

**GREATER BEMIDJI AREA JOINT PLANNING BOARD  
BELTRAMI COUNTY, MINNESOTA  
ORDINANCE NO. 2021-02**

**AN ORDINANCE AMENDING SECTION 1020 – SPECIAL PROVISIONS  
FOR SHORT TERM RENTALS**

**THE GREATER BEMIDJI AREA JOINT PLANNING BOARD ORDAINS:**

**Section I.** Article I, Section 109, of the Greater Bemidji Area Zoning and Subdivision Ordinance is hereby amended by adding, modifying, or replacing the following definitions into the alphabetical order of the section:

Replacing - “Family, Rental” with:

“Long-Term Rental” A dwelling unit, guest cottage, or structure designated or used for residential occupancy by a) one family or an individual or group of two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; b) or a group of not more than four (4) persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit who rent or lease for a period of more than thirty (30) consecutive days at a time.

Modifying – “Short Term Vacation Rental” with:

“Short-Term Rental” A dwelling unit, guest cottage, a structure designated or used for residential occupancy or portion of said structure, rented for a period of less than thirty (30) consecutive days. In which: (1) contains rooms furnished for the purposes of providing lodging to transient guests; (2) is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are available for pay or compensation by transient guests. This term does not include bed and breakfasts, motels, hotels, or resort rooms.

Adding –

“Transient Guest” A person who occupies a short-term rental for not more than 30 consecutive days.

“Special Events” Are events, weddings, receptions, large parties or gatherings, business meetings, or similar activities on the premises of more than four (4) un-registered guests.

**Section II.** Section 1020 of the Greater Bemidji Area Zoning and Subdivision Ordinance is hereby amended by deleting it in its entirety and replacing it with the following:

## **SECTION 1020: SHORT TERM RENTALS**

- A. 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 neighborhoods as well as protect the general public health, safety and welfare.
- B. 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 paragraph and this ordinance.
  1. Zoning Districts. Short-Term Rentals are only allowed within one of the following zoning districts; all other zoning districts are prohibited:
    - a. R-1, R-2, R-3, R-4, R-5, and R-6.
  2. Annual Short-Term Rental Permit. An annual short-term rental permit must be obtained from the Planning Administrator in accordance with paragraph C of this section.
  3. Compliance and Additional Approvals. The short-term rental must be conducted in accordance with this section and all applicable federal, state, and local laws, rules, regulations, and ordinances. All other approvals that may be required to use the

property for a short-term rental must be obtained including, but not limited to, a license from the Minnesota Department of Health.

- C. **Short-Term Rental Permit.** No property may be used for a short-term rental without first obtaining a Short-Term Rental Permit from the Planning Administrator. A request for a Short-Term Rental Permit shall be submitted and processed in accordance with this Section. A Short-Term Rental Permit shall terminate upon a change in ownership of the property for which it is issued, and the new owner shall pay all fees that would be required for any new application for a Short-Term Rental Permit.
1. **Requirements before Applying.** No application for an initial short-term rental permit shall be accepted or deemed complete until all of the following have occurred:
    - a. A pre-application meeting between the administrator, any applicable city department staff, local government staff, state agency staff, and the property owner to confirm the property is zoned correctly, is suitable for use as a short-term rental, and application is complete.
    - b. The property has been reviewed and is in compliance with local fire code and, if needed, all required corrective actions have been completed and verified; and
    - c. The property has been reviewed and/or inspected by the Minnesota Department of Health and, if needed, all required corrective actions have been completed and verified.
  2. **Initial Permit Application.** An application for a short-term rental permit must be submitted on the form prescribed by the Administrator. The application form shall include information on the items to be reviewed as part of the required review/inspections. To be considered complete, the application must contain all the information requested on the application form and all of the following:
    - a. A site plan, drawn to scale, showing parking, driveways, all structures and outdoor recreational areas that guests will be allowed to use, which shall include, but not be limited to, deck/patio, barbeque grill, recreational fire, pool/hot tub or sauna, and any other information which may be reasonably required by the Planning Administrator to evaluate the request;
    - b. A floor plan of the home, which shall identify those rooms which will be used as guest bedrooms. Dining rooms, closets, and kitchens shall not be counted or used as a guest bedroom. Dimensions of the bedrooms shall be included and access points, doors and windows, shall be included. Homes and

bedrooms must be in compliance with all applicable Building Codes, the Planning Administrator reserves the right to request a home inspection from the third party inspector;

- c. If not serviced by municipal sewer, then a Current SSTS Certificate of Compliance shall be submitted;
  - d. Certification that the property has passed the review/inspections by the Bemidji Fire Department and the Minnesota Department of Health;
  - e. A copy of the review/inspection reports from the Bemidji Fire Department and the Minnesota Department of Health. At least one of the reports shall identify the number of bedrooms contained on the property; and
  - f. Certificate of insurance showing the types and amounts of insurance coverage for the property complying the Department of Health requirements.
  - g. Contact information and signed document of understanding or consent for a local managing agent or local contact, if different than the property owner.
3. **Renewal Permit Application.** An application for a short-term rental annual renewal permit must be submitted on the form prescribed by the Administrator. The application form shall include information on the items to be reviewed as part of the required review/inspections. To be considered complete, the application must contain all the information requested on the application form and all of the documentation from the original short-term rental application adding or correcting any changes and updating those said documents.
  4. **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 amounts will be as determined by the Joint Planning Board in its fee schedule.
  5. **Issuance.** Short-term rental permits shall be issued administratively by the Planning Administrator. The Planning Administrator may place conditions on the permit as the Planning Administrator determines are reasonable and appropriate. Every short-term rental permit is conditioned on compliance with the conditions placed on the permit. Each short-term rental permit shall indicate the number of bedrooms and parking spaces which are on the property, as determined at the time of the required review.
  6. **Neighbor Notification.** Within ten (10) days of the issuance of an annual short-term rental permit, the JPB staff shall mail written notice of the issuance of the permit to all property owners within five hundred (500) feet of the permitted property. Such

distance shall be calculated by drawing a radius around the permitted property, with only those properties which are located within such radius receiving written notice. Failure of an owner to receive the notice does not affect the validity of the short-term rental permit. The notice shall include, at a minimum, the following:

- a. Name of permittee;
  - b. Address of the permitted premises; and
  - c. Phone number of the permittee and/or local managing agent/contact.
  - d. The process for filing a complaint against the rental, to include, but is not limited to, the contact information of the local manager or agent of the rental.
7. **Permit Renewal.** Short-term rental permits expire on December 31 of 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.
- D. **General Standards.** The following general standards shall apply to all short-term rental permits issued under this section. Failure to comply with the conditions placed on the permit, may result in the revocation or suspension of the short-term rental permit as provided in this section.
1. **No Physical Alterations.** No physical alterations of a short-term rental shall be permitted in conjunction with the operation of a short-term rental, except that a) additional on-site parking may be provided, to the extent that such parking is otherwise permitted by the applicable provisions of this Ordinance and/or b) any updates, alterations or changes to the structure or site is to bring said structure or site into compliance with not limited to, standards, codes, regulations and ordinances. Parking requirements shall adhere to Article X.
  2. **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.
  3. **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.
  4. **Insurance Confirmation.** The permittee must, upon reasonable request, confirm that the insurance coverages for the property identified in the certificate of insurance provided with the permit application remains in place.

5. **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.
6. **Parking Requirements.** Short-term rentals shall comply with the following parking requirements as well as Article X:
  - a. All guest parking must be accommodated on improved surfaces on the premises and shall comply with all parking standards in accordance with Article X. No on-street parking is allowed for guests. 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.
  - b. Parking shall not encumber the minimum greenspace requirements for that particular zoning district and adhere to Landscaping regulations. Parking conditions may be placed on the property through the permit process. Parking shall not encumber ingress and egress of the neighborhood or right-of-ways.
7. **Length of Occupancy.** The short-term rental is defined by the maximum length of stay of thirty (30) consecutive days. If guests stay longer than thirty (30) consecutive days, then the property owner/applicant will need to apply and be granted a rental property permit at time of the short-term rental permit process, if within the City limits.
8. **Limit on the Number of Guests.** The maximum number of guests permitted to stay within a short-term rental during one rental period shall be the sum of the number of bedrooms contained in the building multiplied by two. Such sum shall include adults and children.
9. **Guest Records.** Each permittee shall maintain a transient guest record for the property. At a minimum, such guest record shall include the following information on all guests staying at the property:
  - a. Name;
  - b. Address;
  - c. Phone number;
  - d. Number of guest per stay; and
  - e. Record of lodging tax collected.

10. **Annual Report.** Each permittee shall annually provide the JPB staff with a written report at the end of every permit term. The report shall include a copy of guest records for each stay. Failure to submit an annual report to JPB staff shall result in revocation or nonrenewal of the short-term rental permit.
  
11. **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:
  - a. Name, phone number, and permanent address of the owner; and operating lessee or local managing agent/representative;
  - b. The maximum number of guests permitted to stay at the property pursuant to the short-term rental permit;
  - c. 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;
  - d. 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 the system being damaged;
  - e. Property rules related to use of outdoor features such as but not limited to, decks, patios, grills, recreational fires, pools, hot tubs, saunas, and other recreational facilities;
  - f. Notice that all nuisance ordinances will be enforced by the Bemidji Police Department or the Beltrami County Sheriff's Department, including reduced noise levels between 10 PM and 7 AM.; and
  - g. Notice of any current burning or water use restrictions, as may be imposed by the municipality or other government agency in effect during the duration of the guest occupancy
  - h. Notice that no "Special Events" (see definition in Section 109) are allowed to be hosted by a guest on the premises of a short-term rental. Events hosted by the property owner are allowed, but must abide by all applicable ordinances and policies, and obtain all required approvals.

12. **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.
  13. **Proximity of Assistance.** The permittee must designate a local managing agent or a local contact who resides within thirty (30) minutes travel time of the property who can respond 24-hours-a-day to any complaints or to offer any assistance upon request. The permittee shall notify and provide the JPB within ten (10) days of a change in the local managing agent or local contact. Within ten (10) days of such notice, the JPB staff shall send the updated contact information for such person(s) to those properties within a five hundred (500) foot radius provided written notice of the issuance of a short-term rental permit under this section.
  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 guest depart the property. Any excessive trash or debris will need to be removed from the property by the property owner or local contact within a week of the guests stay. Property shall adhere to this ordinance.
  15. **Signage.** One (1) informational sign is allowed on the property of a short-term vacation rental that does not exceed three (3) square feet. The sign shall comply with all setback requirements in its applicable zoning district and in conformance to Article VII.
  16. **Additional Inspections.** The JPB may, as a condition of every short-term rental permit, conduct ongoing compliance reviews/inspections of the property or conduct a compliant/violation inspection of the property.
  17. **Local Lodging Taxes.** In addition to state sales-use tax, the permittee/applicant is required/responsible to pay all federal, state, and local taxes.
  18. **Long-Term Rentals.** A permittee that is permitted to operate a short-term rental in the City of Bemidji must also obtain a long-term rental permit from the City of Bemidji, if the permittee desires to rent out the property to one (1) party for longer than thirty (30) consecutive days. An annual short-term rental permit and a long-term rental permit are not interchangeable.
- E. **Enforcement, Permit Suspension, and/or Revocation.** Upon a finding that a short-term rental has violated any provision of this Ordinance, or any and all applicable federal, state, and local laws, rules, regulations, and ordinances, on three (3) separate occasions within a twelve (12) month period, the Planning Administrator may revoke or suspend the annual short-term rental permit.



1. **Permit Suspension.** Prior to such revocation, the JPB staff shall mail written notice of the permit violation and suspension to the permittee and local contact. The permit will be suspended until the violation has been corrected or the permittee has contacted JPB staff and has an agreement or plan of action with the Administrator. No guests will be allowed on the property during the suspension period.

a. Violation is a Misdemeanor. Each violation of any term of this section shall constitute a misdemeanor. Each day that such violation occurs shall constitute a separate offense.

2. **Request Hearing for Revocation.** The permittee shall have ten (10) days to request a hearing regarding such revocation before the Joint Planning Board. 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 Joint Planning Board shall hold a hearing at a regular 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 Joint Planning Board does not revoke the permit, it may add conditions to the permit as it determines is appropriate to mitigate further violations.

a. **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.

3. **Complaints.** All complaints against a short-term rental shall first be directed to the property owner, local managing agent or a local contact. In cases of immediate health and safety of people and property, contact emergency services. If the property owner, local managing agent or the local contact fail to respond to the complaint, then the complaint shall be addressed to JPB staff. A complaint shall include the type of violation, and details of the violation along with the date and time it occurred.

**Section III. Effective Date.** This ordinance shall become effective upon its passage and the first day of publication.

Adopted this 11th day of August, 2021.

**Ayes:** Prince, Erickson, Kelly, Frenzel, Rivera.

**Nays:** None.

**Absent:** None.

**Joint Planning Commission Public Hearing & Recommendations:** May 27, 2021

Joint Planning Board Meeting: August 11, 2021.

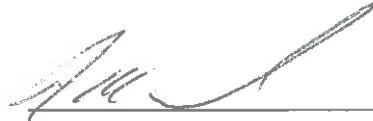
**ATTEST:**



---

Jamin Carlson, Planning Director

**APPROVED:**



---

Jess Frenzel, Chairperson