such time as a valid short-term rental permit is issued by the City. 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.

Section 16. Violation. Any person who undertakes or allows any violation of this section shall be guilty of a misdemeanor.

Section 17. Zoning. Short-term rentals shall only be allowed uses in R-3 zones and up, and shall only be allowed pursuant to conditional use permits. Further, the conditional use permit issued to a licensed short term rental owner shall cease if the property is sold, either through a conveyance or through the conveyance of a controlling interest in a business entity.

Section 18. Current Short-Term Rentals. Existing short-term rental properties which are not in an allowed zone shall only be permitted to operate as a short-term rental for an additional period of six (6) months after the passage of this ordinance. Existing short-term rental properties which are in zones permitted by this ordinance shall only be permitted as allowed herein, by obtaining a conditional use permit and licensure.