

TO: Mayor and City Council
FROM: David Chanski, City Administrator
RE: STR Well Testing
DATE: November 6, 2023



Background

[Section 115 of the City Code](#) regulates the licensing of Short Term Rentals (STRs) within the City of Breezy Point. Section 115.003(G) requires that applicants for STR licenses conduct tests on their private well systems and provide the results as part of the license application/renewal process.

Applicants must test for Coliform Bacteria and Nitrates on an annual basis and Arsenic, Mercury, Lead, and Sulfate every 10 years.

Discussion on Well Testing

Having gone through the STR licensing process for the first time in 2023, staff is recommending the Section 115 be amended to remove the requirement that wells be tested as listed above.

The reason behind this recommendation is twofold. First, unlike Crow Wing County, the City does not have public health officials that are trained to review such test results and deal with issues that may arise. Second, staff has concerns that, by essentially approving well tests, the City may be opening itself up for litigation should a guest of a STR get sick from well water. Staff believes this is an issue that should be addressed between the STR guest and the STR owner. City involvement is unnecessary.

As a replacement to the current requirement, staff recommends that Section 115 be amended to *encourage* well testing, but not *require* it.

Council Action

Staff recommends that the City Council direct staff to conduct the process to amend Section 115.003(G) of the City Code to change the code language from requiring the testing of private wells for short term rentals to encouraging the testing of wells.