

**BEMIDJI TOWNSHIP
RESIDENTIAL RENTAL PROPERTIES ORDINANCE**

The Board of Supervisors of the town of Bemidji ordains and establishes the following:

PURPOSE: The purpose of this ordinance is to protect the health, safety and welfare of all residents of Bemidji Township through regulation of Residential Rental Properties located throughout the Township.

SCOPE/APPLICABILITY: This ordinance applies to all residential rental dwelling units located within the boundaries of Bemidji Township. The provisions of this ordinance supplement but do not supersede Federal, State, or County regulations. All multiple dwelling unit buildings, single family rental dwellings shall conform to the provisions of this ordinance within the time limits established herein.

In the event contrary terms or a requirement noted in this ordinance conflicts with the Bemidji Township Land Use Ordinance, the Land Use Ordinance will prevail.

ARTICLE I

SECTION 101- DEFINITIONS:

1. Accessory Structures-Any subordinate structure, except residential structures intended for human habitation, incidental to and customarily connected and/or associated with the principal building or use and which is located on the same parcel with such principal building or use. Examples of such structures and facilities may include, but are not limited to: swimming pools; tennis courts; saunas; solar collectors; wind generators; satellite dishes; transmitters and receivers; detached garages and storage buildings.
2. Authorized Qualified Inspector- one who meets the qualifications as described by a professional association certifying such inspectors.
3. Dwelling/Dwelling Unit-Any building, structure, or portion of a building or structure, or other shelter, designed as short or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, resort rooms and/or cabins.
4. Family-An individual or group of two or more persons related by blood, marriage or adoption, and may include additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit and as defined by Minnesota Statutes and/or other Bemidji Township ordinances.
5. Garbage-All refuse generated and result of activities of habitants of a dwelling, including but not limited to food waste.
6. Inspection- Any review of the premises by a qualified inspector to determine compliance with this ordinance.
7. ISTS- Individual Septic Treatment System as defined by Minnesota Rules and applicable Minnesota Statutes.
8. Legal Tenant-All persons having a written agreement with the owner for occupancy of a rental dwelling.

9. Multiple Family Dwelling- A structure designed or used for residential occupancy by more than one family, with or without separate kitchen or dining facilities, including but not limited to, apartment houses, duplex houses, rooming houses, boarding houses, townhouses, row houses and similar housing types.
10. Owner-Any person, individual, firm association, syndicate, partnership, joint venture, corporation, trust, or any other legal entity having proprietary interest in the land subject to the Ordinance.
11. Owner's Agent-The person who is authorized by the owner in writing to operate the rental unit.
12. Pets- All domestic non-farm animals living on a rental premises in accordance with township ordinance(s).
13. Premises- A parcel of land or part thereof.
14. Rental Dwelling Unit-A dwelling unit, either and/or both a single-family unit and/or multi-family unit(s) that is/are designed or used for human habitation and that is rented or available for rent.
15. Safety- The condition of being reasonably free from danger and hazards that may cause accidents or disease.
16. Uniform Fire Code- the Minnesota fire protection standards as they apply to residential buildings.

SECTION 102- JURISDICTION:

The provisions of this ordinance shall apply to all residential rental buildings and land within the boundaries of Bemidji Township.

SECTION 103-COMPLIANCE:

The rental of any dwelling shall be in full compliance with the conditions herein.

SECTION 104-INTERPRETATION:

Interpretation and application of the provision of this ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by state Statutes of other ordinances of Bemidji Township. Interpretation shall be made by the Bemidji Town Board of Supervisors or their duly appointed administrator, subject to appeal to Beltrami County District Court.

SECTION 105- ABROGATION AND GREATER RESTRICTION:

This Ordinance is not intended to repeal, abrogate or impair any existing covenants or deed restrictions. However, where this Ordinance imposed greater restriction, the provisions herein shall prevail.

SECTION 106-OTHER REGULATIONS:

Other regulations may affect the rental of property and dwelling units in Bemidji Township. Those regulations may impose regulations of which are more strict than this Ordinance. It is the responsibility of the property owner to comply with all rules and regulations promulgated by County, State, and or Federal agencies.

**ARTICLE II
PERMIT REQUIREMENTS**

SECTION 201-PERMIT REQUIRMENTS

All residential dwelling units currently being rented, or otherwise lived in on a contractual basis wherein the owner or legally recorded contract purchaser shall require a residential rental permit for each individual building.(Inspection for all dwelling units required.)

SECTION 201- RESIDENTIAL RENTAL PERMITS

1. Residential rental permits shall be granted to ALL residential rental dwellings existing on the date of the adoption of this ordinance provided they comply with the following minimum conditions:
 - a. The septic system is in compliance with the State of Minnesota and Beltrami County Environmental Services ordinance(s), rules and/or statutes as evidenced by an inspection report by a certified inspector and/or septic installer.
 - b. All property owners shall submit a complete application for a Residential Rental Permit.
 - c. A detailed Site Map that illustrates the location of the septic system designed parking, property lines, roads, wells, garbage receptacles, driveway and any other pertinent information.
 - d. Residential rental properties must have a regularly scheduled weekly garbage pick-up.
 - e. Any additional information requested by Bemidji Township at the time of application.
2. The standard conditions to all Residential Rental Permits shall be:
 - a. Parking space shall be provided in all zones and /or districts as follows: Each residential dwelling unit shall have provisions for at least two (2) off-street parking spaces. A parking space shall be a minimum of 10ft x 25ft for each vehicle. Handicap parking must be in accordance with state law and/or regulations.
 - b. There shall be no garbage in bags or piles outside the buildings except on garbage pickup days. There shall be no inoperable or dismantled autos on the property.
 - c. Transferability of registration Permits-No permit shall be transferable to another person or to another residential rental unit. If any change in the number of residential rental units or in the type or occupancy as originally registered, a new registration application and inspection is required along with payment of the residential permit fee.
3. Additional requirements may include but are not limited to the following: a bond to ensure compliance, parking, fences, screening, pets, snow removal, waste removal, lawn care, number of accessory structures, number of tenants, and other conditions the Town Board deems reasonable, necessary, and in the best interests of the health, welfare and safety of the Township.
4. Residential Rental Permits issued for residential units shall remain in effect for a maximum for three years. . A renewal fee, plus inspection as outlined in Section 202 shall be required every three years. Failure to maintain compliance with the conditions of the Residential Rental Permit shall result in the revocation of the permit.

5. It is the responsibility of the owner or agent to obtain all required inspections prior to a permit application being accepted by Bemidji Township. Cost of inspection shall be the responsibility of the owner and shall not be borne by Bemidji Township.

**ARTICLE III
ENFORCEMENT AND ADMINISTRATION**

SECTION 301-GENERAL:

It is the responsibility of the Bemidji Town Board of Supervisors to enforce and administer this ordinance.

SECTION 302-ADMINISTRATION:

1. All requests for a Residential Rental Permit for a residential rental dwelling shall be submitted to the Bemidji Township on a form provided by the Township. Upon receipt of the completed form, including appropriate fees and all supporting documentation the Township Clerk shall place the request for the Residential Rental Permit for the next Bemidji Township Board Meeting subsequent to adequate notice. A qualified inspector shall conduct a thorough inspection of the property and provide a Residential Rental Inspection Report. The Bemidji Town Board shall review the completed Application and Residential Rental Inspection Report make a determination whether or not the permit shall be issued.

2. All decisions of the Town Board are subject to appeal. The appeal shall be initiated by service of a Notice of Appeal and proper filing of the Notice of Appeal, together with proof of service, with the Beltrami County District Court Administrator within 30-days of the Bemidji Town Board's action. Failure to serve and file the Notice of Appeal within the time specified shall deprive the District Court of Jurisdiction to undertake review of the Town Board's action. The Notice of Appeal shall state in detail:

A .The Articles and Sections of the Bemidji Township Residential Rental Ordinance contested in the appeal.

B. The Errors of Judgment or law claimed by the appellant.

3. All files regarding this Application and process shall be maintained in the individual parcel file applicable parcel of land. Each building containing dwelling unit(s) on each parcel of land requires a separate rental permit. All permits shall be filed in the tax parcel at the Bemidji Township.

SECTION 303-ENFORCEMENT:

The Bemidji Town Board shall bear the responsibility for administration and enforcement of the Township Residential Rental Ordinance. The Bemidji Town Board has the power to enforce this Ordinance upon the Owner of a property and/or their agent.

This Ordinance shall be enforced with the imposition of civil and/or criminal penalties provided for under Minnesota Law. Civil action shall not preclude criminal prosecution. A criminal prosecution for a violation shall not be a bar to a civil action.

Any violation of the provision of this Ordinance or failure to comply with any of its requirements, including failure to comply with conditions attached to Residential Rental Permits and making false statements on permit applications, shall constitute a misdemeanor and shall be punishable as defined by Minnesota state law. Each day of a violation of the Ordinance continues constitutes a separate offense.

1. Upon violation of a condition of the Residential Rental Permit, the owner shall have 30 days in which to bring the violation into compliance at the owner's expense. Failure to comply may result in removal of the tenants from the premises until the violation is certified as being in compliance and the Bemidji Town Board of Supervisors reviews the documentation associated with the violation. Real estate shall be assessed for any cost to the Township if the owner fails to comply with the law. Whenever a violation of this Ordinance poses imminent peril to life, health, or property, the Bemidji Township Board may require immediate compliance, and initiate appropriate action to protect life, health, or property, including declaration that the dwelling, or dwelling unit, is a hazardous building and unfit for human habitation and treated consistent with the provisions of the Bemidji Township Rental Ordinance and Minnesota Statute relating to hazardous buildings.
2. In the event a property owner commences any rental activity without first obtaining the required permit under the provision of the Residential Rental Ordinance, the Bemidji Township Board shall issue a written notice to abate such activity until such a permit is obtained. If the permit is not granted under this Ordinance, the property owner shall permanently NOTICE TO abate all activities not permitted.

SECTION 304-FEES AND RECOVERY OF COSTS:

1. In order to defray the administrative costs associated with the processing of application, hearings and investigations, initial permit fees and renewal permit fees shall be charged in accordance with the Bemidji Township Fee Schedule as adopted annually by the Town Board.
2. All costs and services associated with enforcement against violations of this Ordinance shall be assessed against the associated property. Bemidji Township Board of Supervisors may assess the charges against such property for certification by the County Auditor for collection by the County Treasurer payable to Bemidji Township as other taxes are collected and paid.
3. The Town Clerk shall prepare a bill for the amount certified. The Town Clerk shall mail a copy by certified mail to the property owner/agent's last known address or the property owner/agents address of record with the Beltrami County Auditor's Office. If the total amount of the bill is not paid within the thirty days of receipt of mailing, Bemidji Township may certify the bill as any other special assessment.
4. The property owner may appeal the certification of the costs to the Beltrami County District Court Administrator by filing an objection. The appeal must include a detailed explanation for the objection.

SECTION 305-REVIEW OF THIS ORDINANCE

This Ordinance shall be reviewed by the Town Board of Supervisors as required.

As originally adopted November 18, 2002; Amended March 6, 2007; Amended April 8, 2008; Amended August 18, 2010; Amended August 11, 2014; Amended July 12, 2016; Amended June 29, 2017.