

CITY OF ROSEAU COMMUNAL HOUSING AND SHORT-TERM HOUSING ORDINANCE

Permitted Uses - Single Family, Two Family and Multi-Family Residential Districts

SECTION 1.00 PURPOSE AND INTENT.

1.01 Purpose. The purpose of this ordinance is to establish standards for all communal housing and short-term housing establishments and to protect the health, safety, and general welfare of the people of the City of Roseau.

1.02 Intent. The intent of this ordinance is to allow the use of communal housing and short-term housing rentals in appropriate zoning districts, with established standards with the intent of mitigating or eliminating potential impacts of the health, safety, and general well-being of neighboring property owners and tenants.

SECTION 2.00 SCOPE

This ordinance shall provide for the licensing and inspection of all communal and short term housing establishments.

SECTION 3.00 DEFINITIONS.

3.01 Communal Housing. Means a means building(s) or structure(s) providing housing or accommodation in either shared or private suites in a communal setting, together with services which may include shared kitchen/dining facilities, sanitary facilities, laundry facilities, amenities, and other facilities to the residents living therein.

3.02 Family: A single person or a group of persons *related by blood, marriage or adoption*. The following groups of individuals are also designated as being permitted to occupy a single-family residence or each unit within a two-family or multiple-family dwelling unit as if it was a family:

- a. A family as defined above plus one (1) additional unrelated individual; one (1) unrelated legally married couple, or one (1) unrelated single parent with one (1) single child;
- b. A family as defined above plus up to four (4) children living with the family in a licensed foster care or host home; or
- c. A group of no more than three (3) persons regardless of their familial relationship

Related by Blood, Marriage or Adoption: Means father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents or grandchildren, to include the half as well as the whole blood.

3.03 Owner. Means the property of record of the real estate located in the City of Roseau.

3.04. Owner's Authorized Representative or Agent. Means a person who has written authority to act on behalf of the owner.

3.05 Short- term Rental: means a private single-family dwelling, such as a home, cabin, condominium, townhome, bed and breakfast, vacation property, home sharing accommodation, or other similar single family unit for any time period, that is advertised or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly period or a time period which is less than 30 days and is not a permitted use such as a, resort, hotel, or motel, provided that such dwelling units are not used exclusively for short-term rental use 365 days a year, or if marketed for rental 365 days-a-year such dwelling must be occupied by property owner, or manager, on a full-time basis.

3.06 Bedroom. means an area that is (a) a room designed or used for sleeping; or (b) a room or area of a dwelling that has a minimum floor area of 70 square feet with access to and from the living room or living area hallway and has a separate window for ingress and egress.

3.07 Shareable Housing means any communal housing, single room occupancy, boarding house, or other multifamily use housing.

SECTION 4.00 CONDITIONAL USE AND LICENSURE REQUIREMENT FOR SHAREABLE HOUSING IN SINGLE FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS

4.01 Conditional Use Permit any owner seeking to operate shareable housing must first apply for and obtain a conditional use permit (CUP) from the City.

4.02 Requirements to obtain CUP sharable dwellings must meet the following requirements:

- No more than four unrelated persons, or family units, may occupy any dwelling regardless of the number of bedrooms provided in the dwelling, and no more than 6 persons total may occupy any sharable dwelling.
- Each person, or family unit, residing in the dwelling must be provided their own bedroom with a minimum habitable area of 70 square feet for one person and square for two people. All bedrooms must be located above grade, have ceilings at least 7 ½ feet from the floor, and be lockable by the individual tenant.
- The dwelling must contain at least one bathroom with a working toilet, wash sink and shower/tub facility for every four (4) persons residing in the dwelling. All bathrooms must have working locks and be accessible to all residents from their own bedroom of the dwelling without having to access through any other bedroom in the dwelling.
- Bedrooms shall not contain a kitchen or kitchenette. A refrigerator and/or microwave oven may be contained within the unit, but heat producing equipment including, but not limited to hot-plates, electric fry pans, toaster ovens, crock pots, ovens, ranges, coffee pots, electric kettles, air fryers, pressure cookers, or any other cooking items may not be housed in individual bedrooms.
- The sharable dwelling must provide a communal kitchen and dining area available to all residents of the dwelling unit with a working wash sink, and working cooking facilities including a range, oven, and refrigerator/freezer.

- Sufficient off-street parking must be made available to each tenant that does not require the parking of vehicles in any front or side yard lawn area. Front and side yard lawn areas may be used for temporary off-street parking during the months of November through March during snow removal.

4.03 Annual Licensure Requirement. No shareable dwelling may be operated without a valid shareable dwelling license issued by the city pursuant to this ordinance.

- All shareable dwelling licenses are an annual license and must be renewed each year. License renewal applications for rental operations in the following year must be submitted prior to any rental activity.
- The owner or owner's authorized agent shall permit access to the property and all permitted units at any reasonable time for the purposes of inspection upon request of the city of Roseau building official or designee.
- It is the owner or owner's authorized agent's responsibility to contact the Minnesota Department of Health regarding lodging license requirements. If proof of MDH license is provided, the city of Roseau licensing fee will be waived however all other provisions of the ordinance still apply.

4.04 License Application Requirement. The following information shall be provided to the city on the license application:

- the name, mailing address, email address and telephone number of the owner of the home for which the license is to be issued.
- Physical address of the home and personal identification number.
- The name, address, telephone number and email address of the owner's authorized agent.
- All other information as requested on the application form.
- No application for an initial or renewal of the license will be accepted if there are past due property taxes on the property described in the license application.
- Applicants must submit proof of adequate homeowners insurance and liability insurance in an amount to be determined by the city.
- An application fee as determined annually by City Council.

4.05 License Transfer. The license shall not be transferable upon any change in ownership of the license property, or otherwise and any new owner of the property will be required to apply for new licensure if said new owner wishes to operate the property as a shareable dwelling.

SECTION 5.00 CONDITIONAL USE AND LICENSURE REQUIREMENT FOR SHAREABLE HOUSING IN MULTIFAMILY AND COMMERCIAL ZONING DISTRICTS.

5.01 Conditional Use Permit any owner seeking to operate a shareable housing in a multifamily or commercial zoning district must first apply for and obtain a conditional use permit (CUP) from the City.

5.02 Requirements to obtain CUP sharable dwellings must meet the following requirements:

- Each person, or family unit, residing in the dwelling must be provided their own bedroom with a minimum habitable area of 70 square feet for one person, plus 50 square for each additional person. No more than two adults, who must be related, may inhabit a single unit regardless of the unit size. All bedrooms must be located above grade, have ceilings at least 7 ½ feet from the floor, and be lockable by the individual tenant.
- The dwelling must contain at least one bathroom with a working toilet, wash sink and shower/tub facility for every ten (10) persons residing in the dwelling. All bathrooms must have working locks and be accessible to all residents from their own dwelling unit of the without having to access through any other dwelling unit.
- Individual bedroom units shall not contain a kitchen or kitchenette. A refrigerator and/or microwave oven may be contained within the unit, but heat producing equipment including, but not limited to hot-plates, electric fry pans, toaster ovens, crock pots, ovens, ranges or any other cooking items may not be housed in individual bedrooms.
- The sharable dwelling must provide a communal kitchen and dining area available to all residents of the dwelling unit with a working wash sink, and working cooking facilities including a range, oven, and refrigerator/freezer.
- Sufficient off-street parking must be made available to each tenant that does not require the parking of vehicles in any front or side yard lawn area. Front and side yard lawn areas may be used for temporary off-street parking during the months of November through March during snow removal.

5.03 Annual Licensure Requirement. No shareable dwelling may be operated without a valid shareable dwelling license issued by the city pursuant to this ordinance.

- All shareable dwelling licenses are an annual license and must be renewed each year. License renewal applications for rental operations in the following year must be submitted prior to any rental activity.
- The owner or owner's authorized agent shall permit access to the property and all permitted units at any reasonable time for the purposes of inspection upon request of the city of Roseau building official or designee.
- It is the owner or owner's authorized agent's responsibility to contact the Minnesota Department of Health regarding lodging license requirements. If proof of MDH license is provided, the city of Roseau licensing fee will be waived however all other provisions of the ordinance still apply.

5.04 License Application Requirement. The following information shall be provided to the city on the license application:

- the name, mailing address, email address and telephone number of the owner of the home for which the license is to be issued.
- Physical address of the home and personal identification number.
- The name, address, telephone number and email address of the owner's authorized agent.
- All other information as requested on the application form.
- No application for an initial or renewal of the license will be accepted if there are past due property taxes on the property described in the license application.
- Applicants must submit proof of adequate homeowners insurance and liability insurance in an amount to be determined by the city.
- An application fee as determined annually by City Council.

5.05 License Transfer. The license shall not be transferable upon any change in ownership of the license property, or otherwise and any new owner of the property will be required to apply for new licensure if said new owner wishes to operate the property as a shareable dwelling.

SECTION 6.00 SHORT-TERM RENTALS

6.01 Conditional Use Permit any owner seeking to operate a short term rental property must first apply for and obtain a conditional use permit (CUP) from the City.

6.02 Requirements to obtain CUP short term rentals must meet the following requirements:

- Anyone seeking to operate a short-term rental in the City of Roseau, must maintain a permanent residence within 60 miles of the short-term rental property, or must maintain a full-time property manager that is available during rental periods and within 60 miles of the short-term rental property.
- Anyone seeking to operate a short-term rental must provide proof of homeowners and liability insurance in an amount and in a form acceptable to the City of Roseau.
- Anyone seeking to operate a short-term rental must establish a means for the automatic collection and remittance of lodging taxes for all stays of less than 30 days in accordance with City Ordinance 106. In lieu of collecting lodging taxes, as required under City Ordinance 106, a short-term rental operator may pay a flat annual fee to the City of Roseau, as determined by the City Council annually, for each short-term rental property operated.
- Property owners or operators seeking to establish a short-term rental in a single-family residential neighborhood must obtain written consent from all contiguous neighboring property owners.
- No signage advertising a short-term rental is permitted within a single family or two-family zoning districts. Short-term rental advertising signage is permitted in all other zoning districts as allowed by that district.

- No on-street parking is permitted for any short-term rental property. No short-term rental shall permit parking on the front or side yard lawn of the short-term rental property. Parking cannot restrict access by emergency vehicles or the traveling public and shall not impede any ingress or egress a property owner.
- No short-term rental operator shall allow properties to be used as venues for large parties, events, gatherings, or any other non-residential use.
- Quiet hours are between the hours of 11:00 PM to 7:00 AM, Sunday through Thursday; and 1:00 AM to 7:00 AM Friday and Saturday. The owner of the short-term rental is expected to enforce this rule failure to do so may result in enforcement action as provided below.

6.03 Annual Licensure Requirement. No short term rental may be operated without a valid shareable dwelling license issued by the city pursuant to this ordinance.

- All shareable dwelling licenses are an annual license and must be renewed each year. License renewal applications for rental operations in the following year must be submitted prior to any rental activity.
- The owner or owner's authorized agent shall permit access to the property and all permitted units at any reasonable time for the purposes of inspection upon request of the city of Roseau building official or designee.
- It is the owner or owner's authorized agent's responsibility to contact the Minnesota Department of Health regarding lodging license requirements. If proof of MDH license is provided, the city of Roseau licensing fee will be waived however all other provisions of the ordinance still apply.

6.04 License Application Requirement. The following information shall be provided to the city on the license application:

- the name, mailing address, email address and telephone number of the owner of the home for which the license is to be issued.
- Physical address of the home and personal identification number.
- The name, address, telephone number and email address of the owner's authorized agent.
- All other information as requested on the application form.
- No application for an initial or renewal of the license will be accepted if there are past due property taxes on the property described in the license application.
- Applicants must submit proof of adequate homeowners insurance and liability insurance in an amount to be determined by the city.
- An application fee as determined annually by City Council.

6.05 License Transfer. The license shall not be transferable upon any change in ownership of the license property, or otherwise and any new owner of the property will be required to apply for new licensure if said new owner wishes to operate the property as a short-term rental.

SECTION 7.00 ENFORCEMENT

7.01 Enforcement. The city of Roseau will investigate all complaints and alleged violations of this ordinance within a reasonable time period. The owner or owner's authorized agent shall address any substantiated complaints and/or violations as directed by the city of Roseau. All substantiated complaints and/or violations which are not resolved as directed by the city of Roseau building official, or law enforcement officer or designee, will result in enforcement action as provided in 7.04 below.

7.02 Substantiated Complaints. If 3 substantiated complaints and/or violations have occurred within a one year time period, then the city of Roseau may revoke the license for the operation of the unit.

7.03 Misdemeanor. Any owner or owner's authorized agent who fails to comply with this section or who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this ordinance may be subject to misdemeanor prosecution, forfeiture of their license, or both.

7.04 One year revocation. Any license revoked under this section shall not be reissued for a period of one year from the date of revocation.