Cook County Vacation Rental Ordinance Number 62

As Adopted by the Cook County Commissioners on May 28, 2019, Amended October 27, 2020 and April 13, 2021

Cook County Land Services Department
COOK COUNTY VACATION RENTAL ORDINANCE

Article 1.0 STATUTORY AUTHORIZATION AND POLICY

1.1 Statutory authorization. This ordinance is adopted pursuant to the authorization and policies contained in the County Planning and Zoning enabling legislation in Minn. Stat. chapter 394.

1.2 Purpose and intent.

(a) Cook County has a long history as a tourism and recreational destination. Private vacation rental homes do provide a benefit to Cook County by expanding the numbers and types of lodging facilities available, and by providing additional jobs and revenues. However, the use of residential properties for short-term rental can have potential adverse impacts on neighboring properties, with traffic, parking, noise and trespass issues.

(b) It is the purpose and intent of this Ordinance, consistent with the terms of the Cook County Comprehensive Plan, to continue the allowed use of private vacation rental homes in the identified zone districts, but also mitigate possible adverse impacts to the health, safety, and welfare of surrounding properties through the establishment of a licensing program for the review and approval of vacation rental home operations.

Article 2.0 DEFINITIONS AND GENERAL PROVISIONS

2.1 Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the same meaning they have in common usage and to give this Ordinance its most reasonable application. For the purpose of this Ordinance, the words “must” and “shall” are mandatory and not permissive, and the words “may” and “should” are permissive.

(a) “Bed and Breakfast” means an establishment in a residential dwelling that supplies temporary accommodations and a morning meal to overnight guests for a fee where an owner or manager resides on the premises.

(b) “Parcel” means a unit of real property that has been given a tax identification number maintained by the County.

(c) “Vacation Rental” means 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 for less than a 30-day time period and is not a bed and breakfast; but excludes similarly-described premises which are managed by and regulated as part of a Hotel or Resort.

2.2 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.

2.3 Jurisdiction. The provisions of this Ordinance apply to all unincorporated areas of Cook County.
ARTICLE 3.0  ANNUAL LICENSE REQUIRED

3.1 No Vacation Rental may be operated without a valid Vacation Rental License issued pursuant to this Ordinance.

3.2 All existing Vacation Rental operations as of the enactment date of this Ordinance shall be licensed by the County within five months from the effective date of this Ordinance. The enactment date of the ordinance is May 28, 2019. The effective date is January 1, 2020.

3.3 All new Vacation Rental operations as of the enactment date of this Ordinance shall obtain a license from the County prior to commencing operations.

3.4 A separate Vacation Rental License is required for each unit on a parcel that has Vacation Rental operations conducted in it.

3.5 All Vacation Rental Licenses shall expire on the last day of each year. License renewal applications for rental operations in the following year must be submitted between December 1st of the current year and January 31st of the renewal year.

ARTICLE 4.0  LICENSE APPLICATION REQUIREMENTS

4.1 Application Requirements. The following information shall be provided to the County on the Vacation Rental License application:

(a) The name, mailing address, email address and telephone number of the owner of the Vacation Rental home for which the license is to be issued;

(b) Physical address and parcel identification number of the Vacation Rental property.

(c) The name, address, telephone number and email address of the agent, representative and/or local contact person for the Vacation Rental;

(d) Acknowledgement of property liability insurance coverage for the Vacation Rental operation;

(e) Demonstration that the Vacation Rental operation has a license issued by the Minnesota Department of Health, or written certification from the property owner that a license is not required by the State of Minnesota, stating the reasons; and

(f) All other information that is requested on the Vacation Rental License Application.

4.2 Application Process. Applications for vacation rental operation licenses may be filled out online at https://www.co.cook.mn.us/index.php/vacationrentals

Once the application is received along with the supplemental information and payment of fee, Cook County will issue or deny the license in accordance with the timelines established under Minnesota Statute 15.99, during which time the County may contact the applicant for additional information. If the license is denied, a letter will accompany the denial explaining the reasons for the denial, and the applicant may reapply once the conditions surrounding the application denial are corrected.
Article 5.0 GENERAL REQUIREMENTS

5.1 Zone Districts Allowing Vacation Rentals. Vacation Rental operations are allowed in the following zone districts as described in the Article 4 of the Cook County Zoning Ordinance:

(a) Permitted Use
- Forest/Agriculture Recreation District - 1 FAR-1
- Forest/Agriculture Residential District - 2 FAR-2
- Forest/Agriculture Residential District - 3 FAR-3
- Lake Shore Residential District LSR
- Single Family Residential District R-1
- Tofte Mixed Use District TMU
- Resort Commercial/Residential District RC/R
- Wildwood Acres Overlay District WAOD

(b) Conditional or Interim Use
- Lutsen Town Center Residential District LR-1
- Lutsen Town Center Residential Initiative District LR-2
- Tofte General Commercial Zone District TGC

5.2 Prohibitions.

(a) No Vacation Rental operations will be allowed in recreational vehicles.
(b) No Vacation Rental operations will be allowed in any accessory structure, except a guest cabin.
(c) No more than two Vacation Rental Licenses will be issued per parcel in residential zone districts.

5.3 Conformance with Existing Regulations. Vacation Rental operations shall conform to all existing standards listed in Minnesota Statutes and Rules, and County Ordinances with regards to Noise, Sanitation, Parking and Trespass.

5.4 Property Contact Information. The owner, agent, representative or manager of a Vacation Rental operation shall designate and provide information to the County and each renter for a point of contact that would be available 24-hours a day, seven days a week to respond to issues that may arise regarding the Vacation Rental. An owner or manager must respond to a complaint within three hours of being notified of the problem. To “respond” means to acknowledge the notification of an issue, understanding it may take longer to address the issue.

5.5 License Fees. License fees will be established by the Cook County Board of Commissioners and published in the County Fee Schedule. Vacation Rental operations that register after the stated deadline for registration will pay the full registration fee and could be subject to an after-the-fact fee if an enforcement action is required to obtain compliance with this Ordinance.
5.6 **Minnesota Department of Health License.** The MDH requires a lodging license to be issued by their agency prior to an operator renting a home or cabin to the public. It is the operator’s responsibility to contact the MDH about their licensing requirements.

5.7 **Cook County Lodging Tax.** To remain in compliance with the requirements of this ordinance the operator of a Vacation Rental property must submit a report and pay the required Cook County Lodging Tax at intervals specified by the Cook County Auditor. Failure to pay the lodging tax by the required deadline may result in the revocation of the property’s Cook County Vacation Rental license.

5.8 **License Transfer.** The vacation rental license may be transferrable upon the change in ownership of the property provided that the new owner contact information is submitted to the Cook County Land Services Department, so they can be informed of the license requirements.

### Article 6.0 ENFORCEMENT

6.1 **Enforcement.** The Land Services Department shall investigate all violations of this Ordinance, notify the owners of violations and direct the property owner to correct violations within a reasonable period of time. If compliance is not obtained within the time period specified, or if repeat or multiple violations occur, then the license shall be subject to revocation as determined by the Director of Land Services.

6.2 **Penalties.** Any person, firm or corporation, or agent, employees or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any of the provisions of this Ordinance may be subject to the forfeiture of their license. Violations of this Ordinance shall be deemed a misdemeanor. Each day that a violation continues to exist shall constitute a separate offence. All fines for violations shall be paid to the County and shall be credited to the General Revenue fund.

6.3 An after-the-fact fee can be assessed on property owners who operate a Vacation Rental without a Cook County Vacation Rental License. This fee is listed in the Cook County Fee Schedule approved by the Cook County Board of Commissioners.

### Article 7.0 APPEALS

7.1 **Administrative Appeal** - Appeals from any order, requirement, decision or determination made by the Land Services Department shall be first made to the Administrative Appeals Panel, which consists of the Land Services Director, County Assessor and one County Commissioner.

7.2 Appeals from the decisions of the Administrative Appeals Panel may be made to the Cook County Board of Adjustment for further review, and appeals from the decisions of the Cook County Board of Adjustment must be made to the Cook County District Court within 30-days from the receipt of notice of the decision of the appeal panel.
Article 8.0 ADOPTION

The Cook County Vacation Rental Ordinance is hereby adopted by the Cook County Board of Commissioners on this ______ day of __________________.

This Ordinance will become effective as of January 1, 2020 and remain effective until December 31, 2022, at which time it will expire and become effective again only through a new public hearing process.

__________________________
Ginny Storlie, Chair, Cook County Board of Commissioners

ATTEST:

__________________________
Braidy Powers, Cook County Auditor

EFFECTIVE DATE: ____________________________