

ORDINANCE NO. 199, 2ND SERIES

AN ORDINANCE OF THE CITY OF WINDOM, MINNESOTA, ADDING
NEW LANGUAGE AND SUBSECTIONS

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, ORDAINS:

WHEREAS, City Code Section 90.02, entitled “Public Nuisances Affecting Health”, needs to be amended to add language concerning spills of hazardous substances and remediation; and

WHEREAS, requests for use of residential properties as short-term rental properties and requests for zoning approval for these properties have been received by the City and language needs to be added to the City Code to address this type of rental use.

NOW, THEREFORE, THE CITY OF WINDOM, MINNESOTA, HEREBY AMENDS THE CITY CODE OF THE CITY OF WINDOM BY ADOPTING REVISIONS TO THE FOLLOWING CODE SECTIONS:

City Code Section 90.02, entitled “**Public Nuisances Affecting Health**”, outlines “acts, commissions, places, conditions and things” that are “specifically declared to be public health nuisances”.

1. **City Code Section 90.02** is amended to add the following language as a new Subsection:

(H)(1) The dumping or spillage of grease, gasoline, diesel, oil, or other fluids used in vehicles, recreational equipment, and landscape equipment or similar equipment; petroleum products; asphalt emulsion (sealcoating, etc.); cooking oils; animal fats, oils and grease; paints, varnishes, lacquers, glues, polishes, solvents, or similar products; or any other hazardous substances on private or public property;

(2) The failure to clean up, remove, and properly dispose of the dumped/spilled hazardous substances set forth in Subsection (H)(1) and/or the failure to clean up the area contaminated by the dumping or spillage of such substances including, but not limited to, the removal and proper disposal of contaminated soil. Proper cleanup and disposal shall be as determined by the Minnesota Pollution Control Agency and other agencies/authorities regulating the remediation of spills of hazardous substances.

2. **City Code Section 90.02** is amended by re-lettering the existing Subsection (H) as Subsection (I) and re-lettering the subsequent existing subsections in Section 90.02.

3. **City Code Section 152.002 “Definitions”** is amended to add a new definition for “*Short-Term Rental Property*” as follows:

“SHORT-TERM RENTAL PROPERTY: A single-family dwelling that is rented or offered for rent by the property owner(s) to any other person or persons for use for residential purposes for a period of fourteen consecutive days or less and which may be advertised on websites such as Airbnb, VRBO, HomeAway, etc. or otherwise advertised, promoted, or offered for such use.”

4. **Section 152.355**: To add this new section covering “Short-Term Rental Properties”:

§ 152.355 SHORT-TERM RENTAL PROPERTIES.

(A) *District application.* Short-term rental properties are allowed within any residential district of the city subject to the approval of a conditional use permit.

(B) *Conditions of approval.* A short-term rental property (also referred to in this Subsection as “dwelling unit”) may be allowed provided that:

(1) The dwelling unit shall be inspected and licensed by the state agency contracted by Cottonwood County for inspections and licensing of lodging facilities or the Minnesota Department of Health;

(2) The dwelling unit shall comply with Building and Fire Codes, City ordinances, and state and federal laws and regulations;

(3) Only single-family homes shall be eligible for use as short-term rental properties. The single-family home shall be located on a residential lot owned by the property owner offering it for such use. No units in any multi-family building including, but not limited to, duplexes, four-plexes, or apartment buildings shall be eligible to be used as short-term rental properties. No condominiums, townhouses, or travel trailers or other movable structures shall be eligible to be used as short-term rental properties;

(4) Two off-street parking spaces shall be provided for the dwelling unit;

(5) An agent shall be designated as the party responsible while the dwelling unit is being rented and will be able to respond to issues 24 hours a day. The agent may, but is not required to be, the owner of the property and must live and work within 50 miles of the dwelling unit. The City shall be notified in writing of any change of agent prior to such change;

(6) The property owner(s) and agent shall provide the City with a primary and secondary phone number as well as a current address. The agent shall be available 24 hours a day at one of these phone numbers during all times that the property is being rented to respond immediately to complaints or issues relating to the dwelling unit;

(7) The agent shall maintain a list of all occupants authorized to use the dwelling unit during any given rental period. The agent shall make the list of occupants available to City staff and/or law enforcement upon request;

(8) The following information shall be posted in a conspicuous place within the dwelling unit:

(a) Name and contact information for the agent in charge of monitoring the property while renters are present and a list of emergency contacts;

(b) Street address of the dwelling unit;

- (c) A list of rental rules and regulations for the dwelling unit;
- (d) Floor plan indicating fire exits and escape routes;
- (9) The short-term rental property shall be used exclusively by the renters while they are renting the dwelling unit;
- (10) The renters of the dwelling unit shall comply with local ordinances;
- (11) No signage, other than an address number, shall be placed on the short-term rental property; and
- (12) Adequate lighting shall be provided between the principal structure and the parking area for safety purposes. Any additional external lighting is prohibited.

(C) *Violations.*

(1) Public nuisance violations or violations of the terms of the conditional use permit may result in action by the City Council to revoke the conditional use permit for short-term rentals of the dwelling unit;

(2) If a short-term rental property generates a call to the Police Department resulting in criminal charges being filed for disorderly conduct, unreasonably loud parties or music, illegal alcohol sales and/or consumption, illegal controlled substance sales and/or possession, or animals running at large, the City shall notify the agent and property owner(s) in writing and direct the agent and property owner(s) to take actions to prevent further violations;

(a) If a second such incident occurs within 12 months of the first incident, the conditional use permit may be suspended pending review by the City Council;

(b) If a third such incident occurs within 18 months of the first incident, the matter will be brought to the City Council for possible revocation of the conditional use permit for use of the dwelling unit as a short-term rental property.

(3) Violations of the provisions of this Section are subject to the provisions of Section 152.999 and other relevant sections of City Code.

5. To add the following new Subsections incorporating “Short-term Rental Properties” as a conditional use in all residential districts:

- § 152.037: (N) Short-term rental properties per § 152.355;
- § 152.052: (O) Short-term rental properties per § 152.355;
- § 152.067: (U) Short-term rental properties per § 152.355;
- § 152.082: (R) Short-term rental properties per § 152.355;
- § 152.097: (T) Short-term rental properties per § 152.355;
- § 152.132: (O) Short-term rental properties per § 152.355 and to renumber existing Subsection 152.132(O) as 152.132(P).

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS that all other existing provisions set forth in City Code Chapters 90 and 152 shall remain in full force and effect.

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS:

This ordinance, or an approved Title and Summary of this ordinance, shall be published in the COTTONWOOD COUNTY CITIZEN and this ordinance shall be effective immediately upon publication.

ADOPTED AND PASSED by the City Council of the City of Windom, Minnesota, this 18th day of June, 2024.

Dominic Jones, Mayor

ATTEST:

Steven Nasby, City Administrator

1st Reading: June 4, 2024
2nd Reading: June 18, 2024
Adoption: June 18, 2024
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