

CITY OF PLYMOUTH

ORDINANCE No. 2023-05

ORDINANCE AMENDING CHAPTER IV BUILDING, HOUSING AND CONSTRUCTION REGULATIONS AND CHAPTER X LICENSES AND PERMITS; PROCEDURES AND FEES OF THE PLYMOUTH CITY CODE

THE CITY OF PLYMOUTH, MINNESOTA ORDAINS:

SECTION 1. Chapter IV, Building, Housing, and Construction Regulations of the Plymouth City Code is hereby amended by adding Section 411. - SHORT-TERM RENTAL LICENSING as follows:

SECTION 411. - SHORT-TERM RENTAL LICENSING

§ 411.00. - PURPOSE.

It is the purpose of this ordinance to protect the public health, safety and welfare of our community members and visitors by maintaining standards for operating accommodations at residential dwellings defined in this section as short-term rentals.

411.05. - DEFINITIONS.

For the purposes of Section 411.00 et seq., the terms defined in this Section shall have the meanings given them in the subdivisions which follow:

Subd. 1. **Short-Term Rental.** Accommodations at a residential dwelling property, or unit of a residential dwelling, that is rented for a duration of less than 30 days at one time. Short-term rental does not include properties meeting the definition of "Hospitality Accommodation" in Section 435.

Subd. 2. **Operate.** As used in this ordinance, the term "operate" means to charge a rental charge or other form of compensation for the use of a short-term rental.

411.10. - LICENSE REQUIRED.

No person, firm, partnership, corporation or other legal entity shall operate a short-term rental in the city without first having obtained a license. The license is issued annually and is not transferable. Owner occupied dwellings are exempt from licensing.

411.15. - APPLICATION FOR LICENSES.

Applications for licenses shall be made in writing on forms provided by the city and accompanied by the fee amounts as established by the council. Such application shall be submitted at least 60 days prior to the expiration date of the license, and shall specify the following:

Subd. 1. The application shall include, but is not limited to, requiring the full name of the applicant, property owner, and property manager/agent; the applicant, owner, and property

manager/agent business address, e-mail address, and telephone numbers including a 24-hour contact phone number; the name of the proposed license holder; and the address for which the license is sought. The completed application along with the application fee shall be submitted to the city for review.

Subd. 2. In cases where the owner of a dwelling resides outside of the 11-county metropolitan area consisting of the following counties: Hennepin, Anoka, Washington, Ramsey, Dakota, Scott, Carver, Wright, Sherburne, Isanti, or Chisago; the owner's agent/contact person shall reside within the 11-county area.

Subd. 3. If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, and telephone number of such agent.

Subd. 4. Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address and telephone number, and a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (1) above.

Subd. 5. If the City Manager or designee determines that an application is incomplete, he or she shall return the application to the applicant with notice of the deficiencies. Should any application information change during the license period, the applicant shall notify the city within seven business days. Failure to do so may be considered a license violation.

Subd. 6. In the event that any of the information required to be provided by this Section changes, the applicant or licensee shall, within ten days, notify in writing the Code Official of the change. However, if the natural person designated in Subdivision 3 changes, the licensee or applicant shall file an entirely new application within ten days. Furthermore, for just cause, the Code Official may request that an applicant or licensee complete and file a new or replacement application for any short-term rental, giving the licensee or applicant a minimum of ten days to comply.

Subd. 7. Properties identified as operating a short-term rental without a license may be given a compliance period to apply for and obtain a license. During the compliance period all operations must cease unless a temporary license is granted. After the compliance period, a short-term rental found to be operating in lieu of obtaining proper licensure requirements will be subject to penalties as determined in Chapter X.

Section 411.42 shall apply to a short-term rental as if the dwelling has a license in the instance where the dwelling was rented without a license as required by Section 411 but is within 365 days of filing an application for a license. If there have been two or more instances of conduct deemed to be disorderly under Section 411.42 during the 365 days prior to filing the application, the short-term rental license shall not be issued until 365 days have elapsed since the last violation. If there has been one instance of disorderly conduct during the prior 365 days, the license may be issued but the instances of disorderly conduct shall apply to the license.

411.20. - TEMPORARY LICENSES.

The Code Official may issue a temporary license to the owner of a short-term rental who has submitted an application and paid the license fee. A temporary license shall authorize the continued operations of the short-term rental in actual existence, pending issuance of a license. A temporary license shall authorize continued operations, which shall be inspected pursuant to Section 411.32. A temporary license indicates only that the owner has submitted an application for a license and paid the required fee, and that the license shall be issued or denied after the building has been inspected for compliance with the minimum standards set forth in Section 411.40. A temporary license is not a determination that the building complies with the housing maintenance code or minimum standards set forth in Section 411.40.

411.23. - MANDATORY TRAINING.

The owner or property manager of a short-term rental must complete training approved by the Public Safety Department prior to the issuance of an initial rental license, or upon any change in property ownership.

411.25. - LICENSE RENEWAL.

Notwithstanding the application signature requirements of Section 411.20, renewals of the license as required annually by this Code may be made by filling out the required renewal form furnished by the city to the owner, operator or agent of a short-term rental and provide said form together with the required registration fee to the city.

411.30. - LICENSE FEES.

Rental license fees, penalty fees, and reinstatement fees are set forth in Chapter X.

411.32. - INSPECTIONS REQUIRED.

Pursuant to this Section, the Code Official shall make inspections to determine the condition of short-term rental located within the city for the purpose of enforcing the rental licensing standards. Inspection is required prior to initial issuance of the license. The Code Official or designated representative may enter, examine and survey at all reasonable times all short-term rentals and premises after obtaining consent from an owner or occupant of the premises. In the event that an occupant of the premises does not consent to entry by the Code Official or designate representative, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises.

411.35. – POSTING AND PUBLIC NOTICE.

Subd. 1. Every licensee of a short-term rental shall post the annual license issued by the city. The annual license shall be conspicuously posted by the registrant in the main entryway of the short-term rental for which they are issued and shall include contact information for the owner or agent.

Subd. 2. Upon issuance of an initial license, the city shall notify by mail all properties within 200 feet of the short-term rental.

411.37. – NOTICES TO LICENSEE.

Whenever a notice is required to be sent to or served upon the licensee of a short-term rental under this Section, notice shall be deemed sufficient if sent by certified mail to the owner or owner's designated agent at the address specified in the last license application filed with the city. If a notice sent to the address specified in the last license application is returned, and the owner or owner's agent cannot be found, then notice shall be sent to the person designated in the last license application as responsible for the maintenance and management of the premises, or any other known caretaker or manager, and a notice shall also be posted on the building.

411.40. – MAINTENANCE STANDARDS.

Every short-term rental shall maintain the standards in Chapter 405 Property Maintenance Code in addition to any other requirement of the ordinance of the city or special permits issued by the city, or the laws of the State of Minnesota.

411.41. – HOME OCCUPATION PROHIBITED

Use of short-term rentals for a Home Occupation is prohibited.

411.42. - CONDUCT ON LICENSED PREMISES.

Subd. 1. It shall be the responsibility of the licensee to take appropriate action to prevent conduct that disturbs or diminishes the health and welfare of the neighborhood community such as violations of City Code 960, incidents of nuisance service calls as defined by Section 960 or any other relevant criminal state statutes. It shall not be necessary that criminal charges are brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this Section.

Subd. 2. Upon determination by the Compliance Official that a licensed premises was used in a disorderly manner, as described in Subdivision 1, the city shall notify the licensee by certified mail of the violation and direct the licensee to take appropriate action to prevent further violations. The licensee must submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the city within seven days of receipt of the notice (excluding holidays) of disorderly use of the premises and shall detail all actions taken by the licensee.

Subd. 3. If another instance of disorderly use of, the licensed premises within 365 days after the first instances of disorderly use for which a notice was sent, licensee for the premises may be fined or have their license denied, revoked, suspended, placed on probation, or not renewed. An action to fine, deny, revoke, suspend, place on probation, or not renew a license under this Section shall be initiated by the city in the manner described in Section 411.45, and shall proceed according to the procedures established in Sections 411.45 and 411.50. If a serious incident deemed detrimental to public safety occurs, notice of a prior incident of disorderly use is not necessary for the same consequences listed within this subdivision to apply.

411.45. – FINE, REVOCATION, SUSPENSION, OR PROBATION.

Subd. 1. Every license issued under this ordinance is subject to the right, which is hereby expressly reserved, to fine, suspend, revoke, or place on probation the same should the license holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain short-term rentals contrary to the provisions of this ordinance or any other ordinance of the city or any special permit issued by the city or the laws of the State of Minnesota.

Subd. 2. The license may be fined, suspended, revoked, or placed in a probation status by the Council after a written notice is sent to the license holder specifying the violations that are the cause for the action. This notice shall also specify the date for hearing before the Council, which shall not be less than ten days from the date of the notice.

Subd. 3. At such hearing before the Council, the license holder or their attorneys may submit and present witnesses on their behalf.

Subd. 4. After a hearing the Council may fine, suspend, revoke, or place on probation the license if they deem it necessary to protect the public health, safety or general welfare. Applicable fines are defined in Chapter X.

411.50. - SUMMARY ACTION.

Subd. 1. When the condition of the short-term rental of any license holder or their agent, representative, employee or lessee is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the Compliance Official shall have the authority to temporarily suspend, summarily condemn or close off such area of the short-term rental.

Subd. 2. Any person aggrieved by a decision of the Compliance Official to suspend the license shall be entitled to appeal to the Council immediately, by filing a Notice of Appeal. The City Manager shall schedule a date for hearing before the Council and notify the aggrieved person of the date.

Subd. 3. The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action.

Subd. 4. The decision of the Compliance Official shall not be voided by the filing of such appeal. Only after the Council has held its hearing will the decision of the Compliance Official be affected.

411.55. - APPLICABLE LAWS AND ENFORCEMENT.

Licenses shall be subject to all of the ordinances of the city and the State of Minnesota relating to dwellings; and this ordinance shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

Subd. 1. Any person who violates a provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offences. Each act of violation and every day on which a violation occurs or continues is a separate violation..

SECTION 2. Chapter X, Licenses and Permits; Procedures and Fees, Section 1005.25. – Temporary Suspensions, of the Plymouth City Code is hereby amended, with existing text, ~~deleted text~~, and new text, as follows:

§ 1005.25. - TEMPORARY SUSPENSIONS.

The Council may temporarily suspend a license pending a hearing on revocation or suspension when in its judgment the public health, safety and welfare is endangered by the continuance of the licensed activity.

Exception: A Short-Term Rental Dwelling License may be temporarily suspended by the Compliance Official according to Section 411.50., Subd. 1.

SECTION 3. Chapter X, Licenses and Permits; Procedures and Fees, Section 1010.01. – Fees, of the Plymouth City Code is hereby amended, with existing text, ~~deleted text~~, and new text, as follows:

§ 1010.01. – FEES

Subd. 10. Rental Dwellings.

Type of License	Fee
A. One Family Dwelling	\$150.00/3 years
B. Two Family Dwelling	\$225.00/3 years
C. Condominium Dwelling Unit	\$150.00/3 years
D. Three Family Dwelling	\$100.00
E. Four Family Dwelling	\$125.00
F. Five or More Family Dwelling	\$100.00 per Complex plus \$6.00 per Rental Unit
G. Reinspection Fee	\$40.00 per Inspection
<u>H. Investigation fee for unlicensed rental dwelling</u>	<u>\$500.00 first offence</u> <u>\$1,000 second offence within 365 days</u>

Subd. 11. Short-Term Rental Dwellings.

<u>Type of License</u>	<u>Fee</u>
<u>A. One Family Dwelling</u>	<u>\$150.00/1 year</u>
<u>B. Two Family Dwelling</u>	<u>\$225.00/1 year</u>
<u>C. Condominium Dwelling Unit</u>	<u>\$150.00/1 year</u>
<u>G. Reinspection Fee</u>	<u>\$60.00 per Inspection</u>
<u>H. Investigation fee for unlicensed rental dwelling</u>	<u>\$500.00 first offence</u> <u>\$1,000 second offence within 365 days</u>
<u>J. 1st Council Hearing</u>	<u>\$500.00</u>
<u>K. 2nd Council Hearing</u>	<u>\$1,000.00</u>
<u>L. 3rd Council Hearing</u>	<u>Revocation</u>

Subd. ~~11-12.~~ **Gambling Investigation Fee.**

<u>Type of License</u>	<u>Fee</u>
<u>Investigation Fee</u>	<u>\$250.00</u>

SECTION 4. This ordinance shall be effective August 1, 2023.

ADOPTED by the City Council this 27th day of June, 2023.

By _____
Jeffry Wosje, Mayor

ATTEST:

Jodi Gallup, City Clerk