

ORDINANCE No. 2025-01
CITY OF OTTERTAIL
OTTER TAIL COUNTY
CITY CODE – TITLE XI BUSINESS REGULATIONS
CHAPTER 116: VACATION HOME RENTALS

§116.01 PURPOSE AND INTENT

This ordinance is adopted for the following purposes:

This ordinance establishes a licensing program for vacation home rentals. Licensees must also meet the standards of the Otter Tail County Lodging Ordinance and receive a Lodging License from the regulatory authority with jurisdiction.

It is the intent of this ordinance to permit private vacation home rentals but also mitigate possible adverse impacts to the public’s health, safety, and general welfare and quality of life of surrounding properties, as well as water and environmental quality.

It is the intent of this ordinance to establish and enforce standards for the licensing of vacation home rentals and strike a balance between protecting property owners’ private property rights, enhancing localized economic activity and tourism, preserving the residential integrity of neighborhoods, and promoting and protecting the public’s health, safety and general welfare to the citizens and patrons of vacation home rentals.

This ordinance intends to regulate behavior and use of the property when rented. It does not intend to regulate or limit the personal use or enjoyment of the property by the owners.

This ordinance is intended to work in conjunction with Otter Tail County’s and the State of Minnesota Department. of Health regulations for lodging establishments.

(A) Jurisdiction. This Ordinance is adopted pursuant to Minnesota Statute 375.51. The provisions of this Ordinance shall apply to all vacation home rentals lying within the incorporated limits of Ottertail City, of Otter Tail County, Minnesota.

(B) Compliance. No person shall operate a vacation home rental within the incorporated limits of Ottertail City, of Otter Tail County, Minnesota which does not comply with the regulations in this Ordinance.

§116.05 DEFINITIONS

For the purposes of this ordinance, certain terms or words used are interpreted as follows: the words “shall “and “must” are mandatory and the words “should” or “may” are permissive. For the purpose of this Ordinance, the certain words and phrases are defined as follows:

BEDROOM. An area that is a room designed or used for sleeping or a room or area of a dwelling that has a minimum floor area of 70 square feet with access gained from the living area or living area hallway. Architectural features that affect the use as a bedroom under this item may be considered in making the bedroom determination.

LODGING LICENSE. A license issued for a lodging establishment by the regulatory authority with jurisdiction.

OCCUPANCY. Total number of persons allowed and includes both overnight and daytime users of the property.

OWNER. The property owner of record of real estate located in Ottertail City.

OWNER'S AUTHORIZED AGENT. A person or persons who has written designation to act on behalf of the owner as placed on record and provided as part of the application process.

VACATION HOME RENTAL (VHR). Any home, cabin, condominium or similar building that is advertised as, or held out to be, a place where sleeping quarters are furnished to the public on a nightly, weekly, or less than a 30-day time period and is not a bed and breakfast, resort, hotel or motel.

§116.10 ADMINISTRATION

(A) No Vacation Home Rental License. No Vacation Home Rental may be operated without a valid Vacation Home Rental License issued pursuant to this ordinance. A Vacation Home Rental license may only be issued when a lodging license has been issued by the regulatory authority with jurisdiction.

(B) Existing VHR. All existing Vacation Home Rentals that received a lodging license prior to the effective date of this Ordinance shall automatically be issued a Vacation Home Rental License and must meet all the requirements of this Ordinance.

(C) New VHR. All new Vacation Home Rental operations as of the effective date of this ordinance shall obtain a license in accordance with **§116.10(A)** of this section from the City prior to commencing operations.

(D) Appeals. Appeals to decisions made pursuant to this ordinance will be heard by the Ottertail City Clerk-Treasurer. Decisions made by the Clerk-Treasurer may be appealed to the Ottertail City Council in accordance with Chapter 151.116 of the General Provisions. This provision does not apply to appeals that are subject to the Shoreland Management Ordinance or Minnesota Statute 462.

(E) License Application. Once the Vacation Home Rental license application is received, Ottertail City will issue or deny the license in accordance with the timelines established under Minnesota Statute 15.99, during which time the City may contact the Owner or Owner's Authorized Agent for additional information. If the license is denied, a letter will accompany the denial detailing the reasons for denial. The Owner or Owner's Authorized Agent may reapply for a license once the conditions for the denial are corrected.

- 1) The City of Ottertail will not accept applications for an initial or renewal license if there are outstanding property taxes, unpaid fees, or overdue utility bills associated with the property listed in the application
- 2) A Vacation Home Rental license will not be issued if there are open enforcement activities related to the property.

(F) License Duration. All Vacation Home Rental licenses are an annual license and must be renewed each year. Licenses are valid from January 1 to December 31.

(G) City and County Access. The owner or the Owner's Authorized Agent shall allow access to the property and all licensed unity at any reasonable time for the purpose of inspection upon the request of Ottertail City or Otter Tail County.

§116.15 GENERAL PERFORMANCE STANDARDS

All vacation home rentals in Ottertail City must conform to the following performance standards:

(A) Occupancy.

1. The maximum occupancy allowed is calculated by bedroom sizing per the Lodging Ordinance for Otter Tail County or the size of the septic system, whichever is less. The occupancy based on the septic system equals 1 person per 50 gallons per day from the system's design flow.
2. The maximum occupancy allowed includes both overnight guests and daytime guests.
3. The maximum occupancy allowed shall be conspicuously displayed within the vacation home rental.
4. The vacation home rental shall not advertise the property as available to more guests than the occupancy limit identified on the lodging license from Otter Tail County, the regulatory authority with jurisdiction.
5. Use of recreational vehicles, tents, or fish houses as a vacation home rental or used to obtain an increase to the occupancy allowed is prohibited. Use of said structures or vehicles for overnight or sleeping accommodations is prohibited for a vacation home rental.
6. A parcel or lot cannot have more than one (1) Vacation Home Rental unit. A planned unit development with a conditional use permit is exempt from this provision.

(B) Noise. Quiet hours are between the hours of 10 pm and 7 am at which time indoor and/or outdoor activity audible from neighboring property boundaries must not be carried on beyond a general conversation level in a manner that disturbs the peace. The owner or owner's agent of the vacation home rental is expected and required to enforce this rule.

(C) Parking and Site Use.

1. Parking cannot restrict access by emergency vehicles or the traveling public and shall not impede the ingress or egress of the property.
2. Parking shall not occur on yards, septic systems, or other green space.
3. The owner shall provide a visual demarcation of the property lines. Where property lines are disputed, at the City's discretion, the owner or owner's agent shall contract with a licensed surveyor to conduct a property line location and survey services.
4. Outdoor loitering gathering spaces including, but not limited to, patio areas, fire pits, beaches, shoreline recreation areas, and lawn games must be located in a manner that minimizes direct noise disturbance of adjacent occupied property and is considerate of the neighbors.

(D) Property Contact Information. The owner or Owner's Authorized Agent shall keep on file, with the City and County, and shall notify each renter, in writing, of the contact information for the Owner or Owner's Authorized Agent who shall be available twenty-four (24) hours a day, seven (7) days a week, whenever the property is being rented for vacation home rental purposes. The Owner or Owner's Authorized Agent shall respond to any issue or complaint raised within one (1) hour of any such point of contact being notified of the issue or complaint.

(E) Sewage Treatment.

1. The vacation home rental must be connected to a compliant subsurface sewage treatment system (SSTS) or served by a private wastewater treatment system. A vacation home rental that utilizes a holding tank as the SSTS must have an operating permit per Section 6 of the Sanitation Code of Otter Tail County.
2. If there is a risk of inadvertent parking on the soil treatment area by guests, the City may require visual demarcation of the soil treatment area in addition to signage stating “Septic System: No Parking”.

(F) Solid Waste. The storage, collection, and disposal of garbage, trash and refuse shall be disposed of in a lawful and appropriate manner that does not disrupt neighboring properties.

(G) Pets. If pets are allowed, they must be leashed or within sight of an adult and under verbal command at all times, regardless of distractions. Unauthorized entry onto another person’s land is prohibited.

§116.20 ENFORCEMENT

Ottertail City will be responsible for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law.

Except where otherwise specified, this Ordinance is subject to all provisions of the Ottertail City Administrative Ordinance, as well as the Otter Tail County Lodging Ordinance and Minnesota Rules, Chapter 4625 as it applies.

§116.25 SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

§116.30 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

§116.35 OWNER LIABLE

In addition to any other person or persons involved in a violation or threatened violation of this Ordinance, the owner of record of any property falling under the jurisdiction of this Ordinance shall be responsible both criminally and civilly for any activity occurring on the property which is contrary to the provisions of this Ordinance.

§116.40 SAVINGS CLAUSE

All licenses issued under this Ordinance are permissive only and shall not release the licensee from any liability or obligation imposed by Minnesota Statutes, Federal Law, or local ordinances relating thereto. In the event any provision of this Ordinance shall be found contrary to law by a Court of competent jurisdiction from whose final judgment no appeal has been taken, such provision shall be considered void. All other provisions of this Ordinance shall continue in full force and effect as though the voided provision never existed.

§116.45 ADOPTION AND EFFECTIVE DATE

Adopted by the City Council of the City Ottertail, of Otter Tail County, Minnesota on this 17th day of April 2025 and effective date of this Ordinance is upon passage and publication in the official newspaper.

Ron Grobeck, Mayor

Attest:

Amanda Thorson, Clerk-Treasurer

Seal

___ Grobeck
___ Carlson
___ Augustus
___ Windey
___ Martin