
AGENDA

City of West Fargo Short-Term Rental Committee

Monday, September 29, 2025

4:30 PM

Commission Chambers, West Fargo City Hall – 2515 6th St E

1. Call to Order
2. Roll Call
3. Approval of Order of Agenda
4. Approval of Minutes – August 26, 2025
5. Public Comment Period (*Members of the public will be allowed 2 minutes and 30 seconds to address the Committee*)
6. Review and Discuss Updates to the Draft Short-Term Rental Ordinance
7. Determine Recommendation to the City Commission
8. Next Steps
9. Adjournment

MEETING MINUTES

City of West Fargo Short-Term Rental Committee

Tuesday, August 26, 2025

4:30 PM

Commission Chambers, West Fargo City Hall – 2515 6th St E

1. Call to Order

Chair Nelson called the meeting to order at 4:32pm.

2. Roll Call

Committee members present: Chair Nelson, Commissioner Anderson, Deputy Fire Chief Sprecher, Captain Burkhartsmeier

Committee members absent: Vice-Chair Jorgensen

3. Approval of Order of Agenda

Commissioner Anderson moved to approve the order of the agenda. Deputy Fire Chief Sprecher seconded. No opposition. Motion passed.

4. Approval of Minutes – July 28, 2025

Commissioner Anderson motioned and Captain Burkhartsmeier seconded to approve the meeting minutes from July 28, 2025. No opposition. Motion passed.

5. Public Comment Period *(Members of the public will be allowed 2 minutes and 30 seconds to address the Committee)*

No public comments were made.

6. Public Survey

a. Review and discuss survey results

Manager of Public Affairs Rachel Richter-Lordemann presented the findings of the survey via PowerPoint. A total of 122 responses were received. 62 of those responses were able to be analyzed. The remaining 60 responses were unable to be analyzed due to no responses other than the first question.

7. Discussion on Key Policy Questions

- a. **Primary Residency Requirement – Should short-term rentals be limited to properties that serve as a primary residency, or should the city allow properties to operate STRs year-round without a primary residency requirement?**

- b. Occupancy Limits – Should occupancy limits for short-term rentals match those for long-term residential dwellings, or should STRs be permitted to host a greater number of guests?**
- c. Timing of Renewal Period – Should short-term rental licenses be renewed annually every calendar year (e.g., by December 31), or should an alternative timeline or a rolling 12-month renewal system based on the date of issuance be considered?**

Discussion took place regarding the necessity of primary residence requirements, how to clarify occupancy limits, the importance of having contact information for owners easily available, and other miscellaneous ordinance items.

Chair Nelson went over the rubric provided in the agenda packet and asked for committee interest in the steps moving forward. Upon initial discussion, there was general consensus that a primary residency requirement is not necessary and that occupancy should be based on the size of the unit as opposed to being tied to standard zoning occupancy restrictions for residential dwellings.

With increased flexibility for occupancy, Chair Nelson wondered if the committee should also review things such as parking requirements. The city currently has the same restrictions for any residence. Captain Burkhartsmeier said nuisance and parking ordinances apply to everything in the city, so he doesn't see a need for more restrictive requirements for STRs. Committee would like a recommendation from the building department about how to pursue occupancy.

Commissioner Anderson would like licensing annually, with the set timing being influenced by staff input. Deputy Fire Chief Sprecher would like an annual fee for licensing.

Part of licensing would include letters sent out to neighboring property owners to inform them that an STR would be operating within 150ft of the licensed premises. The license would need to be conspicuously posted in the entryway of the premises and include contact information for relevant parties. There was additional discussion regarding "good neighbor guidelines" that some cities require. Commissioner Anderson will share an example that he found with the committee and put it on the OneDrive.

Chair Nelson said that staff would support an annual licensing with a set date range- possibly something in the summer- to mirror what happens with the liquor licensing.

8. Next Steps

- a. Discuss and approve the next steps of the Committee, including research/informational needs, member assignments, and/or agenda items for the next meeting**

Committee is going to get details from Inspections on what amount of square footage qualifies as a bedroom. Staff will flesh out the code provisions and the pros/cons of following whatever path. Staff will also update the draft ordinance in the direction that the discussion has been going so far. If committee members want other inclusions in the draft agenda/ordinance, they are encouraged to share it with staff so it can be added. An updated draft of the ordinance will be put together for the next meeting. Additional discussion was held regarding the option for

“good neighbor guidelines,” which could either be included in the ordinance and/or implemented by staff as part of the application process. Tips to be a good neighbor could be provided to the property owners to encourage them to follow parking rules, animal waste disposal, property boundaries (city leash laws), and trespassing on neighboring properties.

Deputy Fire Chief Sprecher motioned that between now and next meeting, staff will discuss occupancy options with the Building Official and prepare an updated draft short-term rental ordinance for consideration by the Committee at the next meeting. The updated draft will remove the primary residency requirement, base occupancy on building code standards, adjust the renewal period, and may consider good neighbor provisions. Commissioner Anderson seconded the motion. Roll call vote 4-0. Motion passed.

b. Approve date, time, and location of next meeting

Monday, September 29th at 4:30pm in Commission Chambers was motioned as the next meeting date by Commissioner Anderson. The motion was seconded by Captain Burkhartsmeier. Roll call vote 4-0. Motion passed.

9. Adjournment

Commissioner Anderson motioned to adjourn the meeting. Deputy Fire Chief Sprecher seconded. Meeting adjourned at 5:33pm.

ORDINANCE NO. 1254

AN ORDINANCE TO CREATE AND ENACT CHAPTER 10-16 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO SHORT-TERM RENTALS, AND TO AMEND AND REENACT SECTION 4-0402.2 RELATING TO THE DEFINITIONS OF DWELLING UNIT AND SHORT-TERM RENTAL.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, NORTH DAKOTA:

SECTION 1. Chapter 10-16 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby created and enacted to read as follows:

CHAPTER 10-16

SHORT-TERM RENTALS

SECTIONS:

- 10-1601. Purpose and Intent
- 10-1602. Definitions
- 10-1603. Annual Licensing Requirements for Short-Term Rentals
- 10-1604. Operational Standards for Short-Term Rentals
- 10-1605. Penalties for Violations
- 10-1606. Severability
- ~~10-1607. Transitional Provisions for Existing Short-Term Rentals~~

10-1601. PURPOSE AND INTENT.

1. The purpose of this ordinance is to establish regulations for the operation of short-term rental properties within the City of West Fargo. This ordinance aims to balance the interests of property owners, residents, and the community by ensuring that short-term rental properties are operated safely, responsibly, and in a manner that is consistent with the residential character of the neighborhoods in which they operate.

10-1602. DEFINITIONS.

1. *Short-Term Rental (STR)*: The rental of a dwelling unit or any portion thereof for a period of twenty nine (29) or fewer consecutive days. ~~Short-term rentals are accessory to primary residential use of a dwelling unit.~~ Short-term rentals are intended for temporary lodging and do not constitute a primary or long-term residence for the guest(s).

2. *Dwelling Unit:* A structure or portion of a structure designed for residential occupancy, including single-family homes, apartments, condominiums, and other similar residential structures but not including hotels or motels.
3. *Party:* Any gathering, event, or social activity occurring at a short-term rental property that exceeds the intended use of the property for lodging and residential purposes, typically involving a significant number of guests who are not residential occupants of the rental, and may include amplified sound, music, food, drink, and/or other activities likely to disturb the peace, create a nuisance, or violate local ordinances.
4. *Licensed Premises:* A dwelling unit that has a valid license issued pursuant to this chapter allowing short-term rental of such dwelling unit.
5. *Tenant:* An individual who leases or rents a dwelling unit as their ~~primary full time residence for a period of thirty (30) or more consecutive days more than one half of the year.~~ primary full time residence for a period of thirty (30) or more consecutive days
- ~~6. *Primary Residence:* A dwelling unit in which an owner or a tenant occupies the dwelling unit as their primary full time residence for more than one half of the year.~~

10-1603. ANNUAL LICENSING REQUIREMENTS FOR SHORT-TERM RENTALS.

1. *License Requirement:* No dwelling unit in the City of West Fargo's zoning jurisdiction shall be operated as a short-term rental property unless the owner, operator, or tenant of a dwelling unit first obtains an annual Short-Term Rental License from the City of West Fargo for the dwelling unit. The City Auditor, or their designee, shall be responsible for the administration of short-term rental licensing in accordance with this chapter.
2. *Application Requirements:* Property owners, operators, or tenants of dwelling units looking to become licensed shall submit a Short-Term Rental License application to the City. Along with other information deemed necessary by the City Auditor, the application shall include:
 - a. Address of the short-term rental unit.
 - b. Type of dwelling unit (e.g., single-family home, apartment, condominium).
 - c. Proof of property ownership, operation, or tenancy.
 - d. Proof of liability insurance.
 - e. Proof of ND Sales and Use Tax Permit.

- f. ~~Property information, including scaled floor plans, that may be necessary to confirm compliance with the standards of this ordinancechapter (e.g., maximum occupancy, parking availability).Number of bedrooms and/or sleeping areas available for rent, number and location of off street parking spaces, and the maximum permitted occupancy pursuant to Section 10-1604.1, "Occupancy Limits."~~
- g. Contact information for the property owner, operator, or tenant, as applicable, and all other applicable property representatives, such as property manager. The applicant must identify one (1) or more persons who will be available to respond within two (2) hours at all times during which the dwelling unit is rented to any issues raised by the renter or the City. Any such person must have access to the dwelling unit and be authorized to make decisions regarding the dwelling unit.
- h. A signed statement by the owner, operator, or tenant, as applicable, ~~that the licensed premises is a primary residence and~~ that the owner, operator, or tenant, as applicable, will, at all times, comply with all the requirements of the license and this chapter. Failure to comply with said requirements will constitute a violation of the provisions of this chapter.
- i. Payment of the applicable licensing fee, as determined by the Board of City Commissioners.

~~3. Primary Residency: The licensed premises must be a primary residence.~~

~~4.3. Safety and Compliance Inspection: The licensed premises must comply with all applicable federal, state, and local laws. A Short-Term Rental License shall only be issued upon successful completion of a safety inspection, including that the licensed premises complies with applicable fire, building, and health codes.~~

~~5.4. Taxes: Licensees operating a short-term rental are responsible for paying all applicable taxes, including applicable sales taxes in accordance with State law and lodging taxes in accordance with Chapter 10-05 of the City Ordinances. Licensees shall maintain tax records for a minimum of seven (7) years and shall make these records available to the City upon request for compliance purposes.~~

~~6.5. License Term: The term of a Short-Term Rental License shall be for a period of one (1) year commencing July 1 of each year and terminating June 30 of the following year; provided, however, that all licenses shall be prorated on a quarterly basis and expire on December 31 of each year unless sooner suspended or revoked. If an application is made for a license during the licensing year, the license that is granted is only for the unexpired portion of such year ending June 30, at which time an application for renewal of the license must be made. The license fee for a partial year is prorated so that it equals one-twelfth (1/12th) of the licensing fee times the number of months (including partial months) the license will be in effect.~~

~~7.6.~~ License Renewal: Short-Term Rental Licenses, which have not been suspended or revoked, must be renewed annually, subject to payment of the renewal fee and compliance with all provisions of this chapter. Applications for renewal shall be made at least thirty (30), but no more than ninety (90), calendar days prior to the expiration date of the current valid license.

~~8.7.~~ Transferability: A Short-Term Rental License is not transferable. A new license is required upon change of ownership, operation, or tenancy of the licensed premises.

~~9.8.~~ Insurance: Licensees operating a short-term rental must maintain general liability insurance for the licensed premises in the amount of at least \$500,000 at all times. Licensees must provide proof of the required insurance coverage to the City upon request.

~~10.9.~~ Private Restrictions/Covenants: A license issued to a person or entity whose premises is subject to private restrictions and/or covenants that prohibit the use of short-term rentals is the sole responsibility of the person or entity applying for the license. The interpretation and enforcement of the private restrictions and/or covenants is the sole responsibility of the private parties involved; the City is in no way responsible for interpreting or enforcing private restrictions and/or covenants.

10-1604. OPERATIONAL STANDARDS FOR SHORT-TERM RENTALS.

~~1.~~ Occupancy Limits: Occupancy is limited to a family of persons related by blood or marriage or a group of not more than five (5) persons who need not be related by blood or marriage.

~~2.~~

~~1.~~ In no case shall occupancy exceed the maximum allowed by the International Property Maintenance Code applicable building, fire, or zoning codes. Sleeping areas that are advertised for rent must meet all applicable building and fire code standards. The total maximum occupancy of a short-term rental shall be the sum of the allowable occupancy of all designated bedrooms within the dwelling unit. Bedrooms must have a minimum of seventy (70) square feet of floor area and meet all applicable building and fire code standards. The allowable occupancy per bedroom is defined by the following table:

<u>Bedroom Floor Area (square feet)</u>	<u>Maximum Allowable Occupancy</u>
<u>0 – 69.9</u>	<u>0</u>
<u>70 – 99.9</u>	<u>1</u>
<u>100 – 149.9</u>	<u>2</u>
<u>150 +</u>	<u>3</u>

Commented [AN1]: Alternative option:
Occupancy Limits: Occupancy is limited to no more than two (2) persons per bedroom plus two (2) additional persons per dwelling unit.

The above occupancy limits notwithstanding, in no case shall occupancy exceed the maximum occupancy allowed by the International Property Maintenance Code.

as adopted in Chapter 5-05 of the City Ordinances. Final determination of the maximum occupancy of a short-term rental shall be made by the City Building Official.

- ~~3-2.~~ Noise, Maintenance, and Conduct: Short-term rentals shall comply with all applicable City ordinances, including, but not limited to, the City's ordinances relating to noise; snow removal; tall grass and weed control; trash, junk, and debris; nuisances; parking; and property maintenance.

There shall be no exterior signage and no change to the outside appearance of the premises that would reflect the presence of a short-term rental.

Short-term rentals may only be used for overnight accommodations and shall not be used for any gathering meeting the definition of a party.

- ~~4-3.~~ Parking Requirements: Short-term rentals shall provide at least two (2) off-street parking spaces on the premises. These parking spaces must be open and available to short-term renters at all times during their stay. Any illegal parking of vehicles associated with the short-term rental is grounds for a violation of this chapter.

- ~~5-4.~~ Guest Recordkeeping: Licensees shall maintain records of guest stays, including dates of occupancy, for a minimum of twelve (12) months and shall make these records available to the City upon request for compliance purposes.

- ~~6-5.~~ Advertising, Posting, and Public Notice:

- a. All advertising for a short-term rental unit shall include the City-issued Short-Term Rental License number in the listing, as well as the maximum occupancy permitted by this chapter.
- b. Every licensee of a short-term rental shall conspicuously post the annual license issued by the City within the main entryway of the licensed premises. The posted license shall include contact information for the licensee and at least one other local representative responsible for responding to issues at the property. In addition to the license, the City Auditor may require the posting of other information deemed necessary, including applicable regulations, safety information, good neighbor guidelines, and the like. ~~Every licensee of a short term rental shall post the annual license issued by the City. The annual license shall be conspicuously posted by the licensee in the main entryway of the short term rental for which they are issued and shall include contact information for the licensee and other property representatives.~~
- c. Upon approval of a ~~short term rental license~~ Short-Term Rental License, the City Auditor shall notify by mail all owners of property within 150 feet of the licensed premises. The notification shall include the address of the

licensed premises, information about the City's short-term rental standards, and information on how to report potential violations.

10-1605. PENALTIES FOR VIOLATIONS.

1. Enforcement and Penalties: Any violation of this chapter is an infraction as provided under Section 1-0211 of the City Ordinances and may also result in administrative fines and/or suspension or revocation of the Short-Term Rental License. Fines shall be established by resolution of the Board of City Commissioners and may increase with each repeated violation. Any repeat violations will be counted on a twelve (12) month basis, commencing on the date of the initial violation and extending for twelve (12) consecutive months thereafter. If additional violations are committed within the twelve (12) month period following the initial violation, then those additional violations will be added to the initial violation as repeat violations, and all violations committed during the twelve (12) month period will be counted toward the assessment of fines. If no additional violations are committed within the twelve (12) month period following the initial violation, then the twelve (12) month period will expire, and the initial violation will not be counted with any subsequent violations toward the assessment of fines. Another twelve (12) month period will commence if a subsequent violation is committed, and any additional violations committed within the twelve (12) month period thereafter will be added to the subsequent violation as repeat violations, and all of those violations will be counted toward the assessment of fines. Any violations committed during a prior twelve (12) month period will not be counted toward the assessment of fines in a current twelve (12) month period.

Properties identified as operating a short-term rental without a license may be given a compliance period of up to thirty (30) calendar days to apply for a license. After the compliance period, a short-term rental found to be operating in lieu of obtaining proper licensure requirements will be subject to penalties as set forth in this chapter.

2. Administrative Fines and/or Revocation or Suspension of License: The City may impose an administrative fine and/or revoke or suspend a Short-Term Rental License for any property that is found to be in violation of this chapter. Administrative fines shall be established by resolution of the Board of City Commissioners and may increase with each repeated violation. Repeat violations will be counted on a twelve (12) month basis as set forth in the prior subsection. Notice of revocation or suspension must be sent to the licensee by certified mail addressed to the licensee at the address set forth in the application. The Chief of Police shall be notified of the revocation or suspension of the license.
3. Appeals: The applicant and/or licensee may appeal a license denial, revocation, or suspension to the Board of City Commissioners and request a hearing on such denial, revocation, or suspension. Such appeal must be made in writing to the City Auditor within fourteen (14) calendar days of notification of the denial, revocation, or suspension of license. At the close of the hearing, the Board of City Commissioners shall act to affirm, modify, or reverse the original decision.

10-1606. SEVERABILITY.

1. If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the remaining portions of this chapter, which shall remain in full force and effect.

~~10-1607. TRANSITIONAL PROVISIONS FOR EXISTING SHORT TERM RENTALS.~~

~~Purpose: The purpose of this section is to establish a transitional period for existing short term rental operators to comply with the City's new requirement that short term rentals may only be operated within a primary residence. This transition period provides affected operators time to adjust their business operations while ensuring an orderly implementation of the new regulations.~~

- ~~1. Transitional Period: A short term rental that was operating before the adoption of this ordinance and does not meet the primary residence requirement may continue operating for a limited time, provided that the owner, operator, or tenant applies for, and is granted, a Transitional Short Term Rental Compliance License in accordance with the provisions outlined below:~~
 - ~~a. Application for Transitional Short Term Rental Compliance License: Existing short term rental operators must apply for a Transitional Short Term Rental Compliance License with the City and provide proof that the short term rental was in operation prior to the ordinance's adoption in order to operate in accordance with the transitional provisions of this section.~~
 - ~~b. Issuance of a Transitional Short Term Rental Compliance License: Applications for Transitional Short Term Rental Compliance Licenses will be reviewed and approved in the same manner as an annual Short Term Rental License, as outlined within this chapter.~~
 - ~~e. Expiration of Transitional Short Term Rental Compliance Licenses: Transitional Short Term Rental Compliance Licenses will expire on December 31, 2026. After expiration, all short term rentals must comply with the primary residence requirement.~~
 - ~~d. Operational Requirements During Transition Period: Short term rentals operating under a Transitional Short Term Rental Compliance License must adhere to all other applicable short term rental regulations, including but not limited to occupancy limits, noise restrictions, and safety requirements.~~
 - ~~e. Non Transferability of Transitional Short Term Rental Compliance Licenses: Transitional Short Term Rental Compliance Licenses are not transferable to new owners, operators, or tenants. If the property is sold or ownership is transferred, the license immediately expires.~~

SECTION 2. Section 4-0402.2 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and enacted by amending the definition of “Dwelling Unit” and creating the definition of “Short-Term Rental” to read as follows:

Dwelling Unit - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for (i) owner occupancy, (ii) rental or lease on a monthly or longer basis, and (iii) Short-Term Rental licensed in accordance with Chapter 10-16 of the City Ordinances and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Short-Term Rental - The rental of a Dwelling Unit or any portion thereof for a period of twenty-nine (29) or fewer consecutive days, licensed in accordance with Chapter 10-16 of the City Ordinances.

SECTION 3. Chapter 4-200 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and enacted by amending the definition of “Dwelling Unit” to read as follows:

DWELLING UNIT: -One room, or rooms connected together, constituting a separate, independent housekeeping establishment for (i) owner occupancy, (ii) rental or lease on a monthly or longer basis, and (iii) Short-Term Rental licensed in accordance with Chapter 10-16 of the City Ordinances and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after

~~July 1 September 1~~ _____, ~~2025~~2026.

President of Board of City Commissioners
of the City of West Fargo, North Dakota

ATTEST:

City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

ORDINANCE NO. 1254

AN ORDINANCE TO CREATE AND ENACT CHAPTER 10-16 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO SHORT-TERM RENTALS, AND TO AMEND AND REENACT SECTION 4-0402.2 RELATING TO THE DEFINITIONS OF DWELLING UNIT AND SHORT-TERM RENTAL.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, NORTH DAKOTA:

SECTION 1. Chapter 10-16 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby created and enacted to read as follows:

CHAPTER 10-16

SHORT-TERM RENTALS

SECTIONS:

- 10-1601. Purpose and Intent
- 10-1602. Definitions
- 10-1603. Annual Licensing Requirements for Short-Term Rentals
- 10-1604. Operational Standards for Short-Term Rentals
- 10-1605. Penalties for Violations
- 10-1606. Severability

10-1601. PURPOSE AND INTENT.

1. The purpose of this ordinance is to establish regulations for the operation of short-term rental properties within the City of West Fargo. This ordinance aims to balance the interests of property owners, residents, and the community by ensuring that short-term rental properties are operated safely, responsibly, and in a manner that is consistent with the residential character of the neighborhoods in which they operate.

10-1602. DEFINITIONS.

1. *Short-Term Rental (STR)*: The rental of a dwelling unit or any portion thereof for a period of twenty nine (29) or fewer consecutive days. Short-term rentals are intended for temporary lodging and do not constitute a primary or long-term residence for the guest(s).
2. *Dwelling Unit*: A structure or portion of a structure designed for residential occupancy, including single-family homes, apartments, condominiums, and other similar residential structures but not including hotels or motels.

3. *Party:* Any gathering, event, or social activity occurring at a short-term rental property that exceeds the intended use of the property for lodging and residential purposes, typically involving a significant number of guests who are not residential occupants of the rental, and may include amplified sound, music, food, drink, and/or other activities likely to disturb the peace, create a nuisance, or violate local ordinances.
4. *Licensed Premises:* A dwelling unit that has a valid license issued pursuant to this chapter allowing short-term rental of such dwelling unit.
5. *Tenant:* An individual who leases or rents a dwelling unit as their residence for a period of thirty (30) or more consecutive days.

10-1603. ANNUAL LICENSING REQUIREMENTS FOR SHORT-TERM RENTALS.

1. **License Requirement:** No dwelling unit in the City of West Fargo's zoning jurisdiction shall be operated as a short-term rental property unless the owner, operator, or tenant of a dwelling unit first obtains an annual Short-Term Rental License from the City of West Fargo for the dwelling unit. The City Auditor, or their designee, shall be responsible for the administration of short-term rental licensing in accordance with this chapter.
2. **Application Requirements:** Property owners, operators, or tenants of dwelling units looking to become licensed shall submit a Short-Term Rental License application to the City. Along with other information deemed necessary by the City Auditor, the application shall include:
 - a. Address of the short-term rental unit.
 - b. Type of dwelling unit (e.g., single-family home, apartment, condominium).
 - c. Proof of property ownership, operation, or tenancy.
 - d. Proof of liability insurance.
 - e. Proof of ND Sales and Use Tax Permit.
 - f. Property information, including scaled floor plans, that may be necessary to confirm compliance with the standards of this chapter (e.g., maximum occupancy, parking availability).
 - g. Contact information for the property owner, operator, or tenant, as applicable, and all other applicable property representatives, such as property manager. The applicant must identify one (1) or more persons who

Licensees must provide proof of the required insurance coverage to the City upon request.

- 9. Private Restrictions/Covenants: A license issued to a person or entity whose premises is subject to private restrictions and/or covenants that prohibit the use of short-term rentals is the sole responsibility of the person or entity applying for the license. The interpretation and enforcement of the private restrictions and/or covenants is the sole responsibility of the private parties involved; the City is in no way responsible for interpreting or enforcing private restrictions and/or covenants.

10-1604. OPERATIONAL STANDARDS FOR SHORT-TERM RENTALS.

- 1. Occupancy Limits: The total maximum occupancy of a short-term rental shall be the sum of the allowable occupancy of all designated bedrooms within the dwelling unit. Bedrooms must have a minimum of seventy (70) square feet of floor area and meet all applicable building and fire code standards. The allowable occupancy per bedroom is defined by the following table:

Bedroom Floor Area (square feet)	Maximum Allowable Occupancy
0 – 69.9	0
70 – 99.9	1
100 – 149.9	2
150 +	3

The above occupancy limits notwithstanding, in no case shall occupancy exceed the maximum occupancy allowed by the International Property Maintenance Code, as adopted in Chapter 5-05 of the City Ordinances. Final determination of the maximum occupancy of a short-term rental shall be made by the City Building Official.

- 2. Noise, Maintenance, and Conduct: Short-term rentals shall comply with all applicable City ordinances, including, but not limited to, the City’s ordinances relating to noise; snow removal; tall grass and weed control; trash, junk, and debris; nuisances; parking; and property maintenance.

There shall be no exterior signage and no change to the outside appearance of the premises that would reflect the presence of a short-term rental.

Short-term rentals may only be used for overnight accommodations and shall not be used for any gathering meeting the definition of a party.

- 3. Parking Requirements: Short-term rentals shall provide at least two (2) off-street parking spaces on the premises. These parking spaces must be open and available to short-term renters at all times during their stay. Any illegal parking of vehicles associated with the short-term rental is grounds for a violation of this chapter.

4. Guest Recordkeeping: Licensees shall maintain records of guest stays, including dates of occupancy, for a minimum of twelve (12) months and shall make these records available to the City upon request for compliance purposes.
5. Advertising, Posting, and Public Notice:
 - a. All advertising for a short-term rental unit shall include the City-issued Short-Term Rental License number in the listing, as well as the maximum occupancy permitted by this chapter.
 - b. Every licensee of a short-term rental shall conspicuously post the annual license issued by the City within the main entryway of the licensed premises. The posted license shall include contact information for the licensee and at least one other local representative responsible for responding to issues at the property. In addition to the license, the City Auditor may require the posting of other information deemed necessary, including applicable regulations, safety information, good neighbor guidelines, and the like.
 - c. Upon approval of a Short-Term Rental License, the City Auditor shall notify by mail all owners of property within 150 feet of the licensed premises. The notification shall include the address of the licensed premises, information about the City's short-term rental standards, and information on how to report potential violations.

10-1605. PENALTIES FOR VIOLATIONS.

1. Enforcement and Penalties: Any violation of this chapter is an infraction as provided under Section 1-0211 of the City Ordinances and may also result in administrative fines and/or suspension or revocation of the Short-Term Rental License. Fines shall be established by resolution of the Board of City Commissioners and may increase with each repeated violation. Any repeat violations will be counted on a twelve (12) month basis, commencing on the date of the initial violation and extending for twelve (12) consecutive months thereafter. If additional violations are committed within the twelve (12) month period following the initial violation, then those additional violations will be added to the initial violation as repeat violations, and all violations committed during the twelve (12) month period will be counted toward the assessment of fines. If no additional violations are committed within the twelve (12) month period following the initial violation, then the twelve (12) month period will expire, and the initial violation will not be counted with any subsequent violations toward the assessment of fines. Another twelve (12) month period will commence if a subsequent violation is committed, and any additional violations committed within the twelve (12) month period thereafter will be added to the subsequent violation as repeat violations, and all of those violations will be counted toward the assessment of fines. Any

violations committed during a prior twelve (12) month period will not be counted toward the assessment of fines in a current twelve (12) month period.

Properties identified as operating a short-term rental without a license may be given a compliance period of up to thirty (30) calendar days to apply for a license. After the compliance period, a short-term rental found to be operating in lieu of obtaining proper licensure requirements will be subject to penalties as set forth in this chapter.

2. Administrative Fines and/or Revocation or Suspension of License: The City may impose an administrative fine and/or revoke or suspend a Short-Term Rental License for any property that is found to be in violation of this chapter. Administrative fines shall be established by resolution of the Board of City Commissioners and may increase with each repeated violation. Repeat violations will be counted on a twelve (12) month basis as set forth in the prior subsection. Notice of revocation or suspension must be sent to the licensee by certified mail addressed to the licensee at the address set forth in the application. The Chief of Police shall be notified of the revocation or suspension of the license.
3. Appeals: The applicant and/or licensee may appeal a license denial, revocation, or suspension to the Board of City Commissioners and request a hearing on such denial, revocation, or suspension. Such appeal must be made in writing to the City Auditor within fourteen (14) calendar days of notification of the denial, revocation, or suspension of license. At the close of the hearing, the Board of City Commissioners shall act to affirm, modify, or reverse the original decision.

10-1606. SEVERABILITY.

1. If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the remaining portions of this chapter, which shall remain in full force and effect.

SECTION 2. Section 4-0402.2 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and enacted by amending the definition of “Dwelling Unit” and creating the definition of “Short-Term Rental” to read as follows:

Dwelling Unit - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for (i) owner occupancy, (ii) rental or lease on a monthly or longer basis, and (iii) Short-Term Rental licensed in accordance with Chapter 10-16 of the City Ordinances and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Short-Term Rental - The rental of a Dwelling Unit or any portion thereof for a period of twenty-nine (29) or fewer consecutive days, licensed in accordance with Chapter 10-16 of the City Ordinances.

SECTION 3. Chapter 4-200 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and enacted by amending the definition of “Dwelling Unit” to read as follows:

DWELLING UNIT: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for (i) owner occupancy, (ii) rental or lease on a monthly or longer basis, and (iii) Short-Term Rental licensed in accordance with Chapter 10-16 of the City Ordinances and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after July 1, 2026.

President of Board of City Commissioners
of the City of West Fargo, North Dakota

ATTEST:

City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

DRAFT City of West Fargo Short-Term Rental Committee – Committee Overview

Last Update: July 24, 2025

Purpose Statement:	<p>The committee's purpose is to evaluate, deliberate, and recommend to the City Commission policies and/or a draft ordinance for the regulation of short-term rentals (STRs) in West Fargo. The recommendations will aim to balance economic opportunity with neighborhood integrity, public safety, and community values.</p>
Scope of Work:	<ul style="list-style-type: none">• Review and evaluate the draft STR ordinance.<ul style="list-style-type: none">— Assess its alignment with community goals.— Identify key policy questions and areas of concern requiring further discussion.• Evaluate the regulatory approaches to short-term rentals that comparable jurisdictions have taken.• Identify and engage key stakeholders including residents, STR operators, neighborhood groups, and local businesses.• Develop a set of policy recommendations and/or specific edits to the current draft STR ordinance.• Deliver a recommendations report and/or draft ordinance to the City Commission for further consideration.
Deliverables:	<ul style="list-style-type: none">• A final Recommendations Report, including:<ul style="list-style-type: none">— key findings and policy considerations.— A revised draft STR ordinance, if applicable.— Summary of stakeholder engagement and public input.
Key Policy Questions:	<ul style="list-style-type: none">• Primary Residency Requirement -- Should short-term rentals be limited to properties that serve as a primary residence, or should the city allow properties to operate STRs year-round without a residency requirement?• Occupancy Limits -- Should occupancy limits for short-term rentals match those for long-term residential dwellings, or should STRs be permitted to host a greater number of guests?• Timing of renewal period -- Should short-term rental licenses be renewed annually every calendar year (e.g., by December 31), or should an alternative timeline or a rolling 12-month renewal system based on the date of issuance be considered?• Others? – Are there other STR policy questions the Committee should explore?
Anticipated Process Elements:	<ul style="list-style-type: none">• Kick-off meeting to define the Committee's scope of work and goals (updates to this document).• Regular committee meetings throughout the process.• Staff working to compile information and draft materials between committee meetings.• Public communications & input opportunities for stakeholders.<ul style="list-style-type: none">— Could include surveys, comment submittals, listening sessions, etc.— Open meeting requirements (Public notice, meeting agendas & minutes)— Meeting materials posted to the City's webpage and calendar of events.— Social media notifications and media releases, as needed.

	<ul style="list-style-type: none"> • Official votes/action of the Committee on key policy questions, task items, and final recommendations. • Final recommendations/deliverables drafted, voted on, & submitted/presented back to the City Commission.
Committee Membership:	<ul style="list-style-type: none"> • Rory Jorgensen, City Commission • Roben Anderson, City Commission • Aaron Nelson, Staff – Planning & Zoning • Randy Burkhartsmeier, Staff – Police • Dell Sprecher, Staff – Fire
Committee Procedures:	<p>The committee will maintain an informal and collaborative atmosphere during discussions. However, for procedural and formal action items, the committee will follow Robert's Rules of Order to ensure clarity, consistency, and transparency in decision-making.</p>
Feedback & Questions:	<p><u>Please contact the West Fargo Planning Department with any feedback or input you would like to share regarding the work of this committee.</u></p> <p>West Fargo Planning Department Attn: Aaron Nelson 2515 6th St E West Fargo, ND 58078</p> <p>Phone: (701) 515-5370 Email: Aaron.Nelson@WestFargoND.gov</p>