

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
**AN ORDINANCE REGULATING BED AND BREAKFAST FACILITIES IN THE CITY
OF ELYSIAN**

ORDINANCE NO. 125/24

(A) Purpose. The purpose of this Ordinance is to allow and provide for the Licensing, Inspection, and operation of Bed and Breakfast facilities which consist of lodging for over-night stays within a primary residential owner-occupied dwelling.

(B) Land Use Performance Standards/General Requirements and General Regulations.

1. Maximum capacity.

- a. Residential Zone: No more than three (3) occupants, excluding children under age three (3), per bedroom shall be allowed to stay on the property onsite overnight (overnight being defined from sunset to sunrise). During the daytime hours, as defined from sunrise to sunset, that maximum capacity shall be no more than 1.5 times the overnight capacity.
- b. Commercial Zone: No more than four (4) occupants, excluding children under age three (3), per bedroom shall be allowed to stay on the property onsite overnight (overnight being defined from sunset to sunrise). During the daytime hours, as defined from sunrise to sunset, that maximum capacity shall be no more than 1.5 times the overnight capacity.

2. A maximum of one bed and breakfast per conforming dwelling lot of record in a residential zone. The one (1) rental unit allowed must be the primary structure associated with the lot in question and cannot be an outbuilding, camper, motor vehicle, recreational vehicle, guest house, guest cottage, or any other structure.
3. Density. Only one (1) Bed and Breakfast shall be allowed within 1,000 linear feet of another Bed and Breakfast or Short Term Rental, as Short Term Rental is defined in Elysian Ordinance 95/19 in a residential zone.
4. Onsite parking only. Parking must be in designated parking spaces only. This includes all motorized vehicles, fish houses, campers, and trailers. There shall be one (1) designated and dedicated parking space per bedroom. The number and location of parking spaces must be included and clearly defined and delineated on the Bed and Breakfast Application. All parking spaces shall be a minimum of two hundred (200) square feet and be on an impervious surface.
5. Rentals of motorized watercraft and recreational vehicles are prohibited.
6. Quiet Hours. Quiet Hours shall be from 10 PM to 7 AM. During this time, excessive or loud noise is prohibited. Excessive or loud noise shall be defined as unreasonably loud, boisterous, obscene, offensive, or abusive language or noise as

heard from a neighboring property to the licensed property. It shall include, but not necessarily be limited to the following types of conduct: shouting, yelling, playing loud music, unreasonably loud conversation, or loud partying, all as heard from the neighboring property.

7. Property lines shall be clearly marked with the applicant submitting a map with clearly delineated property lines on the application.
8. Fireworks shall be prohibited.
9. Garbage and Garbage Removal. All garbage, refuse, or recycling shall be stored completely enclosed in designated garbage containers. The property shall be serviced for garbage removal by a professional removal company per the City's Ordinances. Per City Ordinance §153.19 garbage cans are also to be removed from the boulevards by the day following garbage pickup.
10. Campfires. All campfires shall be confined to a three (3) foot by three (3) foot maximum size. There shall be no unattended campfires. Campfires shall be in designated areas only.
11. Sewage.
 - a. The property must have a fully operational and fully compliant subsurface sewage treatment system (SSTS) or be connected to municipal services.
 - b. Holding tanks are prohibited.
 - c. The property must follow and comply with Le Sueur County's compliance inspection time parameters.
 - d. The system must be properly sized for proper use.
 - e. The SSTS must be kept in a constant state of compliance and under a valid Operating Permit.
12. The discharge of firearms, including CO2, pellet, or BB guns, is prohibited.
13. Meals shall be served to guests only. There shall be no separate or additional kitchen facility located in any guest rooms.
14. Pets shall be attended to and leashed at all times.
15. All Bed and Breakfast facilities must be Licensed by the City of Elysian.
16. The applicant for a License shall acquire and keep in full force and effect for the duration of the permit, liability insurance in the minimum amount of \$1,000,000 that specifically covers use of the property as a Bed and Breakfast Property.
17. The Bed and Breakfast use shall be incidental and secondary to primary residential use of the property. It shall be owner occupied.

18. An operations Guide shall be available within the premises and provided to users of the property that includes the following information:

- a. Emergency Contact Information for the Owners
- b. Maximum Capacity
- c. Parking Restrictions
- d. Quiet Hours
- e. Campfire Information
- f. Rules of the Bed and Breakfast
- g. Emergency contacts (police, fire, hospital, City Offices)
- h. Boundary Lines

(A) Licenses / Fees.

1. It shall be unlawful for any person, firm, corporation, partnership, or otherwise to operate a lodging establishment herein called for within the City who does not possess a valid Bed and Breakfast License.
2. Application. Applications for the License shall be made through the City Administrator or the City Administrator's Designee.
3. Inspections-Initial Inspection and Thereafter Every Three Years. The property shall initially be inspected by a licensed building inspector and pass such inspection. Inspections, and passage of the same, shall take place upon initial grant of the License with an additional inspection each three (3) years thereafter.
4. Licenses-Renewal. Each license shall be good for one year. Licenses shall be issued during the year and shall expire on December 31 of each and every year. Automatic renewals do not occur. License renewal applications shall be submitted to the City on forms provided by it, with the renewal fee, no later than one month proceeding the date of expiration.
5. Renewal Fee Schedule. Initial and renewal license applications shall be accompanied by the applicable fee. All license fees are non-refundable. License fees shall be established in accordance with the City's Fees Schedule as it may be Amended from time to time.
6. Licenses are Non-Transferable including change of ownership situations.

(B) Inspection/Enforcement.

1. The City shall contract with a professional inspector to verify compliance with the terms and conditions of this Ordinance.

2. The establishment to be regulated hereunder shall fully comply with the Minnesota State Building Code, State Fire Code, State Mechanical Code, City's Ordinances, City's Zoning Code, and the Terms and Provisions of this Ordinance.
3. The person operating an establishment shall, upon request of the City or City's Inspector, permit access to all parts of the establishment at any reasonable time for the purpose of inspecting and shall exhibit and provide such records necessary to ascertain compliance with the provisions of this Ordinance.
4. Any noted deficiencies noted by the inspector shall be remedied timely as determined by the Inspector.

(C) Suspension and/or Revocation of License.

1. Licenses may be suspended temporarily by the City Administrator, at any time for failure of the license holder to comply with the terms and requirements of this Ordinance. Notice of temporary suspension shall be mailed by first class U.S. Mail to the address indicated on the License Application. The Applicant shall be entitled to an opportunity for a hearing before the City Council to address the temporary suspension. Said request for hearing shall be filed with the City Administrator within ten (10) working days of the City Administrator's notice of revocation. In the event that the time parameter set forth herein is not complied with then the License Holder shall be deemed to have waived their right to a hearing on the suspension issue.
2. Emergency Closure. Whenever the City finds that an emergency exists which requires immediate action to protect public health, it may, without notice or hearing, issue an Order reciting the existence of an emergency and require that such action be taken as deemed necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such Order shall be effective immediately. Any person to whom an Emergency Order is directed shall comply therewith immediately.
 - a. Emergency Closure Procedure. Emergency Closure of an establishment will be ordered if a prohibited activity is occurring or it is determined that the Establishment is an imminent health hazard.
 - b. Following an Emergency Closure, the establishment shall not reopen or allow others to be permitted to be on the site, without written permission from the City.
 - c. The City must give written permission to reopen upon submission of satisfactory proof that the property condition(s) causing the need for emergency closure have been corrected or removed by the operator(s).

- F. Penalty for Violation. Any violation of the Ordinance, by either the owner, tenant, occupant, manager, or such other person having control over or being present at the establishment is a Misdemeanor Offense punishable a fine of up to \$1,000 or ninety (90) days imprisonment. The first offense shall be a scheduled fine of \$500, the second offense shall be a scheduled fine of \$750 and the third offense shall be a scheduled fine of \$1,000.
- G. Revocation of License. Upon an license holder's third conviction in two years for any violation of the terms and conditions of this Ordinance or the terms and conditions of any provision of the City's nuisance ordinances, the license shall be reviewed by the City Council for possible revocation and upon a fourth violation in two years it shall be automatically revoked by the City Council. Upon either situation, the Applicant shall be entitled to an opportunity for a hearing before the City Council to address the revocation issue. Said request for hearing shall be filed with the City Administrator within ten (10) working days of the City Administrator's notice of revocation. In the event that the time parameter set forth herein is not complied with then the License Holder shall be deemed to have waived their right to a hearing on the suspension issue.
- H. Effective Date. The Ordinance shall be in full force and effect upon its publication.
- I. Repeal and Replace. This Ordinance, once passed, shall act to repeal and replace that Ordinance known as §156.119 BED AND BREAKFAST ESTABLISHMENTS.

Adopted by the City Council this 9th day of December, 2024.

Tom McBroom, Sr.
Mayor

ATTEST:

Lorri Kopischke
City Administrator