



Aitkin
County

Board of County Commissioners Agenda Request

5B
Agenda Item #

Requested Meeting Date: February 26, 2019

Title of Item: Assemble an Ordinance Committee

<input checked="" type="checkbox"/> REGULAR AGENDA	Action Requested:	<input type="checkbox"/> Direction Requested
<input type="checkbox"/> CONSENT AGENDA	<input checked="" type="checkbox"/> Approve/Deny Motion	<input type="checkbox"/> Discussion Item
<input type="checkbox"/> INFORMATION ONLY	<input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Hold Public Hearing* <i>*provide copy of hearing notice that was published</i>

Submitted by: Terry Neff, Environmental Services Director	Department: Environmental Services
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Presenter (Name and Title): Terry Neff, Environmental Services Director	Estimated Time Needed: 5 minutes
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Summary of Issue:

I am requesting to assemble an ordinance review committee to review proposed amendments to the zoning ordinance and review a proposed new solid waste ordinance (see attached memorandum).

Alternatives, Options, Effects on Others/Comments:

Do not assemble the ordinance committee. However, the present solid waste ordinance is 30 years old and outdated.

Recommended Action/Motion:

Approve to assemble the ordinance committee to review the proposed amendments and ordinance.

Financial Impact:

Is there a cost associated with this request? Yes No

What is the total cost, with tax and shipping? \$ Minimal cost in public notices.

Is this budgeted? Yes No *Please Explain:*

The public notices will have minimal impact to the budgets.

Aitkin County Environmental Services Planning and Zoning
209 Second Street NW
Room 100
Aitkin, MN 56431
Phone: 218-927-7342
Fax: 218-927-4372



MEMORANDUM

DATE: February 19, 2019
TO: Aitkin County Board of Commissioners
FROM: Terry Neff, Environmental Services Director 
RE: Assemble Ordinance Committee

I would like to assemble an ordinance committee to review a proposed new solid waste ordinance and amendments to the general zoning ordinance. The committee would consist of Commissioner Marcotte, Commissioner Pratt, BOA Representative, Planning Commission Representative, Garrison Disposal Representative, Lakes Sanitation Representative and myself.

The proposed solid waste ordinance would be a complete rewrite of the existing 1990 solid waste ordinance. It is based on a model solid waste ordinance the Solid Waste Administrators Association created in 2011. The proposed ordinance is lengthy but much of the language pertains to permitting new facilities.

The proposed amendments to the general zoning ordinance are updates to the vacation/private home rental and adding additional language to address MN Statute on enforcement of solid waste violations (see attached - red is new language and strikethrough is language to be deleted).

If you have any questions, please feel free to contact me at 218-927-7342 or by e-mail at tneff@co.aitkin.mn.us.

enclosure

c:\ctybrd\ctybrd2019

February 19, 2019

(SECTION 3)

DEFINITIONS

3.40 Overnight Occupant: “Overnight Occupant” means anyone present at the vacation/private home rental between the hours of 10:00pm and 8:00am.

[SECTION 13]

VIOLATIONS AND PENALTIES

- 13.0 Complaints Regarding Violations: Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator, stating fully the causes and basis thereof. The Zoning Administrator shall maintain a record of such complaints and shall take appropriate action pursuant to the provisions of this ordinance.
- 13.01 Any unauthorized change in the official Zoning Map shall be considered a violation of the provisions of this ordinance.
- 13.02 No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with the provisions of this ordinance.
- 13.03 The county shall have power to bring action for injunctive relief to enforce the provisions of this ordinance.
- 13.04 Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any other provisions of this ordinance shall be guilty of a misdemeanor, punishable by \$1,000.00 and 90 days imprisonment, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The County Attorney shall have the authority to prosecute any and all violations of this Ordinance.
- 13.05 In the event of a violation or threatened violation of this ordinance, Aitkin County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations. The Department may and is empowered to issue citations and/or cease and desist orders to halt the progress of any ongoing violation. When the work has been stopped by the Department for any valid reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.
- 13.06 After two or more attempts to achieve compliance, the Department may charge for the enforcement of violations of this Ordinance to recover actual costs for staff time, mileage

and supplies. This cost shall be above and beyond any other fee imposed by this Ordinance.

- 13.07 In the event the Department discovers an unauthorized deposit of solid waste, the Department shall issue a notice of violation requiring the property owner(s) to remove the solid waste and to provide evidence establishing that the solid waste was properly disposed of. If the property owner does not comply with the notice of violation the Department may abate the violations. The Department has the authority to enter the property, to perform the Corrective Actions, and to recover the costs of the same from the property owner through MN Statute section 375.18, Subp.14. The county may also seek civil penalties and damages from persons responsible for unauthorized deposit of solid waste under MN Statutes section 115A.99, which, if unpaid, may be imposed as a lien on property owned by the responsible persons and collected as a special assessment.

[SECTION 17]

17.0 Vacation/Private Home Rental

The following standards apply to vacation/private homes renting for thirty (30) days or less except those located within Planned Unit Developments whose legal documents regulate unit rentals.

- (1) The owner of a vacation/private home rental must apply for and receive an Interim Use Permit from the County. The initial Interim Use Permit will be valid for five (5) years in order to determine the compliance level of the owner with the conditions of approval.

For vacation/private home rentals with compliance issues during the initial term of their IUP, subsequent renewals shall be for five (5) years or less as established by the Aitkin County Planning Commission. ~~The County will establish fees for the application and renewal.~~

For vacation/private home rentals with no compliance issues during the term of the IUP, subsequent renewals will be through obtaining a Lodging License from Aitkin County Environmental Services Department and future compliance will be monitored through the licensing and inspection. All existing IUP requirements and ordinance performance standards remain in effect. The conditions in Appendix D must be complied with during the lodging license period(s). Termination of the IUP will be when there is a change in ownership of the vacation/private home rental property; or if compliance issues occur during the lodging license period, the IUP may be revoked or amended after a hearing before the Planning Commission. If the IUP is revoked the lodging license will be terminated.

- (2) The application for an Interim Use Permit shall include:

- a. All information required for a conditional use permit,

- b. Floor plan of the structure drawn to scale, including the number of bedrooms with dimensions and all other sleeping accommodations, smoke detector and carbon monoxide detector locations,
- c. A to-scale site plan which shows locations and dimensions of property lines, the structure intended for licensing, accessory structures, parking areas, shore recreational facilities (docking plan, fire pit area, swim beach, etc) and sewage treatment systems.
- d. Emergency contact information (police, fire, hospital, septic tank pumper) be posted in the home.
- e. Current compliance inspection on the septic system.
- f. Current water test from an accredited laboratory with test results for nitrate-nitrogen and coliform bacteria.
- g. Plan for garbage disposal.
- h. Applicant must submit a pet policy.
- i. In each bedroom and any room used for sleeping, show the dimensions of egress windows on the drawing and the style (double hung, sliding or casement).
- j. Provide a detailed list of all advertising sources pertaining to the vacation/private home rental and notify Environmental Services with any changes to the advertising within 30 days.

- (3) The occupancy (overnight occupants) of a vacation/private home rental shall be limited to no more than two (2) persons per bedroom plus two (2) additional persons per building, or no more than one (1) person for every seventy-five (75) gallons of water per day that the building subsurface sewage treatment system (SSTS) is designed to handle, whichever is less. The maximum number of occupants, including both overnight and non-overnight occupants shall not exceed twice the approved overnight occupancy.
- (4) The vacation/private home rental shall be connected to an approved SSTS. The SSTS shall be designed and constructed with a design flow of seventy-five (75) gallons of water per person per day to handle the maximum number of guests for which the facility is permitted. The SSTS shall include a flow measuring device. Flow measurement readings and monitoring of the SSTS shall be recorded monthly and records shall be made available to the Department upon request. The use of holding tanks for vacation/private home rental units shall be prohibited.
- (5) On-site parking shall be provided which is sufficient to accommodate the occupants of the vacation/private home rental. Public streets and septic systems may not be used for calculating parking by renters or guests. Parking areas must be setback a minimum distance of five (5) feet from the property lines.
- (6) Attempting to obtain additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is prohibited.

- (7) Rooms used for sleeping shall be provided with egress windows that comply with the Minnesota State Building Code and with smoke detectors in locations that comply with ~~the Minnesota State Building Code~~ MN Statute chapter 299F or the requirements of the Department, whichever is ~~stricter~~ more restrictive. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor space, and every room occupied for sleeping purposes by more than one person shall contain not less than 60 square feet of usable floor space for each occupant thereof. Carbon monoxide detectors shall be installed in locations that comply with MN Statute section 299F.51.
- (8) On premise advertising signs are prohibited.
- (9) The owner shall provide a visual demarcation of the property lines.
- (10) The owner shall keep a report, detailing use of the home by recording the full name, address, phone number and vehicle license number of guests using the property. A copy of the report shall be provided to the Department upon request.
- (11) No more than two (2) vacation/private home rentals will be allowed on a parcel. More than two (2) vacation/private home rentals on the same parcel or on contiguous parcels under common ownership shall constitute a resort and must meet the standards set forth in Section 15 and/or 16 of this ordinance and Section 7 of the Aitkin County Shoreland Management Ordinance.
- (12) The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, and nearby water bodies as well as other concerns including, but not limited to, public safety, and safety of guests. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of guests.
- (13) A vacation/private home rental shall be licensed by the County and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to, Aitkin County's Lodging Ordinance, if applicable.
- (14) The Planning Commission may impose noise standards in order to assist in reducing potential impacts on neighboring properties.
- (15) Websites and all other advertising of the rental property must be in compliance with the occupancy allowance and all other conditions per approved application.
- (16) Vacation/private home rentals may not be rented or leased to more than one separate party in a seven day period, unless licensed to do so by the Aitkin County Environmental Services Department.
- (17) The applicant/owner shall keep on file with the County Environmental Services Department the name and telephone number of a contact person who shall be responsible

for responding to questions or concerns regarding the operation of the vacation/private home rental. This information must be kept current. This information shall also be posted in a conspicuous location within the dwelling unit. The contact person must be available to accept telephone calls on a 24 hour basis at all times that the vacation/private homes is rented and occupied. The contact person must have a key to the vacation/private home rental and be able to respond to the vacation/private home rental within 60 minutes to address issues or must have arranged for another person to address issues within the same timeframe.

(18) Each vacation rental must have a property information handbook available for renters that includes the name and contact information for the owner and/or caretaker; quiet hours as per approved IUP; maximum number of overnight occupants; maximum number of non-overnight occupants; property rules related to the use of outdoor features such as decks, patios, fire pit, sauna and other recreational facilities; list of the conditions that were placed on the approved IUP; and a notice that all ordinances and IUP conditions will be enforced by the Aitkin County Sheriff's Office and the Aitkin County Environmental Services Department.

APPENDIX D

Sample Conditions for Application # 20XX-00XXXX

1. Must comply with all local, state and federal regulations that pertain to this type of operation.
2. No launching of guests motorized watercraft from this property.
3. Quiet hours are from 10:00pm to 8:00am. IUP occupants must refrain from loud party noises, music, etc.
4. Maximum number of occupants allowed under this IUP is 4.
5. A flow measuring device must be installed on the septic system and/or well.
6. Websites and all other advertising of the rental property must be in compliance with the occupancy allowance per approved Application #2017-002341.
7. Install carbon monoxide detectors as per MN Statute section 299F.51.
8. Install smoke detectors as required by the MN Statute chapter 299F.
9. All watercraft are to be moored at the dock.
10. Must obtain lodging license from Aitkin County Environmental Services for rental periods of less than one week.
11. Conditions #5, 6, 7, and 8 must be met prior to renting under the terms of this IUP.
12. No discharge of firearms under the terms of this IUP.
13. Upon request, the IUP holder must submit to the Environmental Services Department the record book with the dates, names, addresses, telephone number, and vehicle license number of the guests using the property.
14. This IUP is issued to the present landowners and expires with the change of ownership.
15. No use of fireworks under the terms of this IUP.