

BANDON

conditions shall not be placed which would exclude needed housing, unnecessarily decrease density, or allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delays.

- I. Drive-Up Uses. Drive-up uses are a conditional use in the general commercial zone. All drive-up uses shall comply with the following provisions:
1. All drive-up uses shall provide at least two designated parking spaces immediately beyond the service window to allow customers requiring excessive waiting time to receive service while parked.
 2. All drive-up uses shall provide a means of egress for vehicular customers who wish to leave the waiting line.
 3. The grade of the stacking area shall be flat or downhill to eliminate excessive fuel consumption.
 4. The drive-up shall be designed to provide natural ventilation for dispersal of exhaust fumes.
- J. Bed and Breakfasts and Bed and Breakfast Inns. Bed and breakfasts and bed and breakfast inns are conditional uses in the CD-1 and CD-2 zones and they shall comply with all of the provisions pertaining to vacation rentals as listed in subsection K of this section.
- K. Vacation Rental Dwellings. Vacation rental dwellings are a conditional use in the CD-1 and CD-2 and CD-3 zones, and are subject to the requirements of this chapter. A dwelling may only be eligible for VRD status provided that it is an existing single-family detached dwelling, and that less than 30% of the dwellings on property within 250 feet of the subject property are VRD's.

All vacation rental dwelling shall comply with the following provisions.

1. No more objectionable noise, smoke, dust, litter or odor is emitted from the VRD than a normal neighborhood dwelling;
2. VRDs without private beach access have written permission from all persons with an interest in a private beach access to be used by the VRD or positive action to notify renters of the location and required use of public beach access points will be taken;
3. VRDs using a joint access driveway shall assure that any other private access does not object to the proposed vacation rental dwelling using the private access;
4. Dwellings will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;
5. VRDs shall have one off-street parking space for each bedroom in the VRD, but in no case have less than two off-street parking spaces.
6. There are provisions for regular garbage removal from the premises;
7. There shall be a designated local management person immediately available to handle complaints and problems as they arise. The name and contact information of the designated local management person shall be kept on file in the Police Department.
8. Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done. (Amended during 2000 codification.)
9. If the VRD activity ceases for a period of one year, as determined by the transient occupancy tax receipts, the VRD permit becomes null and void with no further proceedings.
10. Occupancy of any VRD shall not exceed 3 people per bedroom up to a maximum of 10 people.

17.92.100 Time limitation

- A. A conditional use permit shall become void one (1) year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permit activity is being regularly conducted on the premises.
- B. The Planning Commission may extend a use permit for an additional period of one (1) year, subject to the requirements of this title.
- C. A conditional use permit shall become void if the use is discontinued for a period of one year.

17.92.110 Violation of conditions

The Planning Commission, on its own motion, may revoke any conditional use permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing as provided in Sections 17.120.080 through 17.120.160. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a conditional use permit.

CANNON BEACH

Cannon Beach Municipal Code

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17.77.010 Purpose.

The purpose of this chapter is to protect the character of the city's residential neighborhoods by limiting and regulating the short-term rental of dwelling units. The city permits three categories of short-term rentals. The three categories are: lifetime unlimited permits, five-year unlimited permits and fourteen-day permits. (Ord. 17-5 § 1)

17.77.020 Definitions.

Five-Year Unlimited Permit. "Five-year unlimited permit" allows the property owner to rent the property any and all days of the year. This permit expires and cannot be renewed at the end of five years. The five-year period begins on the date that the permit is issued.

Fourteen-Day Permit. "Fourteen-day permit" allows the property owner to rent the property to one tenancy group once in a fourteen-day period of time.

Lifetime Unlimited Permit. "Lifetime unlimited permit" allows the property owner to rent the property any and all days of the year. Upon the sale or transfer (see definition in subsection E), the lifetime unlimited permit is void.

Persons. "Persons," for the purposes of this chapter, means the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a natural person, or where the natural person has transferred his or her property to a trust where the natural person is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit that has a rental permit. If the owner is a business entity such as a partnership, a corporation, a limited liability company, a limited partnership, a limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such a person can have an ownership right, title, or interest in no more than one dwelling unit that has a rental permit.

Sale or Transfer. "Sale or transfer," for purposes of this chapter, means any change of ownership during the lifetime of the permit holder or after the death of the permit holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse, or transfers on the owner's death to a trust which benefits only a spouse for the spouse's lifetime, or lifetime transfers between spouses. A permit holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. Upon the transferor's death or the sale or transfer of his or her interest in the entity to another person, the short-term rental permit held, in all or part, by the transferor shall be void. (Ord. 17-5 § 1)

17.77.030 General provisions.

A. No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent a dwelling unit in the RVL, RL, R1, R2, R3, MP and RAM zones for short-term rental occupancy except:

1. A dwelling for which there is a short-term rental permit (either a lifetime unlimited permit, a five-year unlimited permit, or a fourteen-day permit) issued to the owner of that dwelling by the city; or
2. A dwelling which has been approved by the city for use as a bed and breakfast establishment.

B. No person shall be issued a new short-term rental permit who holds another short-term rental permit. All types of rental permits are issued to a specific owner of a specific dwelling unit. The rental permit shall be void when the permit holder sells or transfers the real property, as defined in this chapter, which was rented pursuant to the short-term rental permit.

C. Solid Waste Collection. Weekly solid waste collection service shall be provided during all months that the dwelling is available as a rental pursuant to this chapter.

D. Permit Posting. The rental permit shall be posted within the dwelling adjacent to the front door. In addition, a tsunami evacuation route map shall also be posted in the rental dwelling. (Ord. 17-5 § 1)

17.77.040 Taxes.

The rental of a dwelling for short-term rental occupancy shall be subject to compliance with the requirements of Municipal Code, Chapter 3.12, Transient Room Tax. (Ord. 17-5 § 1)

17.77.050 Lifetime unlimited and five-year unlimited permits.

A. It is the city's intention to maintain ninety-two unlimited rental permits (either lifetime or five-year unlimited) at any one time. When a lifetime unlimited permit or a five-year unlimited permit is revoked pursuant to this chapter, the city will not issue any new lifetime unlimited permits, however, the city will accept a new application for a five-year unlimited permit as follows. The city will maintain a roster of property owners who are interested in obtaining a five-year unlimited permit for their dwelling unit. A property owner may place his or her name on the roster at any time. When an opportunity for a new five-year unlimited permit arises, the city will select a name from the roster by means of a random selection. The person so selected will have one hundred eighty days to obtain a rental permit from the city. If the person so selected does not obtain a permit within one hundred eighty days of being notified by the city of their selection, a new name will be selected from the roster by random selection.

B. The maximum period of time that a person may hold an unlimited five-year rental permit obtained by means of random selection, as described in subsection A of this section, is five years. At the end of the five-year period such permit will expire and a new name will be selected.

C. A person who held a short-term rental permit obtained by means of random selection as described in subsection A of this section, may not be considered for a new permit in the next random selection following the end of that permit's five-year period. (Ord. 17-5 § 1)

17.77.060 Fourteen-day permit occupancy requirements.

A. The fourteen-day permit issued by the city authorizes the owner to rent the dwelling once, one individual tenancy, within fourteen consecutive calendar days.

B. An individual tenancy shall commence on the first day that the person(s) that constitute the individual tenancy occupy or are entitled to occupy the dwelling unit.

C. For the purposes of this subsection, an individual tenancy means a specific person or group of persons who together occupy or are entitled to occupy a rental with a fourteen-day permit.

D. Occupancy of the rental unit by the individual tenancy for the entire fourteen-day period is not required. However, no additional occupancy, with the exception of the property owner, shall occur within the minimum fourteen-day occupancy period that begins on the first day of an individual tenancy.

E. A fourteen-day rental permit is issued to a specific owner of a dwelling unit. When the permit holder sells or transfers the real property, the original fourteen-day permit is revoked and the new owner may apply for a new rental permit.

F. A person who holds a lifetime unlimited or five-year unlimited permit shall not be permitted to hold a fourteen-day permit.

G. A fourteen-day permit application may be submitted to the city at any time and, if approved, the fourteen-day permit shall last for one year from the date of issuance. (Ord. 17-5 § 1)

17.77.070 Inspection.

A. At the time of application for any new short-term rental permit pursuant to this chapter, the dwelling unit shall be subject to inspection by the building official or designee. The purpose of the inspection is to determine the conformance of the dwelling with the requirements of the Oregon State Building Code. Prior to the issuance of a rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official.

B. A dwelling with a short-term rental permit pursuant to this chapter shall be subject to inspection at any time with proper notice to the owner. The owner of the dwelling unit shall make any and all necessary alterations to the dwelling required by the building official. A failure to complete the alterations within the specified time period may result in the revocation of the permit. (Ord. 17-5 § 1)

17.77.080 Local representative.

A. The property owner shall designate a local representative who permanently resides within the Cannon Beach urban growth boundary or a licensed property management company with a physically staffed office within ten vehicular miles of the Cannon Beach urban growth boundary. The owner may be the designated representative where the owner permanently resides within the Cannon Beach urban growth boundary. Where the owner does not reside within the Cannon Beach urban growth boundary, the owner shall designate either a resident within the Cannon Beach urban growth boundary, or a licensed property management company within ten vehicular miles of the Cannon Beach urban growth boundary as his or her representative.

B. The property owner or the designated local representative shall maintain a guest register for all tenancies of the rental. The register shall include the names, home addresses and phone numbers of the tenants; and the dates of the rental period. The above information must be available for city inspection upon request; failure to maintain or provide the required information constitutes a violation, and is grounds for a penalty pursuant to this chapter.

C. The local representative must be authorized by the owner of the dwelling to respond to tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the dwelling for rental purposes. The local representative must respond to those complaints in a timely manner to ensure that the use of the dwelling complies with the standards for rental occupancy, as well as other pertinent city ordinance requirements pertaining to noise, disturbances, or nuisances, as well as state law pertaining to the consumption of alcohol, or the use of illegal drugs. The failure of the local representative to respond to complaints is a violation of this chapter and is subject to the penalties listed in this chapter to include revocation of the short-term rental permit.

D. If the police department is not able to contact the local representative in a timely manner more than twice during the term of the annual permit, this shall be considered a violation pursuant to this chapter and the permit is subject to suspension and possible revocation.

E. If the designated local representative is replaced, the permit holder must file a revised permit local representative certification form that includes the name, address and telephone number of the new local representative. The owner must submit this form to the city within thirty days of the replacement. Failure to do so is considered a violation of this chapter and the permit is subject to suspension or revocation.

F. The city will post the name, address and telephone number of the owner or the local representative on the city website. The purpose of posting this information is so that adjacent property owners and residents can contact the responsible person to report and request the resolution of problems associated with the operation of the rental. (Ord. 17-5 § 1)

17.77.090 Occupancy and parking.

A. Off-street parking is required as specified below. Occupancy is limited by the number of bedrooms, and by the number of available off-street parking spaces as specified in the following table.

Bedrooms (a)	Maximum occupancy (b) (c)	Minimum off-street parking (d)
1	6	2
2	6	2

3	8	3
4	10	4
5	12	4

Notes:

- (a) A bedroom consists of a room that meets the definitional requirements of the State of Oregon Building Code.
- (b) Occupancy includes only those persons 2 years of age and older.
- (c) In no event shall the occupancy of a dwelling exceed 12 persons, unless a short-term rental permit issued prior to January 1, 2005 established an occupancy of more than 12 persons.
- (d) Each off-street parking space must be located entirely on the property, and must be at least 9 feet wide by 18 feet long.
- (Ord. 17-5 § 1)

17.77.100 Violations and penalties.

A. The following conduct shall constitute a violation for which the penalties specified below may be imposed. Note that each day of a violation is considered a separate violation for the purposes of the sanctions below.

1. The owner has failed to comply with any of the standards listed in this chapter; or
2. The owner has failed to pay the transient room tax and/or file a transient room tax return as required by Municipal Code, Chapter 3.12.

B. Penalties. For violations of this chapter, the following penalties will be imposed:

1. For the first violation within a twenty-four-month period, the penalty shall be a warning notice.
2. For the second violation within a twenty-four-month period, the penalty shall be a suspension of the permit for thirty days.
3. For the third violation within a twenty-four-month period, the penalty shall be a suspension of the permit for ninety days.
4. For the fourth violation within a twenty-four-month period, the penalty shall be a revocation of the permit.

C. Notice. The city shall notify the permit holder and local representative in writing of any penalties imposed under this chapter. (Ord. 17-5 § 1)

17.77.110 Appeal.

A. The permit holder may appeal the penalty to the city council by filing a letter of appeal with the city manager within ten days after the date of the mailing of the order. The city council shall conduct a hearing on the appeal within sixty days of the date of the filing of the letter of appeal. At the appeal, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the council may uphold, modify, or overturn the decision to suspend or revoke the permit based on the evidence it received.

B. A person who has a rental permit revoked shall not be permitted to apply for short-term rental permits until a period of two years has passed from the date of revocation.

C. A person renting a property without a valid rental permit shall be in violation of the Cannon Beach Municipal Code and shall be subject to a fine of up to five hundred dollars for each day the dwelling has been rented without a permit. (Ord. 17-5 § 1)

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Sec. 2-2-3-4 Standards for Transient Residential Land Uses and Overnight Accommodations

- A. **Generally.** The standards of this Section apply to transient residential uses and overnight accommodations which are enumerated in Table 2-1-3-3, *Residential, Transient Residential, and Overnight Accommodations*, under the subheading "Transient Residential Land Uses and Overnight Accommodations," in instances where the use is shown as a special use ("S"), a limited use ("L"), or a conditional use ("C") in a particular zone. Note that other standards may also apply. See Section 2-2-1-2, *Application of Article*.
- B. **Bed and Breakfasts and Bed and Breakfast Inns.** Bed and breakfasts and bed and breakfast inns may be allowed as conditional uses in the EN-1, EN-2, EN-MF, and RM zones, and as limited uses in the RA zone, and are allowed as special uses in the RH zone, if it is demonstrated that the standards for location, context, and operation that are set out in Table 2-2-3-4A, *Bed and Breakfast / Bed and Breakfast Inn Standards*, are met.

Table 2-2-3-4A Bed and Breakfast / Bed and Breakfast Inn Standards		
Zone	Location or Context Standard	Operational Requirements
EN-1	Lot is located on a corner at which one of the intersecting streets is College Drive, 8th Street, or 8th Avenue; or lot fronts on 3rd Avenue.	Use is limited to a bed and breakfast.
EN-2	Lot abuts East 2nd Avenue, North of 28th Street; or lot abuts Animas River, except lots that take access from Alamo Drive.	Use is limited to a bed and breakfast.
EN-MF	Must be an adaptive re-use of an existing residential building.	NA
RM	Allowed within 150 feet of the neighborhood center of a TND. (see Section 4-1-3-7, <i>Traditional Neighborhood Development</i>)	NA
RH	Allowed within 150 feet of the neighborhood center of a TND. (see Section 4-1-3-7, <i>Traditional Neighborhood Development</i>)	NA
RA	Allowed on parcels that are at least 10 acres in area; or on parcels that are at least 12,000 sf. in area which front on an arterial or collector street and are developed with an existing single-family detached building.	NA
TABLE NOTES: NA = Not Applicable		

- C. **Guest Ranch.** Guest ranches may be allowed as a conditional use in the RA zone if it is demonstrated that:
1. The parcel proposed for development is a working ranch with a minimum area of 40 acres.
 2. Guest rooms are located:
 - a. In the farmhouse; or
 - b. In buildings that have the character of barns or other agricultural buildings; or
 - c. In cabins that are completely screened from view from public rights-of-way and abutting properties by landscaping and topography.
 3. Areas used for campfires and organized outdoor activities are set back at least 100 feet from all property lines.
 4. If the capacity of the guest ranch is more than 30 persons, then:
 - a. All meals will be offered on-site; and
 - b. Group transportation to off-site recreational activities will be provided.
- D. **Hostel.** Hostels may be allowed as a conditional use in the RH and RA zones if it is demonstrated that:
1. *RH Zone.* Hostels may be allowed in the neighborhood center of a TND. (see Section 4-1-3-7, *Traditional Neighborhood Development*).
 2. *RA Zone.* Hostels may be allowed in locations that are within one-quarter mile of major regional outdoor recreational areas, measured along the centerline of the street or a hard-surfaced trail.
- E. **Hotels and Motels, Convention.** Convention hotels and motels are allowed as a special use in the CB zone if it is demonstrated that they are separated from residential zones by at least 200 feet, measured as the shortest distance between the property line of the hotel or motel and the residential zone boundary.

F. Timeshare / Fractional Ownership. Timeshare and fractional ownership uses may be allowed as a conditional use in the CB zone and may be allowed as a limited use in the MU-A zone if it is demonstrated that:

1. The parcel proposed for development is not located within 100 feet of a residential zone boundary;
2. The use is located on the upper floor(s) of one or more mixed-use buildings, or is located in the same building as a hotel or motel use; and
3. Parking is provided on-site.

G. Vacation Rental Homes. Vacation rental homes may be allowed as limited uses in the EN-1, EN-2, EN-MF, RM, RH, CB, MU-N, MU-A, and PD zones.

1. *Purpose.* The provisions of this subsection are necessary to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by vacation rental homes. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods in which they are located. Maintenance of Durango's existing residential neighborhoods is essential to its continued economic strength. It is the intent of this subsection to minimize the impact of vacation rentals on adjacent residences, and to minimize the impact of the commercial character of vacation rentals.

2. *Density.* *The maximum density for vacation rental homes shall be as follows:*

- a. EN-1. A total of 22 vacation rental home permits are allowed in EN-1.
- b. EN-2. A total of 17 vacation rental home permits are allowed in EN-2.

3. *Spacing.*

a. In the EN-1, EN-2, EN-MF, RM, and RH zones, not more than one vacation rental home shall be located on all properties or lots that abut any street segment. For corner lots, this standard applies to both street segments that abut that corner lot and only one vacation rental is permitted on the corner lots that abut the intersection. Vacation rental homes that were legally established and have been legally maintained prior to the effective date of this LUDC, shall be considered as the allowed unit for that applicable street segment.

b. A second vacation rental home may be allowed on a street segment with a conditional use permit if, in addition to the other applicable standards of this LUDC, it is demonstrated that:

1. The second vacation rental home must be the primary residence for the property owner and the vacation rental home use is part-time, the limits of which will be established as part of the conditional use permit process.
2. The second vacation rental home is located on a street segment with more than five separate residential parcels fronting on the street segment; in no case shall a second vacation rental home be allowed on a street segment with 5 or fewer residential parcels fronting on it.

4. *Occupancy.*

- a. A dwelling unit for which a vacation rental home use is approved may alternatively be used as a full-time residence for the owner or a lessee. However, during vacation rental tenancies, the building shall not be used for any other purpose (e.g., home occupation or temporary event).
- b. The Administrator shall specify the maximum number of occupants allowed in each individual vacation rental. The maximum number of occupants allowed in a vacation rental home shall not exceed the lesser of:
 1. Three persons per parking space; or
 2. Two persons, plus two persons per bedroom.

5. *Appearance and Visibility.*

a. Except in the CB Zone, the vacation rental home use shall not change the residential character of the outside of a dwelling unit, either by the use of colors, materials, signage, lighting; or by the construction of accessory structures or garages that are visible off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations, or odors not commonly experienced in residential areas.

6. *Parking.*

a. All parking associated with a vacation rental home in EN-1, EN-2, EN-MF, RM, RH, and PD zones, see Section 4-5-2-2, Required Off-Street Parking Spaces (Parking Tables), shall be entirely on the same lot as the vacation rental home (e.g./ in the garage or driveway).

- b. All parking associated with a vacation rental home in CB, MU-N, and MU-A zones, see Section [4-5-2-2, Required Off-Street Parking Spaces \(Parking Tables\)](#), shall be entirely on the same lot as the vacation rental home (e.g., in the garage or parking lot) or parking may be leased in compliance with the provisions of Section [4-5-3-2, Remote Parking](#).
- c. Vacation rental homes in the CB zone with three or more bedrooms may reduce the required parking by one space as long as the following conditions are met:
 - 1. The number of vehicles allowed by the occupants of the vacation rental home is restricted to the number of spaces provided.
 - 2. All advertising for the vacation rental home will clearly display the restriction in the number of vehicles allowed.

7. Local Contact Person / Property Manager.

- a. A designated property manager, who may be the owner of the vacation rental home or the owner's agent, shall reside in Durango or La Plata County.
- b. The property manager shall be available 24 hours per day to ensure that the property is maintained and operated as required by this LUDC and the Durango Municipal Code, including but not limited to:
 - 1. Ensuring that the number of tenants does not exceed the limitations of subsection G.3., above.
 - 2. Ensuring that the number of vehicles parked by tenants does not exceed the number of parking spaces on the lot; and
 - 3. Ensuring that tenants do not violate noise restrictions.
- c. The name, address, and telephone number(s) of the property manager shall be submitted to the Community Development Department, the Durango Police Department, and the Durango Fire Protection District. Any change in the local contact person's address or telephone number(s) shall be promptly furnished to said agencies.
- d. If the local contact person is unavailable or fails to respond to a call from a tenant or the Administrator, then the police department will be contacted. The police will attempt to contact the property manager at the phone numbers on file. If the police are unable to contact the property manager, the owner shall be subject to the applicable penalties set out in [Article 6-4, Enforcement and Remedies](#).

8. Facilities. All bedrooms must have a floor area of at least 70 sf.

9. Outdoor Storage. Storage of recreational vehicles, motorcycles, snowmobiles, boats, jet skis, vehicles such as modified jeeps that may not be legally operated on public streets, and other similar vehicles, machines, or recreational devices, is allowed on off-street paved parking surfaces on the same lot as the vacation rental home, in the same manner as allowed for other dwelling units in the same zone. These items may not be stored within the public [right-of-way](#). If there is not enough legal on-site parking for the storage or parking of recreational vehicles / devices, the rental tenants or owner must provide alternative arrangements for their storage. The determination of what constitutes a vehicle or device, as described above, shall be determined by the Administrator.

10. Trash and Recycling. All vacation rental homes must have bear-proof trash containers and curbside recycling containers on site in a convenient and discrete location.

11. Fire Extinguishers. A fire extinguisher that is in good working order shall be maintained at all times on the premises of all vacation rental homes.

12. Required Notices.

- a. The following notices shall be posted in a conspicuous location inside the rental unit:
 - 1. A copy of the vacation rental home permit;
 - 2. The name, address, and telephone number(s) of the property manager;
 - 3. The location of the fire extinguisher; and
 - 4. Information on the trash and curbside recycling programs including:
 - a. Pickup schedules;
 - b. Instructions for operating wildlife containers; and

- c. A notice that trash and recycling containers must not be stored outside or placed at the curb (or in the alley), except between 6:00 AM and 6:00 PM on the day of scheduled trash or recycling pickup.
 - b. The vacation rental home permit number is required to be clearly displayed on all advertisements and listings of the unit including online advertisements. For those vacation rental homes in existence on the effective date of this LUDC, the permit number will be distributed and must be displayed prior to any renewal of the unit's business license.
13. Non-Transferability. Vacation rental home permits shall be granted solely to the Applicant and shall not be transferable to any other person or legal entity. The vacation rental home permit shall include a non-transferability clause and the use shall be terminated automatically upon the sale or change of ownership of the property for which a permit has been issued.
14. *Relationship to Other Ordinances.*
- a. Each vacation rental home, including those in existence on the effective date of this LUDC, is subject to a lodger's tax license, a sales tax license, and a current business license, and all stipulations of this subsection regarding location.
 - b. If an existing vacation rental home is not licensed, then the owner of the vacation rental home shall apply for a license within 120 days of the effective date of this LUDC.
 - c. If the business license and transient occupancy tax registration have not been requested within the time frames set forth in this subsection, the penalties listed [Article 6-4, Enforcement and Remedies](#), apply. This registration may be filed concurrently with the application for a permit under this Section.
 - d. Vacation rental homes must meet the standards of the City's adopted residential building codes, as amended from time to time.
 - e. Vacation rental homes are subject to the same safety and health inspections that apply to other licensed places of accommodation.
 - f. Vacation rental homes in mixed-use buildings are not required to comply with the standards in Section [2-2-3-9\(I\)\(3\)](#) provided the Applicant submits documentation showing they have distributed contact information for the local contact person to all unit owners and tenants in the building.
15. *Special Rule for PD Zones.*
- a. Vacation rentals are only allowed in PD zones which specifically list vacation rentals as an allowed use by the PD Agreement which governs the PD zone.
 - b. If the PD Agreement which governs the PD zone does not specifically list vacation rentals as an allowed use, the PD must be amended as set out in Section [6-3-10-7 Modification of Planned Development Approvals](#). Changing a PD zone to allow vacation home rentals shall constitute a major amendment to the PD zone. Prior to application for a PD Amendment, written consent to allow vacation rentals must be obtained from a two-thirds majority of the property owners within the planned development, and the affected property owners may request the establishment of criteria and procedures to review the proposed vacation home rental.
 - c. New PD Agreements and any PD Amendments allowing vacation rentals shall contain a specific number of units that are allowed to be used in that development as vacation rentals.

Effective on: 7/1/2014

HOOD RIVER

CHAPTER 5.10 SHORT-TERM RENTAL OPERATING LICENSE

Legislative History: *Ord. 2028 (2016)*

SECTIONS:

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- 5.10.120 Appeals of Short-term Rental Operating License Determinations.
- 5.10.130 Discontinuance of Short-term Rental Occupancy.
- 5.10.140 Remedies Not Exclusive.

5.10.010 Title. The provisions of this chapter are intended to authorize and regulate the short-term rental of residential dwelling units on all property within the City of Hood River. To that purpose, there is added to the Hood River Municipal Code Chapter 5.10 entitled "Short-Term Rental Operating License," and those sections and subsections set forth below.

5.10.020 Purpose and Scope.

A. This ordinance provides reasonable and necessary regulations for the licensing of short-term rental of residential dwelling units in order to:

1. Ensure the safety, welfare and convenience of renters, owners and neighboring property owners throughout Hood River.
2. Balance the legitimate livability concerns with the rights of property owners to use their property as they choose.
3. Recognize the need to limit short-term rental options within the neighborhoods to ensure compatibility, while recognizing the benefits of short-term rentals in providing recreation and employment opportunities, as well as transitional housing and business or hospital related short stays.
4. Help maintain the City's needed housing supply for residential use.
5. Protect the character of the City's neighborhoods by limiting the number and concentration of full-time short-term rentals in residential zones. In the adoption of these regulations, the City finds that the transient rental of dwelling units has the potential to be incompatible with surrounding residential uses. Therefore, special regulation of dwellings listed for transient occupancy is necessary to ensure that these uses will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.

B. A short-term rental license is a permission to operate a short-term rental in accordance with this chapter. An operating license may be terminated or revoked if the standards of this chapter are not met or the dwelling is sold or otherwise transferred as defined in this chapter. This chapter provides an administrative framework for licensing the annual operation of a short-term rental.

C. The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.

D. Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of this Code.

5.07.030 Definitions.

A. Applicant(s) means an owner(s) of a dwelling unit who applies to the City for a short-term rental operating license.

B. Authorized agent is a property management company or other entity or person who has been designated by the applicant or licensee, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.

C. City Manager means the City Manager or his or her designee.

D. Hosted homeshare means the transient rental of a portion of a dwelling while the homeowner is present. For the purposes of this Title, “present” means the homeowner is staying in the dwelling overnight.

E. Licensee means the owner(s) of a dwelling unit who holds a short-term rental operating license.

F. Non-transient rental means to rent a dwelling unit or room(s) for compensation on a month-to-month basis, or for a longer period.

G. Owner(s) means the natural person(s) or legal entity that owns and holds legal or equitable title to the property. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership or similar entity, all persons who own an interest in that business entity may be considered an owner.

H. Short-term rental means a Hosted Homeshare or Vacation Home Rental.

I. Short-term rental operating license means the regulatory license required by HRMC 5.10.030 and described in this chapter. It will be referenced as an “operating license.”

J. Transfer means the addition or substitution of owners not included on the original license application, whether or not there is consideration. If multiple owners exist on a license, individual owners may be removed from the license without constituting a transfer.

K. Transient rental means to rent a dwelling unit or room(s) for compensation on less than a month-to-month basis.

L. Vacation home rental means the transient rental of an entire dwelling unit.

M. Daytime means between the hours of 7:00am to 10:00pm

N. Overnight means between the hours of 10:00 pm to 7:00 am the following day

5.10.040 Annual Short-Term Rental Operating License Required. No owner of property within the Hood River City limits may advertise, offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a short-term rental operating license. Advertise or offer includes through any media, whether written, electronic, web-based, digital, mobile or otherwise.

5.10.050 Application and Fee.

A. Application Required. Applications for an operating license shall be on forms provided by the City, demonstrating the application meets the standards required by this chapter. The applicant or authorized agent shall certify the following information to be true and correct:

1. Owner/Applicant Information. Applicant's name, permanent residence address, telephone number, and the short-term rental address and telephone number.
2. Proof of Residential Use (for conforming short-term rentals within the R-1, R-2 or R-3 zones only). The residential use of a dwelling unit shall be established through its continued use as the primary residence of the property owner. The applicant shall provide at least two of the following items as evidence that the dwelling is the primary residence of the owner:
 - A copy of the voter registration.
 - A copy of an Oregon Driver's License or Identification Card.
 - A copy of federal income tax return from last tax year (page 1 only financial data should be redacted).
3. Representative Information. The applicant shall provide the name, telephone number, address and email of a local representative (which can be a person or company) who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in HRMC 5.10.080. For the purposes of this requirement, local means the representative's address is within a 30 minute travel time of the subject property.
4. Parking. Statement that required parking spaces are available, with a dated photo(s) submitted of interior and exterior parking spaces. A site plan including a parking diagram of these parking spaces shall also be submitted.
5. Occupancy. Occupancy limits and number of bedrooms.
6. Good Neighbor Guidelines. Acknowledgment of receipt and review of a copy of the City's good neighbor guidelines. In addition, evidence that the City's good neighbor guidelines has been effectively relayed to short-term rental tenants, by incorporating it into the rental contract, including it in the rental booklet, posting it online, providing it in a conspicuous place in the dwelling unit, or a similar method.

7. Listing Number. If they advertise, the listing numbers or website addresses of where the short-term rental advertises (such as the VRBO/Airbnb/rental website number, account number, URL, etc.).

8. A completed checklist for fire safety as required by HRMC 5.10.080.C.2.

9. Proof of garbage service as required by HRMC 5.10.080.C.3.

10. Such other information as the City Manager or designee deems reasonably necessary to administer this chapter.

B. Incomplete Application. If a license application does not include all required materials, the application will be considered incomplete and the City will notify the applicant, in writing, explaining the information required. If the applicant provides the missing required information within 30 calendar days of the date of the notice, the application will be reviewed. If the applicant does not provide the required information, the application will be deemed withdrawn and the City may refund all or a portion of the application fee.

C. License Fee. The fee for application for a short-term rental operating license or license renewal shall be as established by resolution of the City Council.

5.10.060 Term of Annual License and Transferability.

A. Term. A short-term rental operating license shall be renewable annually on or before January 15th, the license may be renewed annually for up to four years by the licensee or authorized agent provided all applicable standards of this chapter are met. If an authorized agent changes during the operating license period, the licensee shall timely notify the City in writing of the change.

B. Transferability. The operating license shall be issued in the name of the licensee(s) and is not transferable.

5.10.070 Operating License and License Renewal.

A. License Must Be Obtained.

1. An operating license shall be obtained and renewed as required in this section. The permission to operate a short-term rental in the City of Hood River shall be revoked for failure to obtain or renew a license to operate as provided in this chapter.

2. The maximum number of nights per year which a short-term rental may be operated shall be in accordance with HRMC 17.04.115 and as specified below. The license shall specify whether the short-term rental will be operated as a hosted homeshare or a vacation home rental; however, the number of nights allowed is the maximum number for all short-term rental use of the subject property. The maximum number of nights shall be indicated on the license and shall not be exceeded.

Short-term rentals in C-1 and C-2 zones:	365 nights /year
Conforming short-term rentals in R-1, R-2 and R-3 zones:	90 nights /year
Existing non-conforming short-term rentals in R-1, R-2 and R-3 zones:	See HRMC 5.10.070.A.3

3. Existing Nonconforming Short-term Rentals within the R-1, R-2 and R-3 zones. For the purposes of this section, an existing non-conforming short-term rental is one which meets all of the standards and criteria in HRMC 17.04.115.D. The extent of the non-conformity shall be limited to the maximum number of nights of transient rental which previously occurred in any one calendar year, 2013 through October 13th, 2016. The applicant has the burden of proving by a preponderance of credible evidence all of the elements of a nonconforming hosted homeshare or vacation home rental.

B. Application and Renewal Application Process.

1. Existing Short-term Rentals. Existing short-term rentals may continue to operate until such time as the City has approved or denied the application. If approved, the license may be renewed annually thereafter in accordance with subsection C, below. If denied, operation of the short-term rental must cease within 30 days. Failure to submit an application as required by this section shall result in the loss of all non-conforming use status.

2. New Short-term Rentals. A license shall be obtained before beginning operations. A completed operating license application and fee may be submitted and issued at any time. The license may be renewed annually thereafter in accordance with subsection C, below.

C. Renewal Standards.

1. Operating licenses may be renewed by the licensee annually for up to four years after the year of issuance.

2. The City will review an application for operating license renewal and issue a renewal provided all the standards in this chapter continue to be met. If not met, the City will not renew the operating license and the property shall not be used as a short-term rental.

D. A decision on an operating license application or renewal may be appealed as provided in HRMC 5.10.120.

5.10.080 Criteria for Approval of an Operating License and Operating License Renewal.

A. The applicant has the burden of proof to demonstrate compliance with each applicable criterion for approval or renewal of the operating license. The approval criteria also operate as continuing code compliance obligations of the owner. Staff may verify evidence submitted and the applicant shall cooperate fully in any investigation.

B. To receive approval, an applicant must demonstrate that all approval criteria listed below has been satisfied:

1. Zoning. The property is in compliance with requirements of HRMC Title 17 (Zoning).

2. Contact Information. The applicant or authorized agent has provided information sufficient to verify a qualified person will be available to be contacted about use of the short-term rental during and after business hours. The licensee or representative shall be available to be contacted by telephone to ensure a response to the short-term rental address at all hours (24 hours a day, seven days a week) while the dwelling unit is occupied for rent. Response must be within 30 minutes. The designated

representative may be changed from time to time throughout the term of the license. To do so, the license information shall be revised with the City at least 14 days prior to the date the change takes effect, except when the failure to do so is beyond the licensee's control. In an emergency or absence, contact forwarding information to a qualified person may be provided for the licensee or representative. In the case of Hosted Homeshares, the contact person shall be the permanent resident who will be hosting the transient accommodations.

3. Notice to Neighbors. For Vacation Home Rentals, the licensee or authorized agent shall either: (a) provide an annual mailing or otherwise distribute by hand, a flier to neighbors within a 250-foot radius of the short-term rental property address containing the operating license number and owner or representative contact information, or (b) post a small placard or sign as specified by the City on the property in proximity to the adjacent street advising neighbors and tenants of the same information where it can be seen from the public right-of-way.

The purpose of this notice is so that adjacent property owners and residents can contact a responsible person to report and request resolution of problems associated with the operation of the short-term rental. If the permanent contact information changes during the license period, the new information must be mailed or distributed again, or changed on the placard or sign.

C. Health and Safety.

1. Responsibility. It is the licensee's responsibility to assure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.

2. Fire and Emergency Safety. A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) shall be required with each annual operating license application and renewal. The licensee shall be responsible for completing the fire safety checklist and ensuring continued compliance. Verification by the City shall be required prior to issuance of a license and may be required for each renewal at the City Manager's discretion.

3. Solid Waste Collection – minimum service requirements. During all months that the dwelling is available for transient accommodation, Vacation Home Rentals shall have weekly solid waste collection service with assisted pick-up provided by the solid waste provider, if available. For the purposes of this section, assisted pick-up means the collection driver retrieves the cart from the driveway, rolls it out for service, and then places it back in its original location.

D. Mandatory Postings. The short-term rental license issued by the City (or a copy thereof) shall be displayed in a prominent location within the interior of the dwelling adjacent to the front door. The license will contain the following information:

1. A number or other identifying mark unique to the short-term rental operating license which indicates the license is issued by the City of Hood River, with the date of expiration;
2. The name of the licensee or representative and a telephone number where the licensee or representative may be contacted;
3. The number of approved parking spaces;
4. The maximum occupancy permitted for the short-term rental;
5. Any required information and conditions specific to the operating license;
6. Day of week of trash pickup;
7. The property address; and

8. The City of Hood River official logo.

E. The licensee shall be in compliance with the Hotel Tax Code pursuant to HRMC Chapter 5.09, and subject to the Tax Administrator's authority under that chapter.

F. Parking.

1. One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.

2. A parking diagram of the approved parking spaces shall be provided to tenants and be available in a prominent location within the short-term rental dwelling.

5.10.090 Additional Operational Requirements.

A. Advertising and License Number. The licensee or authorized agent shall put the annual operating license number on all advertisements for the specific property, if legally possible.

B. Complaints.

1. Response to Complaints. The licensee or representative shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances.

2. Record of Response. The licensee or representative shall maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed reasonable to document the interaction. If kept, this record can then be made available for City inspection upon request to investigate a complaint.

C. Inspection. Upon application for an operating license all short-term rentals shall be subject to inspection by the City for compliance with this section.

1. The City Manager may conduct a site visit upon an application for a short-term rental to confirm the number of bedrooms (as defined by the International Building Code) stated on the application and the number, location and availability of on-site parking spaces. The site visit will be coordinated with the applicant and be conducted during the City's normal business hours, and with reasonable notice.

2. The City Manager may visit and inspect the site of a short-term rental to ensure compliance with all applicable regulations, during the City's normal business hours, and with reasonable notice and other procedural safeguards as necessary. Code violations shall be processed in accordance with HRMC Title 1.

D. Specific Prohibitions. The following activities are prohibited on the premises of a Short-term Rental during periods of transient rental:

1. Events. Examples of events include, but are not limited to, company retreats, weddings, rehearsal dinners, etc.

2. Unattended barking dogs.

3. Activities that exceed noise limitations set by HRMC Title 8.09.

E. The maximum overnight occupancy for the dwelling shall be limited to two persons per bedroom (as defined by the International Building Code) and two additional persons (e.g., a two-bedroom dwelling is permitted a maximum overnight occupancy of six persons). The maximum daytime occupancy shall be limited to the overnight occupancy plus six additional persons (e.g., a two-bedroom dwelling is permitted a maximum daytime occupancy of twelve).

F. Administrative Rules. The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this chapter for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the provisions of this chapter. A copy of such administrative rules and regulations shall be on file in the Office of the City Recorder and be posted on the City website.

5.10.100 Violations.

In addition to complaints related to nuisance and noise and other violations of the HRMC, the following conduct also constitutes a violation of this chapter and is a civil infraction:

A. The discovery of material misstatements or providing of false information in the application or renewal process.

B. Representing a dwelling as available for occupancy or rent as a short-term rental where the owner does not hold a valid operating license issued under this chapter, or making a short-term rental available for use, occupancy or rent without first obtaining a valid operating license.

C. Advertising or renting a short-term rental in a manner that does not comply with the standards of this chapter.

D. Failure to comply with the substantive standards of HRMC 5.10.080 and HRMC 5.10.090.

5.10.110 Penalties.

A. In addition to the fines and revocation procedures described below, any person or owner who uses, or allows the use of, or advertises, property in violation of this chapter is subject to the enforcement authority of HRMC Title 1.

B. Each twenty-four hour period in which a dwelling is used, or advertised, in violation of this chapter or any other chapter of the HRMC shall be considered an occurrence for calculation of the following fines:

1. The first occurrence of one or more violation(s) will incur a warning or other fine amount otherwise specified in HRMC, whichever is greater.

2. A second occurrence of one or more violation(s) within a 12-month period is subject to a \$250 fine or other fine amount otherwise specified in HRMC, whichever is greater.

3. A third occurrence and all subsequent occurrences of violation(s) within a 12-month period is subject to a \$500 fine or other fine amount otherwise specified in HRMC, whichever is greater.

C. Revocation. The following actions are grounds for immediate revocation of an operating license:

1. Failure to renew an operating license as set forth in HRMC 5.10.070 while continuing to operate a short-term rental.

2. The occurrence of three or more violations within a 12-month period resulting in fines pursuant to 5.10.110.B3.

3. The discovery of material misstatements or providing of false information in the application or renewal process is grounds for immediate revocation of the operating license.

4. Such other violations of this chapter of sufficient severity in the reasonable judgment of the City Manager, so as to provide reasonable grounds for immediate revocation of the operating license.

D. Notice of Decision/Appeal/Stay. If the operating license is revoked as provided in this section, the City Manager shall send written notice of revocation to the licensee stating the basis for the decision. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The licensee may appeal the City Manager's decision to revoke the operating license under the procedures set forth in HRMC 5.10.120. Upon receipt of an appeal, the City Manager shall stay the revocation decision until the appeal has been finally determined by the Hearing Officer.

5.10.120 Appeals of Short-term Rental Operating License Determinations.

A. Filing Requirements – Notice. The licensee or authorized agent may appeal a short-term rental operating license decision to deny or revoke an operating license under HRMC 5.10.100.

B. Authority to Decide Appeal. The Hearings Officer shall be responsible for determining an appeal of a decision approving or denying an application or renewal application for an operating license, or revoking or suspending an operating license, in any zone.

C. Time for Filing. An appellant is required to file a written notice of appeal including the basis for the appeal within 14 calendar days of the license determination being appealed. This requirement is jurisdictional and late filings shall not be allowed.

D. Fee for Appeal. The City Council may establish by resolution a fee for filing an appeal, which shall be jurisdictional.

E. Procedures. The City Manager may establish administrative procedures to implement the appeal procedures provided in this section, including any required forms. The Council may adopt procedures for hearings not in conflict with this section, including but not limited to time limits on oral testimony and limitations on written argument.

F. Hearing. Within 35 days of receiving the notice of appeal, the City Manager shall schedule a hearing on the appeal before the Hearings Officer. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant. The Hearings Officer may direct the City Attorney to draft findings of fact and interpretations of code or law to be considered at a later meeting.

G. Standard of Review and Decision. The Hearings Officer shall determine whether the City's decision was based on a preponderance of the evidence. A decision of the Hearings Officer shall be based on the evidence received, in writing and signed by the chair, no later than 30 days after the close of the hearing. The Hearings Officer may determine not to suspend or revoke the license, or to revoke or suspend the license. If the Hearings Officer upholds the decision to revoke the operating license, the Hearings Officer shall order the licensee to discontinue use as a short-term rental. If the Hearings Officer reverses the decision to revoke the operating license, the operating license shall be continued.

H. Finality. The Hearings Officer's decision shall be final on the date of mailing the decision to the appellant. The Hearings Officer's decision is the final decision of the City and is appealable only by writ of review to Circuit Court.

5.10.130 Discontinuance of Short-term Rental Occupancy.

A. After Revocation. After a short-term rental operating license has been revoked, the dwelling unit may not be used or occupied as a short-term rental unless a subsequent license is granted, and the licensee whose license has been revoked shall not be eligible to reapply for a short-term rental license for short-term rental occupancy of the same property for a period of two years.

B. After Expiration. If a short-term rental operating license expires, the dwelling unit may not be used or occupied as a short-term rental until such time as a subsequent license has been granted for that property.

5.10.140 Remedies Not Exclusive.

The remedies provided in this chapter are in addition to, and not in lieu of, all other legal remedies, criminal and civil, which may be pursued by the City to address any violation of this code, the Development Code, or other public nuisance.

A. Review Procedures.

1. Applications: Applications for Bed and Breakfasts Permits shall be accompanied by a plot plan drawn to scale indicating the location of existing or proposed structures, number of guests or bedrooms, and location of the required off-street vehicle parking.
2. Review: Where permitted, Bed and Breakfast facilities are permitted outright as accessory uses, and as such shall be processed as administrative actions, per the Administrative Actions provisions (Section 17.09.030), and approved, approved with conditions, or denied by the Director.

B. Approval Standards.

1. The structure shall retain the characteristics of a single-family dwelling.
2. The number of guestrooms shall be limited to five (5). The number of guests shall be limited to ten (10).
3. In addition to required off-street parking for the residential use, one (1) hard surfaced off-street parking space shall be provided for each bed and breakfast guestroom. Parking areas shall not be located in the front yard. Parking areas may be adjacent to the Bed and Breakfast establishment. Alternative parking plans that meet the requirements of this chapter may be approved by the Planning Director.
4. Signs shall be limited to one (1) non-illuminated sign not exceeding one and one-half (1½) square feet. No off-premises signs are permitted.
5. A bed and breakfast facility shall be subject to the Hotel Tax pursuant to Chapter 5.09 of the Hood River Municipal Code. Where a morning meal is provided as part of the guest room charges, the hotel tax will be imposed on eighty percent (80%) of the rent charged by the bed and breakfast operator.
6. A bed and breakfast facility shall be subject to approval by the County Health Officer, the City Fire Marshal, and the City Building Official.
7. The bed and breakfast facility shall be owner or manager occupied.
- C. Time Limit. A bed and breakfast facilities permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later.

17.04.115 Hosted Homeshares and Vacation Home Rentals. Dwelling units may be used as hosted homeshares of vacation home rentals in the Urban Low Density Residential Zone (R-1), Urban Standard Density Residential Zone (R-2), Urban High Density Residential Zone (R-3), Office/Residential Zone (C-1), and General Commercial Zone (C-2).

A. License Required.

1. Persons operating a hosted homeshare or vacation home rental shall obtain a short-term rental operating license pursuant to Chapter 5.10 of the Hood River Municipal Code.

B. Use Restrictions – All Zones.

1. The room(s) for transient rental shall not include rooms within a recreational vehicle, travel trailer, or tent or other temporary shelter. Rooms within a detached or attached accessory dwelling unit are subject to HRMC 17.23.
2. The maximum occupancy for the dwelling shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.
3. One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.

C. Additional Use Restrictions – Residential Zones (R-1, R-2 and R-3)

1. A hosted homeshare or vacation home rental is only permitted when it is an accessory use to the existing and continued residential use of a dwelling as the primary residence of the property owner. Proof of primary residence shall be provided in accordance with Chapter 5.10 of the Hood River Municipal Code.
2. The accessory use of a primary residence as a hosted homeshare or vacation home rental is limited to a total of ninety (90) days per calendar year.

D. Prior Existing (Nonconforming) Use. For purposes of hosted homeshare and vacation home rentals, the nonconforming use provisions in HRMC Chapter 17.05 (Nonconforming Uses and Structures) shall apply except as specifically modified in this section.

1. Except as provided in subsection D6, any hosted homeshare or vacation home rental lawfully established and actually in existence prior to the effective date of this 2016 ordinance may continue as a legal nonconforming use subject to the following "amortization periods":
 - a. Until 5 years from the adoption date of this ordinance, at which time use of the property shall come into compliance with the parking requirements in 17.04.115(B.3).
 - b. Until 7 years from the adoption date of this ordinance, at which time use of the property shall come into full compliance with the then-applicable provisions of this HRMC Title 17.

2. A hosted homeshare or vacation home rental in the R-1, R-2 and R-3 zones shall be deemed to be lawfully established and actually in existence if, at any time between January 1, 2013 and the effective date of this 2016 ordinance all of the following occurred:
- The home was actually used as a hosted homeshare or vacation home rental as defined in HRMC 17.01.060;
 - The owner obtained from the City a Certificate of Authority to Collect Transient Room Tax; and
 - The owner actually paid a Hotel Tax to the City pursuant to HRMC Chapter 5.09.
3. The proponent of the nonconforming use status of a hosted homeshare or vacation home rental has the burden of proving by a preponderance of credible evidence all of the elements of a nonconforming hosted homeshare or vacation home rental.
4. In addition to proving the elements of a nonconforming hosted homeshare or vacation home rental as described in subsection D2 of this section, to maintain that status, the owner shall apply for and obtain a Short Term Rental Operating License under HRMC Chapter 5.10 within 12 months of the effective date of Ordinance 2026, which is October 13, 2017, and maintain in good standing that License for the remaining duration of the amortization periods provided in this section. Failure to maintain the Short Term Rental Operating License in good standing for the remaining duration of the amortization periods shall result in the immediate termination of any nonconforming use status the home may otherwise have had by operation of law and without the need for any action by the City. The non-conforming use status provided for herein does not transfer with title to the property.
5. A valid non-conforming hosted homeshare or vacation home rental under this subsection D may be nonconforming with regard to subsection 17.04.115(B3, C1 and C2) requirements provided that the extent of the non-conformity with subsection C2 is limited to the maximum number of nights of transient rental which previously occurred in any one of the following calendar years: 2013, 2014, 2015 or 2016 to the effective date of this ordinance.
6. In the event that the amortization periods provided for herein are insufficient compensation for a property owner to recoup his or her reasonable investment in the property's actual use as a lawful transient rental (i.e., hosted homeshare or vacation home rental) or imposition of these regulations results in a demonstrable reduction in the property's fair market value, such a property owner may apply for and seek additional or other compensation from the City under ORS 195.310 to 195.314. Such a property owner may also provide documentation of the owner's reasonable investments in the nonconforming use of the property exclusively for its use as a transient rental that exceed the value that can be recouped by continued transient rental use of the property for the amortization periods and which cannot be put to any other economically viable use of the property. If the property owner demonstrates with credible evidence a reduction in fair market value or that the owner's reasonable investment in the property as a lawful transient rental is not recouped by the amortization periods provided for herein, the city may provide additional compensation in a form and amount of its choosing. The property owner may appeal any such final determination pursuant to ORS 195.318.

17.04.120 Maximum Lot Coverage

A. Definitions:

- 1. Lot Coverage:** The percentage determined by dividing (a) the area of a lot covered by the total (in square feet) of: (1) the footprint of the main building; and (2) the footprints of accessory buildings (counting only buildings with footprints larger than one hundred fifty (150) square feet, or with two stories or more); and (3) parking pads and driveways ; by (b) the gross area of the that lot.
- 2. Main Building Footprint Coverage:** The percentage determined by dividing that area covered by a main building footprint by the gross area of the lot on which the main building is located. The main building footprint includes all parts of a main building that rest, directly or indirectly, on the ground, including, by way of illustration and not by limitation, bay-windows with floor area, chimneys, porches, decks supported by posts and with floor heights that are four (4) feet or higher above grade, cantilevered decks with horizontal projections that are four (4) feet or more, and covered breezeways connected to a main building.

B. Coverage: Maximum lot coverage applies to any residential dwelling lot in the "R" and "C-1" zones for all existing structures and new construction, except as provided below. Maximum lot coverage for residential dwellings is as shown in the table below.

1. When a detached garage is provided in the rear yard, the maximum lot coverage may be increased as shown in the table below.
2. When a porch is attached to the front elevation of the residential dwelling and has an area of at least sixty (60) square feet on the front of the building (exclusive of any wrap-around or side porch), the maximum coverage may be increased as shown in the table below.

Categories	R-1	R-2	R-3	C-1
Maximum Lot				
Coverage	40%	45%	55%	65%
Maximum Lot				

LINCOLN CITY

Chapter 5.14

VACATION RENTAL DWELLING LICENSE

Sections:

- [5.14.010](#) Purpose.
- [5.14.020](#) Definitions.
- [5.14.030](#) Revocable annual vacation rental dwelling license required.
- [5.14.040](#) Application and fee.
- [5.14.050](#) Standards for issuance of license.
- [5.14.055](#) License standards.
- [5.14.060](#) Criteria for approval of a license and license renewal.
- [5.14.070](#) Additional operational requirements.
- [5.14.080](#) License renewal.
- [5.14.090](#) Appeals of VRD license determinations.
- [5.14.100](#) Complaints.
- [5.14.110](#) Revocation procedure.
- [5.14.120](#) Discontinuance of vacation rental dwelling occupancy.
- [5.14.130](#) Violations – Penalties.

* Editor's note: Ordinance 2009-11 §§ 2, 3 provide:

The provisions of Ordinance Nos. 2007-11 and 2008-07 as readopted in Section 1 will continue to apply to all vacation rental dwelling permits issued under those ordinances as of June 21, 2009, until such time as the permits expire under their terms or on the latest possible renewal date, or expire by operation of law under Ordinance Nos. 2007-11 and 2008-07, whichever comes first.

A vacation rental permit due to expire December 31, 2009, will be subject to renewal only as a license under the provisions of Ordinance Nos. 2009-02 and 2009-03.

5.14.010 Purpose.

A vacation rental dwelling license is a limited permission to use property for vacation rental. A license may be suspended, terminated or revoked if the standards of this chapter are not met or the dwelling is sold or otherwise transferred as defined in this chapter. This chapter provides an administrative framework for licensing the annual operation of a vacation rental. (Ord. 2009-03 § 1)

5.14.020 Definitions.

A. "Sale or transfer" means any change of ownership during the lifetime of the license holder, whether or not there is consideration, or after the death of the license holder, except a change in ownership where title is held not as tenants in common but with the right of in survivorship (e.g., survivorship estates recognized in ORS [93.180](#), such as with a spouse or domestic partner, or transfers on the owner's death to a trust which benefits only a spouse or domestic partner for the lifetime of the spouse or domestic partner). Exceptions:

1. A license holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to license revocation so long as the transferor lives and remains the only owner of the entity. Upon the transferor's death or the sale or transfer of his or her interest in the entity to another person, the license held by the transferor shall terminate.
2. A license holder may transfer ownership of the real property to the license holder and a spouse or domestic partner with the right of survivorship and not be subject to license revocation; provided, that if the

property subject to the license is in a residential zone the spouse or domestic partner does not own an interest in another vacation rental dwelling in a residential zone.

B. "Person" means the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a natural person, or where the natural person has transferred his or her property to a trust of which the natural person is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit in a residential zone that has a vacation rental dwelling license. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such a person can have an ownership right, title, or interest in no more than one dwelling unit in a residential zone that is used for vacation rental or has a vacation rental dwelling license.

C. "Vacation rental" has the definition stated in LCMC [17.08.010](#). (Ord. 2017-13 § 1; Ord. 2016-14 § 2; Ord. 2009-03 § 1)

5.14.030 Revocable annual vacation rental dwelling license required.

The owner of a vacation rental dwelling shall obtain an annual revocable vacation rental dwelling license under this chapter to lawfully advertise, offer, operate, rent, or otherwise make available for occupancy or use a vacation rental dwelling. (Ord. 2009-03 § 1)

5.14.040 Application and fee.

A. Application Required. Prior to engaging in the use of a vacation rental dwelling for any period of time, a person shall apply for a revocable license for a vacation rental dwelling on forms provided by the city, demonstrating the application meets the standards required of this chapter. A person shall submit a completed application along with payment of the applicable fee. A copy of the approval of the planning and community development director of an application for vacation rental dwelling use as provided in LCMC [17.80.050](#) shall be required to be attached to the license application under this subsection. If a license application does not include all required information, including a copy of the planning and community development director's approval and the required fee, the application will be considered incomplete and the city will notify the applicant in writing explaining the information required. If the applicant provides the missing required information within 60 days of the date of the notice, the application will be reviewed. If the applicant cannot provide the required information, the applicant may withdraw the application and the city will refund the application fee.

B. License Fee. The fee for application for a vacation rental dwelling license or license renewal shall be in an amount to recover the city's actual costs of reviewing and issuing the license application or license renewal application, including any required inspections, and shall be established by resolution of the city council. In addition, a vacation rental dwelling licensee shall obtain a business occupation tax permit under LCMC [5.04.040](#) but is not required to pay an application fee under LCMC [5.04.060](#) for a business occupation tax permit in addition to the application fee for an annual vacation rental dwelling license. (Ord. 2010-12 § 1; Ord. 2010-11 § 1; Ord. 2009-03 § 1)

5.14.050 Standards for issuance of license.

A revocable vacation rental dwelling license shall be issued for a period of one calendar year or portion thereof and may be renewed annually provided all applicable standards of this chapter are met.

A. The license shall be issued in the name of the property owner and is not transferable. The license shall terminate and be deemed void when the license holder sells or transfers the property approved as a vacation rental dwelling. Except for exempted transfers related to right of survivorship, (LCMC [5.14.020\(A\)](#)), the death of a license holder terminates the VRD license. If upon the death of the license holder the ownership of the property transfers by operation of law to an executor or heir, then the license, subject to the license renewal process, shall

provisionally continue in effect for a period of one year or until the heir or executor transfers the property to another person, whichever occurs first.

B. The city shall approve an application for a vacation rental dwelling license or license renewal if all the following are met:

1. The property proposed to be licensed for vacation rental is located in a commercial zone, or the property is located in a residential zone and the owner does not have an ownership interest in any another property in a residential zone used or approved for use as a vacation rental dwelling.
2. The planning and community development director has determined the property complies with LCMC [17.80.050](#).
3. The owner has provided information sufficient to verify a qualified person will be available to be contacted about use of the vacation rental during and after business hours.
4. The owner has agreed to comply with all license and operational standards including any conditions such as specific occupancy requirements. (Ord. 2016-14 § 1; Ord. 2009-03 § 1)

5.14.055 License standards.

The city will provide a form for application designed to assist the applicant in providing information adequate to determine whether the standards of this chapter are met. The application shall provide the following information:

A. Owner Information. Owner's name, permanent residence address, permanent residence telephone number, and vacation home address and telephone number.

B. Local Representative Information. If the owner permanently resides within the Lincoln City urban growth boundary, the owner may be the local representative provided the owner meets all applicable requirements of this chapter. If the owner does not permanently reside within the Lincoln City urban growth boundary, the owner shall provide the name, address, and telephone number of a local representative who can be contacted concerning use of the vacation rental dwelling in the event the owner is not available. The telephone number of the local representative shall be operative during regular business hours, 8:00 a.m. to 5:00 p.m., and after business hours and on weekends. The local representative shall be a permanent resident within the Lincoln City urban growth boundary, or an individual staff of a business that manages rental of real property with a physical office open to the public within the Lincoln City urban growth boundary and staffed with at least one person.

C. The applicant shall attach a copy of the determination of the planning and community development director that the proposed vacation rental dwelling complies with LCMC [17.80.050](#).

D. The applicant shall certify that no person identified as an owner on the application also owns other property in a residential zone in the city that is used as a vacation rental dwelling or is approved by the city for vacation rental dwelling use.

E. The applicant shall certify the dwelling complies with all operational standards of this chapter, including smoke alarm and smoke detector requirements, and that all information provided in the application is true. Providing false information in the application is a violation of this chapter and may be enforced as a Class B violation. A reasonable belief the application information is false is also a basis to revoke a license.

F. The applicant shall demonstrate compliance with the applicable approval criteria of LCMC [5.14.060](#), including health and safety standards, prior to the initial issuance of a vacation rental license or renewal of a license. (Ord. 2015-10 §§ 5, 6; Ord. 2014-07 § 1; Ord. 2009-03 § 1. Formerly 5.14.060)

5.14.060 Criteria for approval of a license and license renewal.

A. The applicant has the burden to submit competent substantial evidence to the city to demonstrate compliance with each and every applicable criterion for approval or renewal of the license. The approval criteria also operate as continuing code compliance obligations of the owner, also referred to as operational standards. City staff is responsible for review of the evidence for compliance with the criteria. Staff may verify evidence by independent investigation and the applicant shall cooperate fully in any such investigation.

B. To receive approval, an applicant for a vacation rental dwelling license or license renewal shall demonstrate with competent substantial evidence that all approval criteria listed below have been satisfied:

1. Transient Room Tax Compliance.

- a. The owner shall demonstrate compliance with Chapter [3.04](#) LCMC, Transient Room Tax.
- b. In the case of a renewal, if the owner is currently subject to a notice of violation, or citation for failure to comply with any applicable requirements of Chapter [3.04](#) LCMC (Transient Room Tax), including but not limited to failure to report, remit payment or failure to submit to an audit, all VRD operations (including operations during the grace period in the new calendar year) shall be suspended, even if the owner has timely submitted an application for renewal. If the owner has been convicted of any violation of Chapter [3.04](#) LCMC within the last year, the city shall deny the VRD renewal application.

2. Land Use Compliance. [Reserved]

3. Ownership Limitation for Residential VRDs, Exception for Roads End.

- a. [Reserved]
- b. Lawfully established VRDs in Roads End (as defined in Ordinance 2012-10) existing and lawfully operating as of July 1, 2013, shall not be counted as more than one VRD ownership when applying the VRD ownership limitation of this chapter.

4. Health and Safety.

- a. Maximum Overnight Occupancy. The maximum overnight occupancy of a vacation rental dwelling shall be as follows:
 - i. In no event shall the occupancy of a vacation rental dwelling (VRD) exceed the limits of the 1997 Uniform Housing Code; and
 - ii. In no event shall a VRD exceed "lodging house" limitations of the Oregon Residential Specialty Code. These limitations include:
 - (A) In no event shall use and occupancy of more than five guest rooms be permitted in a VRD. For purposes of this code, a guest room is a bedroom or any other space within the dwelling designed and intended to be used for sleeping; and
 - (B) In no event shall overnight occupancy of a VRD structure exceed 16 persons; and
 - iii. Occupancy shall not exceed the limitations identified herein except in a vacation rental dwelling constructed pursuant to (or retrofitted for compliance with) the current Oregon Structural Specialty Code and only in commercial zoning districts or such other districts as council may authorize by ordinance. For the purposes of this provision, commercial zoning districts are the general commercial (GC) zone, the recreation commercial (RC) zone, the Taft Village Core (TVC) zone, the

Nelscott Business District (NBD) zone, the Nelscott Beachside Mixed Use (NBMU) zone, the Oceanlake Plan District (OPD) zone, and the Vacation Rental (VR) zone; and

iv. In no event shall the occupancy exceed three times the number of bedrooms in the VRD, plus one additional occupant, not to exceed a total of 16 occupants, except as allowed in subsection (B)(4)(a)(iii) of this section; and

v. The license shall state clearly the numeric occupancy limit for the dwelling, including specifically the number of bedrooms.

b. Structural Safety.

i. Bedroom Egress Windows and Doors.

(A) Bedrooms shall have an egress window or exterior door that is operable, with a minimum opening size of 5.7 square feet, and such window or door shall be not more than 44 inches above the finished floor;

(B) The recognized Oregon Building Code exception to reduce the 5.7-square-foot opening to a five-square-foot opening (for the ground floor only) is authorized;

(C) The vacation rental occupancy of the dwelling shall be reduced to conform to the available number of bedrooms with qualifying egress windows or doors and such limitations shall be clearly posted in the VRD;

(D) For construction predating July 1, 1974, the city manager or designee may reduce the minimum opening size or vary the height limit in subsection (B)(4)(b)(i)(A) of this section as follows:

(1) The opening size must be no smaller than 20 inches in width, and no smaller than 22 inches in height. The total minimum opening size can be no less than four square feet.

(2) If the window sill height exceeds 44 inches but is 52 inches or less above the finished floor, the noncompliance may be mitigated with the permanent installation of a step below the window. The step shall be no more than eight inches high and no less than nine inches deep and shall extend the full width of the window. As an alternative to the step, a ladder is permitted. Such ladder shall be permanently affixed, be at least 12 inches in width, and have rungs at least three inches from the wall. Rungs are not to be separated by more than 18 inches on center, vertically.

The above reductions and alterations are permitted only upon submittal of the owner's executed hold harmless agreement with the city concerning the noncompliant construction; and

ii. Staircases with four or more risers and lofts, platforms, decks, or porches that are more than 30 inches above the floor below (if inside the dwelling) or above the finished grade (if outside the dwelling) shall have hand and/or guard railings. Interior and exterior hand railings shall be between 30 to 38 inches in height as measured from the toe of the stair. Guard rails shall be a minimum of 34 inches in height for stairs and at least 36 inches in height for flat surfaces. All hand and guard rails shall be secure, and guard rails shall have openings with a maximum width of nine inches (or the required width at the time the railings were installed if the required width was less than nine inches) between guard rails or on open stairs. The provisions of this subsection do not apply to landscape "stair" features except when such stairs provide direct access to the structure or

accessory structure. The applicant has the option to close or improve a noncompliant feature, provided the feature does not provide needed access; and

iii. All electrical plug-ins and light switches shall have face plates; and

iv. Electric breaker boxes shall be unobstructed and shall have all circuits labeled, and all empty breaker spaces plugged; and

v. All exterior, kitchen, utility sink, and bathroom plugs shall have GFCI (ground fault circuit interrupter) protected plug receptacles; and

vi. All rooms used for sleeping and all hallways between a potential fire source and sleeping areas shall have functioning smoke detectors; and

vii. Functioning carbon monoxide alarms shall be installed if the unit (A) contains a heater, fireplace, appliance or cooking source that uses coal, kerosene, petroleum products, wood or other fuels that emit carbon monoxide as a by-product of combustion; or (B) includes an attached garage with an opening that connects directly with a living space. Such alarms shall be in compliance with State Fire Marshal rules and any applicable requirements of the State Building Code. A written notice containing instructions for testing the alarm shall be available at the premises; and

viii. Units shall have no obvious tripping hazards; and

ix. Vacation rental dwellings shall meet the building and specialty codes in effect at the time of their construction, and any alterations and repairs shall meet the building and specialty codes in effect at the time of their construction; and

x. Vacation rental dwellings shall have clearly visible house numbers and such numbers shall be illuminated or reflective to facilitate emergency response; and

xi. Vacation rental dwellings shall have posted the appropriate (north/south) DOGAMI Tsunami Evacuation Map. The map shall be a minimum size of 11 inches by 17 inches; and

xii. As regards any of the standards in subsections (B)(4)(b)(i), (ii) and (ix) of this section, a renewal application may satisfy the requirement to certify compliance with the above standards if the owner has agreed in writing to fully comply within a reasonable period of time (not to exceed 180 days) as set forth in a corrective order of the building official or planning director, as applicable.

c. Mandatory Postings. The vacation rental dwelling license issued by the city shall be affixed to a wall within the interior of the dwelling adjacent to the front door. At a minimum, the license will contain the following information:

i. A number or other identifying mark unique to the vacation rental dwelling license which indicates the license is issued by the city of Lincoln City, with the date of expiration;

ii. The name of the owner or local representative and a telephone number where the owner or local representative may be contacted at all times;

iii. The telephone number and website address of the city of Lincoln City and the Lincoln City police department;

iv. The number of approved parking spaces outside the garage and the maximum number of vehicles permitted on the property;

- v. The maximum occupancy permitted for the vacation rental dwelling;
 - vi. Any prohibited occupancy, such as sleeping rooms not available for use due to parking or egress limitations;
 - vii. The solid waste collection day and requirement to place all garbage in approved containers;
 - viii. Required Lincoln City quiet hours pursuant to the noise ordinance (Chapter [9.10](#) LCMC) between 9:00 p.m. and 7:00 a.m.; and
 - ix. Any required information and conditions specific to the license.
- d. Vector Control.
- i. Vector control measures shall be employed to prevent vector infestations in vacation rental dwellings.
 - ii. Insect and rodent control measures to safeguard public health and to prevent nuisance to the public shall be applied. Developed areas, buildings, and structures shall be maintained free of accumulation of debris.
- e. Spas and Swimming Pools. Any spa or swimming pool located at or operated in connection with a vacation rental dwelling must comply with the following requirements:
- i. "Spa" means any pool designed primarily to direct water or air-enriched water under pressure onto the bather's body with the intent of producing a relaxing or therapeutic effect. "Swimming pool" means an artificial structure and its appurtenances, which contains water more than two feet deep which is expressly designated or which is used with the knowledge and consent of the owner or operator for swimming or recreational bathing.
 - ii. Water quality shall be maintained within the following limits:

Parameter	Minimum	Ideal	Maximum
Free chlorine	1.5 ppm	3.0 ppm	5.0 ppm
Combined chlorine	0	0	0.5 ppm
Bromine	3.0 ppm	3.0 – 5.0 ppm	8.0 ppm
Total copper	0	0	1.0 ppm
Total silver	0	0	0.05 ppm
pH	7.2	7.4 – 7.6	7.6
Total alkalinity as CaCO ₃	80 ppm	90 – 110 ppm	180 ppm
Cyanuric acid	0	0	150
Calcium hardness	150	200	400+
Water temperature		102	104

iii. Water quality shall be tested and the results logged on an appropriate form, not more than 24 hours before each change of occupants at the vacation rental dwelling. The water quality test results log must be made available for inspection by city staff upon request.

iv. Spa water shall be oxidized or superchlorinated as needed when combined chlorine exceeds spa water quality parameters as defined in this subsection.

5. No Pending Actions or Violations. The owner of a vacation rental dwelling shall not be the subject of a pending criminal action, or have received notice of violation or civil citation regarding compliance of the subject VRD property with any provision of the Lincoln City Municipal Code. A voluntary assurance of compliance, negotiated compliance agreement, or deferred sentence agreement, if approved by the court, will satisfy the requirement that there be no pending actions or violations.

6. Responsible Parties and Mandatory Record Keeping.

a. The owner and representative contact information must be provided to the city and kept updated:

i. Applicant and Owner Information. Owner's name, and applicant's name, if different, permanent residence address, permanent residence telephone number, and vacation home address and telephone number. At a minimum, the application must include the names, mailing addresses, and telephone numbers of all persons holding an ownership interest in the property, or holding an ownership interest in the entity that owns the property.

ii. Local Representative Information. The owner shall provide the name, address, and telephone number of a local representative who has authority to address questions, concerns and complaints about use of the vacation rental dwelling in a timely manner and in the event the owner is not available. The telephone number of the local representative shall be operative at all times including nights and weekends. The local representative shall be an individual whose permanent residence is within or no more than 10 miles of the Lincoln City urban growth boundary, or an individual staff of a business that manages rental of real property with a physical office open to the public within the Lincoln City urban growth boundary and staffed with at least one person. If permanently residing within the Lincoln City urban growth boundary, or within 10 miles of the Lincoln City urban growth boundary, the owner may be the local representative provided the owner meets all applicable requirements of this chapter.

iii. Change in Contact Information. Except when to do so is beyond the owner's control, the owner shall revise the license information for the owner or local representative a minimum of 14 days prior to the date the change takes effect and pays any applicable fee.

iv. Posting of Contact Information. Owners shall post a small placard or sign on the front facing side of the building advising neighbors and tenants of the name and telephone number of the VRD local representative; alarm signs should be located next to this sign.

b. Mandatory Occupancy Records. [Reserved]

7. Required Certifications. To be approved or renewed:

a. An owner (all owners in the event of shared ownership) of a vacation rental dwelling shall submit the following certifications under penalty of perjury and false swearing:

i. That the VRD application submittal information is true and correct; and

- ii. That except for noted exceptions to the ownership limitation authorized by law, no person identified as an owner on the application for a VRD in a residential zone also owns other property in a residential zone in the city that is used as a vacation rental dwelling or is approved by the city for vacation rental dwelling use; and
- iii. That the dwelling complies with all continuing operational requirements and standards of this chapter, including but not limited to all health and safety standards; and
- iv. That the owner has liability insurance which expressly covers the vacation rental operations on the subject property in the amount of at least \$500,000, combined single limit; and
- v. That the owner has subscribed to solid waste collection service for the subject property; and
- vi. That the property currently complies with the parking and landscaping standards contained in or by reference incorporated into this chapter; and
- vii. That all improvements on the subject property are in compliance with applicable building codes in effect at the time the improvements were constructed or that such noncompliances are subject to a corrective order approved by the building official; and
- viii. That there are no pending city of Lincoln City enforcement actions concerning the subject property or that such violations are subject to a court approved resolution; and
- ix. [Reserved]; and
- x. [Reserved]; and
- xi. That the owner is solely responsible for obtaining all approvals, permits, licenses or authorizations from responsible federal, state, county, city or other local authorities necessary to use the property and facilities thereon in the manner contemplated and that the owner has obtained all such required approvals or authorizations; further, the owner shall acknowledge that any license or permit granted by the city shall not in any way be interpreted as a waiver or modification of any other federal, state, or local requirements or authorize any violation of federal, state or local law; and
- xii. That the owner or property complies with any additional certifications identified on the application form approved by the city council by resolution.

b. Applicants are advised that providing false information under oath or affirmation may constitute the crime of false swearing (ORS [162.075](#)) or perjury (ORS [162.065](#)); providing unsworn false information in the application to the city may constitute the crime of unsworn falsification (ORS [162.085](#)). (Ord. 2016-26 § 1; Ord. 2016-14 §§ 3 – 5; Ord. 2015-04 § 1; Ord. 2014-30 § 1; Ord. 2014-07 § 2)

5.14.070 Additional operational requirements.

A. Maintenance of Guest Register. The owner shall be responsible for maintaining a guest register for each tenancy of the vacation rental with a record of all vacation rental dwelling occupancy days. The register shall include the name, address, and telephone number of the tenants and the dates of the rental period. The register shall be available for city inspection upon request. If copies of a register are required, the register information shall be treated as confidential to the extent allowed or required by law.

B. Response to Complaints.

1. In addition to the owner, the local representative shall be authorized to respond to tenant and neighborhood questions, concerns, or complaints, and shall respond to any complaints in a timely manner. The owner or local representative is the contact person for questions or complaints regarding the occupancy of the vacation rental dwelling. The owner or local representative shall be available to respond to complaints in a timely manner as may be considered reasonable depending on the circumstances, to ensure use of the vacation rental dwelling complies with the standards for vacation rental dwelling occupancy, city ordinances, and state law.

2. Log of Complaints. The owner or local representative shall maintain a contemporaneous written record of the date, time, and nature of any complaint received and the action taken in response to the complaint. This record shall be made available for city inspection upon request and shall be provided with an application to renew a license.

C. Change in Contact Information. The owner shall revise the license information for the owner or local representative at any time provided the owner submits the revised information no later than 14 days prior to the date the change takes effect and pays any applicable fee. The purpose of such requirement is to maintain current information and to provide the revised information to surrounding property owners, as required in subsection (D) of this section.

D. Notice of Contact Information. The city will send notice to owners of property within 250 feet of the property and including the name, address, and telephone number of the local representative as provided in a license, license renewal, or change in contact information, so that property owners may contact the local representative to report problems associated with the occupancy or use of the vacation rental dwelling. The owner shall be responsible for paying any fee for the costs of mailing such notice, as established by resolution of the city council.

E. Inspection Requirements.

1. At the time of application for a new or renewed vacation rental dwelling license, the dwelling unit shall be subject to inspection by the planning and community development department or building inspector for the purpose of verifying the vacation rental dwelling complies with this subsection including an approved and properly functioning smoke alarm or smoke detector is installed on each floor, in each guest room in accordance with ORS [479.255](#), and in each common hallway, and at least one smoke detector or smoke alarm for hearing-impaired persons and one door knock device is installed as applicable or required by ORS [479.257](#).

2. If the vacation rental dwelling unit does not meet the requirements of subsection (E)(1) of this section at the time of inspection, the owner shall request reinspection within 30 days. The city shall not take any action on the application for license until the inspection requirement is satisfied.

3. The city may adopt by resolution a fee to provide for a request for reinspection under this subsection. As necessary and required to accommodate city resources including available budget and personnel, the city may provide by resolution a schedule of reinspection for license renewals so that a vacation rental dwelling conducted under the same and continuing ownership is periodically reinspected for conformance with license standards including smoke alarm and smoke detector requirements.

4. The requirement to use a vacation rental dwelling in conformance with smoke detector or smoke alarm requirements of this subsection is a condition of approval of the vacation rental dwelling license and an additional operational standard. Failure to meet this standard is a violation enforceable as a Class B violation.

5. In lieu of requiring inspection and a program of reinspection for smoke detectors or smoke alarms under subsection (E)(1) of this section, the city may require an applicant to certify the dwelling meets the required

standards for smoke alarms or smoke detectors as established in that subsection.

F. License Display. The vacation rental dwelling license issued by the city shall be affixed to a wall within the interior of the dwelling adjacent to the front door. At a minimum, the license will contain the following information:

1. A number or other identifying mark unique to the vacation rental dwelling license and which indicates the license is issued by the city of Lincoln City, with the date of expiration;
2. The name of the owner or local representative and a telephone number where the owner or local representative may be contacted at all times;
3. The telephone number and web site address of the city of Lincoln City and the Lincoln City police department;
4. The maximum number of vehicles allowed parked on the property;
5. The solid waste collection day;
6. Required Lincoln City quiet hours; and
7. Any other information required to be included in the displayed license including any conditions specific to the license.

G. The owner shall comply with all standards of license issuance.

H. Violations. Failing to meet any of the ongoing operational requirements of this chapter including LCMC [5.14.055](#)(A), (B), (E) and (F) and subsections (A), (B), (C), (F), and (G) of this section, including failing to display the license as required, is a violation of this chapter that may be enforced as a Class B violation, and is declared a nuisance that may be enjoined as allowed by law. The planning and community development director or his designee is authorized to issue a notice of violation of this chapter with or without an order to immediately cease and desist all use as a vacation rental. Conviction of a violation of this chapter may be grounds to revoke a license or not renew a license as provided in this chapter. (Ord. 2015-10 §§ 5, 6; Ord. 2009-03 § 1)

5.14.080 License renewal.

A. If a revocable vacation rental dwelling license is not renewed as required in this section, the use shall be presumptively deemed discontinued and the license shall expire as provided in this subsection.

B. Renewal Application Process. A person engaging in rental of a vacation rental dwelling pursuant to an approved license shall apply to renew the vacation rental dwelling license on forms provided by the city, as follows:

1. The city hereby establishes four quarterly renewal dates, as follows:
 - a. First quarter: January 1st;
 - b. Second quarter: April 1st;
 - c. Third quarter: July 1st;
 - d. Fourth quarter: October 1st.
2. The planning and community development director will assign each new license and existing license to one of the four quarterly renewal dates. The one-year period commencing on the quarterly renewal date is

the license year for corresponding vacation rental dwelling. For the first year of each new or renewed license under this section, the license fee shall also be prorated to the assigned quarterly renewal date.

3. **Renewal Period.** A completed license renewal application and renewal fee, as established by city resolution, are due no earlier than 30 days before the assigned quarterly renewal date and no later than 30 days after the assigned quarterly renewal date. The city may impose a late fee for renewal applications submitted beyond the 60-day renewal period, as established by resolution.

4. **Late Applications – Expiration.** If the city has not received a completed license renewal application and renewal fee accompanied by the applicable fee by 30 days after the assigned quarterly renewal date, the vacation rental dwelling license is subject to expiration as of the assigned quarterly renewal date. The expiration will take effect 10 days after the date the city mails notice to the owner, unless the owner submits a renewal application with required fees including any late fees within the 10-day notice period. After a license expires and is not renewed, the property may not be lawfully used as a vacation rental dwelling unless a new vacation rental license is obtained by the owner.

C. **Notice.** The city shall send notice of expiration under subsection (B)(4) of this section to the owner of any property for which a timely renewal application has not been received. An application will nevertheless be considered timely submitted if the city receives a completed renewal application from the owner, accompanied by the required fees, within the 10-day late period.

D. **License Expiration.** If the owner does not submit a renewal application as required under subsection (B) of this section, the license in effect for the prior year shall expire effective as of the assigned quarterly renewal date without further action or notice by the city.

E. **Renewal Standards.** The city will review an application for license renewal and issue a renewal of the vacation rental dwelling license provided the following standards are met:

1. The licensee has provided all required application information within the time required, and all requirements of this chapter are met;
2. The vacation rental dwelling use of the property has been previously approved under LCMC [17.80.050](#) and the approval remains valid;
3. The owner has fully complied with Chapter [3.04](#) LCMC (Transient Room Tax) including submitting the required report for the last quarter of the license year;
4. Staff has reviewed the licensee's complaint log required by LCMC [5.14.070](#)(B)(2) to determine the nature of complaints, if any, and whether complaints were timely addressed by the owner or local representative. Where city records show more than one complaint about the vacation rental dwelling occupancy was received during the license year, including any complaints that remain unresolved, the applicant shall bear the burden of proof of demonstrating complaints have been satisfactorily resolved or the complaints are not reasonably applicable to the occupancy of the vacation rental dwelling;
5. The license subject to renewal is current, valid, and has not been suspended or revoked;
6. The property has been inspected for compliance with LCMC [5.14.070](#) within the last three years, either by approval of occupancy by the city building inspector in the final completion of a building permit or by compliance notice of the responsible city staff, or otherwise complies with LCMC [5.14.070](#)(E);
7. The property has generated at least \$500.00 from rental occupancy during the previous year as demonstrated by transient room tax reports filed pursuant to LCMC [3.04.070](#). The person responsible for receiving the transient room tax reports and verifying the amount of tax due will determine whether this

standard is met by providing a summary determination to the department responsible for processing the renewal application. Where a cap is imposed, a new or renewal VRD license shall not be issued if the VRD has not obtained or maintained a VRD license in the preceding 12-month period and the VRD has been rented at least 30 days in that license year. An accessory license may be issued to a VRD that does not meet the 30 days or more standard. Information provided by the owner under Chapter [3.04](#) LCMC shall be kept confidential to the extent allowed or required by law; and

8. The property continues to meet the standards for parking, solid waste, landscaping, irrigation and signs, as provided in LCMC [17.80.050](#)(B).

F. If the application does not meet all requirements of subsection (E) of this section, the city will not renew the license and the property shall not be used as a vacation dwelling.

G. Notice. Notice of decision on a renewal application shall be mailed as provided in LCMC [5.14.070](#)(D).

H. A decision on a license renewal may be appealed as provided in LCMC [5.14.090](#). (Ord. 2017-13 § 2; Ord. 2009-03 § 1)

5.14.090 Appeals of VRD license determinations.

A. Authority to Decide Appeal. As authorized in Chapter [2.18](#) LCMC, a VRD license appeals board shall be responsible for determining an appeal of a decision approving or denying an application or renewal application for a vacation rental dwelling license, or revoking or suspending a VRD license, in any zone.

B. Standard of Review. The board shall determine whether the city's decision is reasonable and based on a preponderance of the evidence.

C. Filing Requirements – Notice. The licensee or license applicant and any person entitled to notice of license issuance may appeal a VRD license decision.

1. An appellant is required to file a written notice of appeal including the basis for the appeal within 12 days of the license determination being appealed. This requirement is jurisdictional and late filings shall not be allowed.

2. The city council may establish by resolution a fee for filing an appeal, which shall be jurisdictional. The fee shall be sufficient to recover the average or actual costs of mailing notice of hearing and conducting the hearing.

3. At least 10 days before the hearing, notice of hearing on appeal will be mailed to owners of property within 250 feet of the property subject to the application.

D. The city manager or the city manager's delegate may establish administrative procedures to implement the appeal procedures provided in this subsection, including any required forms.

E. Hearing. Within 14 days of receiving the notice of appeal, the city manager shall schedule a hearing on the appeal before the VRD license appeals board, to be heard at the next available meeting date.

1. At the hearing, parties to the appeal shall have the opportunity to present evidence and arguments, including witness testimony. The city shall maintain a summary record of proceedings, including the date and time of hearing, the names of the parties and witnesses, if any, a list of documents or evidence submitted, and the nature of the oral decision, if any, made at the conclusion of the hearing. In the event an interpretation of the city council is required, the hearing may be stayed to allow the city council sufficient time to issue the interpretation.

2. A decision of the board shall be reduced to writing and signed by the chair.
3. Decisions on license appeals shall be issued within 60 days of the date of the close of the public hearing on the matter.
4. The board's decision shall be final on the date of mailing the decision to the appellant. The board's decision is the final decision of the city and is appealable only by writ of review to circuit court.

F. Procedures. The VRD license appeals board may adopt and publish procedures for hearings not in conflict with this subsection, including but not limited to time limits on oral testimony and limitations on written argument. (Ord. 2009-03 § 1)

5.14.100 Complaints.

A. The city manager or the manager's designee is authorized to implement an administrative procedure to document and respond to complaints about occupancy and use of a vacation rental dwelling.

B. In response to a complaint concerning the occupancy or use of a vacation rental dwelling, city staff including but not limited to the Lincoln City police department shall make at least three attempts to contact the owner and local representative using the information provided in the application for the vacation rental dwelling license. If neither the owner nor the local representative is available, the person receiving the complaint shall document the nature of the complaint and the efforts to reach the owner and local representative including the results of those efforts, and forward a copy of the report to the city manager or the city manager's designee. On request and in compliance with the public records law, the city shall provide the owner and local representative with the information in the complaint.

C. Timely Resolution of Complaints. The owner and the local representative jointly shall be responsible for ensuring that complaints are resolved in a timely manner. For the purposes of this section, "timely" means within one hour of receiving the complaint, whether from the city or from any other complainant. Except for noise complaints, complaints received after 9:00 p.m. and before 7:00 a.m. are considered timely if they are resolved by 8:00 a.m. The owner's and local representative's joint responsibility for resolving complaints does not mean both must respond to and resolve each complaint.

Within 20 days of receiving an oral or written complaint relayed by city staff, the owner must provide the city an explanation in writing of the action taken (including no action) in response to the complaint. The explanation shall be mailed to the city, who may notify the complainant of the response.

D. Failure of the owner or local representative to timely and reasonably respond to a complaint relayed by city staff on at least two separate occasions within the license year shall constitute a violation of this chapter and a Class C civil infraction enforced against the owner and local representative under Chapter [1.16](#) LCMC. In addition to authority to impose fines and penalties as provided by law, the municipal court shall notify the city manager or his designee of any judgment of conviction for violation under this subsection within 10 working days of entry of judgment. Upon receiving such notice of conviction from the municipal court, the city manager or the city manager's designee shall initiate proceedings to revoke the vacation rental dwelling license for the property naming the property owner. The revocation shall be conducted under the notice and hearing procedures provided in LCMC [5.14.090](#) for appeals of license decisions. (Ord. 2016-14 § 6; Ord. 2015-10 §§ 5, 6; Ord. 2009-03 § 1)

5.14.110 Revocation procedure.

A. For the first violation of any provision of LCMC [5.14.055](#) through [5.14.080](#) pertaining to operational requirements within a 12-month period, the sanction for violation may be a warning notice. If the same offense continues to occur or a second offense occurs at any time during a 12-month period, the penalty for conviction shall be not less than \$250.00. In addition the license shall be subject to revocation.

B. If the vacation rental dwelling license is suspended or revoked as provided in this section, the city manager shall send written notice of suspension and revocation to the owner stating the basis for the decision. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal.

C. The owner may appeal the city manager's decision to revoke the license by filing a letter of appeal to the board within 12 days after the date of the mailing of the city manager's decision. The appellant shall pay a revocation appeal fee as established by resolution of city council. Upon receipt of an appeal, the city manager shall stay the revocation decision until the appeal has been determined by the board. The board's decision shall be final and not subject to further city appeal.

D. The procedure for conduct of the appeal of an administrative decision to suspend or revoke a vacation rental dwelling license shall be conducted as provided in LCMC [5.14.090](#) for appeals. Notice of the appeal shall be mailed to the owners of property located within 250 feet of the property subject to the license revocation.

E. If the board upholds the decision to revoke the license, the board shall order the owner to discontinue use as a vacation rental dwelling. Notice of revocation shall be mailed to property owners within 250 feet of the property subject to the license revocation. (Ord. 2009-03 § 1)

5.14.120 Discontinuance of vacation rental dwelling occupancy.

A. After Revocation. After a vacation rental dwelling license has been revoked, the dwelling unit may not be used or occupied as a vacation rental dwelling, and the owner of the property to

which the license applied and whose license has been revoked shall not be eligible to reapply for a vacation rental dwelling license for vacation rental occupancy of the same property for a period of 12 months from the date of revocation. If the city revokes an owner's vacation rental dwelling license for a property on two separate occasions, the owner shall not be eligible to reapply for a vacation rental dwelling license for that property.

B. After Expiration. After a vacation rental dwelling license has expired, the dwelling unit may not be used or occupied as a vacation rental dwelling. The owner of the property to which the license applied and whose license has expired shall be required to apply for and obtain a vacation rental dwelling license before the property may be lawfully used or occupied as a vacation rental dwelling. (Ord. 2009-03 § 1)

5.14.130 Violations – Penalties.

A. Any violation of this chapter may be enforced as a Class B violation as provided in Chapter [1.16](#) LCMC and subject to the penalties established in that chapter. Each day in which a dwelling is used in violation of this chapter shall be considered a separate violation.

B. The following conduct constitutes a violation of this chapter:

1. Providing false information in the application for license or license renewal;
2. Representing a dwelling as available for occupancy or rent as a vacation rental where the owner does not hold a valid vacation rental dwelling license issued under this chapter, or making a vacation rental dwelling available for use, occupancy or rent without first obtaining a valid vacation rental dwelling license;
3. Advertising, renting, using, or offering for use, occupancy or rent, a vacation rental dwelling in a manner that does not comply with the standards of this chapter, including but not limited to failing to maintain or provide on request of the city the required guest register or complaint log information, or in the event a change occurs in the name, address or telephone contact of the local representative, failing to provide such information no later than the date of the change;
4. Failing to comply with the requirements of Chapter [3.04](#) LCMC; or

5. Failing to comply with the licensing and operational requirements of this chapter including but not limited to the requirements listed in LCMC [5.14.070](#)(G). Evidence proving any of the following establishes a rebuttal presumption of violation of these standards:

- a. Trash or litter is present on the property and not contained in solid waste containers;
- b. While believed occupied as a vacation rental dwelling, the number of vehicles parked on the property exceeded the number of vehicles allowed;
- c. The owner or local representative failed to respond to an inquiry or complaint as established in LCMC [5.14.100](#);
- d. The tenants of the vacation rental dwelling created noise, disturbance, or a nuisance in violation of the Lincoln City Municipal Code;
- e. The tenants of the vacation rental dwelling violated state law pertaining to the consumption of alcohol or the use of illegal drugs.

For purposes of this subsection, "violation" means a violation that has been adjudicated by a court of competent jurisdiction whose final order and judgment is not subject to further appeal or has not been appealed.

C. In addition to or in lieu of enforcing a violation under subsection (B) of this section, the city of Lincoln City may file an action regarding use or occupancy of a vacation rental dwelling with the VRD license appeals board. The action shall be filed and a hearing conducted as for an appeal allowed under the Lincoln City Municipal Code and this chapter, except that no filing fee shall be required. (Ord. 2015-10 §§ 5, 6; Ord. 2009-03 § 1)

The Lincoln City Municipal Code is current through Ordinance 2017-15, passed August 14, 2017.

Disclaimer: The City Recorder's Office has the official version of the Lincoln City Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

vehicle park. The area between the sight-obscuring fence and the recreational vehicle park boundary shall be landscaped. The fence and landscaping shall be approved by the planning commission.

8. Permanent occupancy is prohibited. No recreational vehicle shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Continuous occupancy extending beyond three months in any 12-month period shall be presumed to be permanent occupancy.

9. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park in such number and of such capacity that there is no uncovered accumulation of trash at any time, and that such containers shall be surrounded by sight-obscuring fence.

10. The park is to be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park. (Ord. 92-8 § 12; Ord. 92-3 § 4; Ord. 84-2 § 10.040)

17.80.050 Vacation rental dwelling use criteria.¹

A. Purpose.

1. Purpose. Vacation rental dwellings are allowed in recognition of the fact that property owners may desire to allow others to use a vacation home on occasions when the owners themselves are not using it, and the accommodation option that best fulfills the desires of many guests visiting Lincoln City is the rental of a private home during their stay.

2. Basis. The city council finds:

a. The use of vacation rental dwellings can have a perceived negative cumulative effect on Lincoln City neighborhoods by creating nuisances including but not limited to excessive loud noise, excessive numbers of parked vehicles interfering with vehicle access along public roadways and blocking private drives, and litter migrating onto adjacent properties from untended solid waste receptacles.

b. An absentee owner may not be aware of the extent to which use of a vacation rental dwelling potentially causes negative effects on neighboring properties and the livability of a neighborhood.

c. All owners of property in the city have a common interest in maintaining and promoting livable and viable neighborhoods for residents and visitors alike.

B. Vacation Rental Dwelling Standards. Except where noted, the following standards apply to all vacation rental dwellings in the city:

1. Ownership. The approved use of the vacation rental dwelling in any zone is in the name of the property owner and the approval, including any license, is not transferable. When the owner sells or transfers the property occupied or rented as a vacation rental dwelling, the approved use shall cease.

a. For purposes of this chapter, "sale or transfer" means any change of ownership during the lifetime of the owner, whether or not there is consideration, or after the death of the owner, except a change in ownership where title is held in survivorship with a spouse or domestic partner, or transfers on the owner's death to a trust which benefits only a spouse or domestic partner for the lifetime of the spouse or domestic partner. An owner may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to loss of approval of the vacation rental dwelling use so long as the transferor lives and remains the only owner of the entity. Upon the transferor's death or the sale or

transfer of his or her interest in the entity to another person, the approval for the use held by the transferor shall terminate.

b. For purposes of this chapter, "person" means the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a natural person, or where the natural person has transferred his or her property to a trust of which the natural person is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit in a residential zone that has a vacation rental dwelling permit. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such a person can have an ownership right, title, or interest in no more than one dwelling unit in a residential zone that has a vacation rental dwelling permit.

2. Accessory or Permitted Use.

a. Except as otherwise provided in this title, a VRD is allowed as an accessory use in the R-1-5, R-1-7.5, R-1-10, R-M, and R-R zones, and as a permitted use in the R-1-5, NBD, NBMU, TVC, OP-OF, OP-IM, OP-MSH, VR, RC, and GC zones, provided the VRD meets the applicable standards of this chapter and obtains a license under Chapter [5.14](#) LCMC.

b. Incidental and subordinate accessory vacation rental dwelling use is not a commercial use. Commercial vacation rental dwelling use is use of a dwelling for vacation rental dwelling purposes for more than 30 nights per calendar year. Commercial vacation rental dwelling use does not include vacation rental dwelling use that has been authorized by conditional use permit, that is a lawful nonconforming use, or that has obtained a vested right land use approval.

c. The total number of vacation rental dwellings operating without limits on the number of nights for which they may be rented in the R-1-5 zone shall not exceed 10 percent of the total number of lots in that zone.

3. Parking. In any residential or commercial zone, one off-street parking space will be provided for each bedroom in the dwelling unit, and no less than two spaces will be provided for each dwelling unit. If the proposed VRD use cannot provide the required parking and also meet the other standards of subsection (B) of this section, including required landscaping, the vacation rental occupancy of the dwelling shall be reduced to conform to the available amount of off-street parking and made a condition of licensing under Chapter [5.14](#) LCMC.

a. The planning and community development director has the discretion to require such changes as are necessary to conform the dwelling to available approved parking and shall inspect the dwelling as necessary to confirm the occupancy has been so conformed prior to approving the use in any allowed zone. An example is changing a bedroom to another use.

b. No more vehicles shall be parked on the property than there are designated off-street parking spaces.

c. No variance from the parking standards is allowed.

4. Solid Waste. The owner must provide securable receptacles of sufficient size for the deposit of solid waste generated by the vacation rental dwelling use and subscribe to a solid waste collection service for service sufficient for the vacation rental dwelling during all months the dwelling is used for vacation rental. No dumpsters are allowed.

5. Landscaping.

a. Residential Zones and the VR Zone. The owner must landscape all yards in accordance with the standards of LCMC [17.52.100](#). A minimum of 50 percent of the front yard (the area between the side lot lines, the front lot line, and the front of the dwelling) must be landscaped. For oceanfront properties constrained by a need to be set back from the bluff edge due to geological hazards, landscaping may be reduced in order to accommodate required parking.

b. Commercial Zones. The owner shall install and maintain the landscaping as shown in the approved site plan for the commercial use or mixed-use application. If the approval does not include a site plan then the landscaping, at a minimum, must meet the landscaping standards of LCMC [17.52.100](#).

6. Signs. In both residential and commercial zones, any sign on the property shall be in compliance with the sign requirements for the use in the R-1 zone, as established in LCMC [17.72.060](#)(B).

7. TRT. The owner shall comply with Chapter [3.04](#), Transient Room Tax.

8. VRD License. Prior to making a VRD available for use, including advertising by any means or otherwise offering the VRD for use, the owner shall obtain a valid VRD License as provided in Chapter [5.14](#) LCMC.

9. Subject to the limitations and provisions of this section and of Chapter [5.14](#) LCMC, a vacation rental dwelling located in the R-1-7.5, R-1-10, R-M, R-R, or NCR zone that, prior to December 1, 2016, had received a vacation rental dwelling land use approval and a vacation rental dwelling license approval for the 2016 license year, and that has such approvals remaining valid as of January 18, 2017, may continue to operate without compliance with the 30-night accessory use limitation of this section, and continue as nonconforming approvals pursuant to the land use terms and conditions of their existing land use approvals. Except for existing conditional use approvals, this authorization terminates upon the sale or transfer of the property as defined in subsection (B)(1) of this section.

C. Application and Review.

1. Application Requirements.

a. The owner of the property or authorized agent shall apply for a vacation rental dwelling on a form provided by Lincoln City. The owner shall sign the application. No application shall be accepted without payment of the application fee.

b. At a minimum, the names, mailing addresses, and telephone numbers of all persons holding an ownership interest in the property, or holding an ownership interest in the entity that owns the property, shall be provided in the application.

c. The applicant shall certify that the person identified as the owner on the application does not own other property in the city that is used as a vacation rental dwelling or is approved by the city for vacation rental dwelling use, if the application is for a vacation rental dwelling in a residential zone.

d. The applicant shall certify solid waste collection service is provided to the property.

e. The application shall demonstrate parking and landscaping standards of this section are met.

f. Providing false information in the application shall be a violation and grounds to deny the application, void the approval, enjoin the use, and revoke a vacation rental dwelling license issued for the dwelling under Chapter [5.14](#) LCMC.

2. Administrative Review and Decision.

a. Notice of Receipt of Application. After receipt of a vacation rental dwelling land use approval application, the department shall provide written notice of the application to:

i. Owners of property within 250 feet of the property for which the application is submitted. The list of property owners shall be compiled from the most recent property tax assessment roll. Where 50 percent or more of the number of properties in the area subject to notice are owned by the same person, as defined in this section, the notice area shall be expanded until the number of properties owned by the same person constitutes 20 percent or less of the properties in the notice area.

ii. Any neighborhood association recognized by the city whose boundaries include the site.

b. The written notice of the application shall include the following information:

i. The date, time, and place where comments are due, if a person wishes to have the comments considered during the review process. The due date shall be 14 days after the date of the notice.

ii. A statement that the criteria governing the land use approval decision are the requirements of subsection (B) of this section.

iii. The street address or another easily understood geographical reference to the property.

iv. A statement that the land use application and any other file materials are available for review at the department and that copies can be obtained at cost.

v. The name and phone number of a department contact person.

This subsection shall remain in effect until December 31, 2018, unless prior to that date the city council takes action to allow this subsection to continue in effect.

c. The planning and community development director shall review an application for VRD in any zone under the applicable standards of subsection (B) of this section and shall issue an administrative decision on the application.

d. Notice of administrative decision shall be provided as required in LCMC [17.76.020](#) and mailed at applicant's expense to all owners of property of record as indicated on the most recently available tax assessment roll, located within 250 feet of the exterior boundary of the property for which the application is made. Where 50 percent or more of the number of properties in the area subject to notice are owned by the same person, as defined in this section, the notice area shall be expanded until the number of properties owned by the same person constitutes 20 percent or less of the properties in the notice area. The notice shall contain the information required by LCMC [17.76.020](#)(A) and allow any person opportunity to appeal the decision within 20 days of mailing of the notice. The mailed notice shall state that if tenants or lessees are in possession of the property, the city requests the owner to provide a copy of the notice to each tenant or lessee.

e. The authorization for VRD land use shall remain valid provided the use is conducted lawfully, under a valid revocable vacation rental dwelling license issued under Chapter [5.14](#) LCMC, and in compliance with Chapter [3.04](#) LCMC, Transient Room Tax. If a property owner who has received a VRD land use authorization fails to apply for and receive a VRD license under Chapter [5.14](#) LCMC within one year of having received the VRD land use authorization, or having received a VRD license under Chapter [5.14](#) LCMC fails to renew it within the license grace period, the city will consider the VRD authorization abandoned and the planning and community development director will declare the authorization void. The planning and community development director will mail a written notice of the decision to declare

the VRD land use authorization null and void to the property owner. The property owner may appeal the planning and community development director's decision as provided in LCMC [17.76.040](#).

3. Appeal. The decision of the planning and community development director on an application for vacation rental dwelling use may be appealed as provided in LCMC [17.76.040](#)(A). Appeal of the decision of the planning and community development director shall be in the form of an evidentiary hearing before the planning commission. The planning commission decision shall be final and is not subject to further appeal.

4. Fees. The city is authorized to adopt fees in an amount established by resolution to recover the actual costs of processing and reviewing an application for vacation rental dwelling use including fees for appeals of such decisions.

D. Violation – Penalties – Sanction.

1. Offering or making available a vacation rental dwelling for occupancy, use, or rent, with or without an exchange of value or other consideration, without first obtaining city approval of the use under this section, is a violation and enforceable as a Class B violation.

a. Proof the dwelling is advertised, listed with an agent, or publicly described in any manner by the owner or owner's agent as a vacation rental dwelling creates a rebuttable presumption that a vacation rental dwelling exists and is available for use, rent, or occupancy.

b. Oral or written statements indicating a vacation rental dwelling is or was made available for use, rent, or occupancy, including but not limited to an advertisement, offer, agreement, or correspondence in any medium, made on or about the date of an alleged violation, are admissible in court for the purpose of establishing a presumption that the vacation rental dwelling was available for occupancy on the date of the alleged violation, whether or not the dwelling was actually rented, used or occupied on such date.

c. When a vacation rental dwelling is shown to be made available on a particular date, it is presumed the VRD continues to be made available unless the defendant proves otherwise.

2. Operating a vacation rental dwelling in violation of any of the standards of subsection (B) of this section is a Class B violation enforceable as provided in Chapter [1.16](#) LCMC, grounds to suspend or revoke a license under Chapter [5.14](#) LCMC, and a nuisance.

3. A person convicted of violating this section is subject to a fine as a penalty as established in Chapter [1.16](#) LCMC. Each day of violation is a separate violation.

E. Prior Existing Use.

1. Application of Chapter [17.60](#) LCMC, Conditional Uses. Any vacation rental dwelling accessory approved by the city under the conditional use standards of Chapter [17.60](#) LCMC as in effect prior to November 21, 2007, and lawfully conducted may continue as a nonconforming use after such date, provided the occupancy of the vacation rental dwelling is lawfully conducted under a valid vacation rental dwelling license or renewal license as required by this section. The owner of the dwelling has the burden of establishing a prior approved conditional use when applying for a vacation rental dwelling license or license renewal.

2. A vacation rental dwelling accessory use that is not a conditional use and was approved by the city prior to November 21, 2007, shall be allowed to continue provided the owner obtains an annual vacation rental dwelling license or renewal license as required by this section. Provided the occupancy is otherwise lawfully conducted, the use may continue until such time as the license holder sells, transfers or conveys the property to which the approved use and license apply. The owner of the dwelling has the burden of establishing a prior approved use when applying for a vacation rental dwelling license or license renewal.

3. Except as specifically provided in this subsection, any use conducted under subsection (E) of this section must otherwise conform to all requirements of this section and other applicable code provisions, including but not limited to Chapters [3.04](#) and [5.14](#) LCMC. (Ord. 2017-10 § 1; Ord. 2016-20 §§ 9 – 11, 13, 14; Ord. 2015-10 §§ 5, 6; Ord. 2009-11 § 4; Ord. 2009-02 § 1; Ord. 2008-17 § 1; Ord. 2008-07 § 1; Ord. 2007-11 § 1; Ord. 2002-02 § 2; Ord. 95-15 § 16; Ord. 92-3 § 4; Ord. 84-2 § 10.050)

17.80.060 Bed and breakfast accommodation standards.

Bed and breakfast accommodations shall comply with the following standards:

- A. All residences used for bed and breakfast accommodations shall be owner-occupied. No separate structures shall be allowed.
- B. No more than 25 percent of the entire structure but no more than two bedrooms shall be used as a part of the bed and breakfast accommodation.
- C. Each room rented shall not be rented for a period to exceed 15 consecutive days.
- D. Maximum signage of one and one-half square feet shall be allowed in residentially zoned areas of the city.
- E. Bed and breakfast accommodations must maintain the residential lawn nature of front and side yards. (Ord. 95-15 § 17; Ord. 84-2 § 10.060)

17.80.070 Essential emergency communications and warning facilities.

- A. Essential emergency communications and warning facilities are not required to comply with the minimum lot size, parking, landscaping, city services availability, or yard requirements of the zone in which they are located.
- B. Essential emergency communications and warning facilities are not required to comply with the requirements of LCMC [17.52.240](#). (Ord. 2005-14 § 13; Ord. 84-2 § 10.070)

17.80.080 Animals and gardens.²

A. Animals. The keeping of small animals, farm animals, domestic fowl, and worms is permitted in all zones as an accessory use to any principal use permitted outright or to a permitted conditional use, in each case subject to the standards of this section.

1. Small Animals. Up to three small animals may be kept accessory to each business establishment or dwelling unit on a lot, except as follows:

- a. In no case is more than one miniature potbelly pig allowed per business establishment or dwelling unit.
- b. In single-family zones:
 - i. Accessory dwelling units shall not be considered separate dwelling units for the purpose of this section;
 - ii. Up to four small animals are permitted on lots of at least 20,000 square feet; and
 - iii. One additional small animal is permitted for each 5,000 square feet of lot area in excess of 20,000 square feet. Accessory structures, including kennels, for four or more animals must be at least 10 feet from any other lot in a residential zone.

2. Domestic Fowl. Up to five domestic fowl may be kept accessory to any principal use on any lot in addition to the small animals permitted in subsection (A)(1) of this section. For each 1,000 square feet of lot area in

MANZANITA

ORDINANCE NO. 10-03
(As amended by Ord. No. 16-05 12/7/16)

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS
RELATING TO SHORT TERM RENTALS**

WHEREAS, Ordinance 95-4 defines short term rentals as an outright allowed use in residential zones; and

WHEREAS, the City of Manzanita wishes to establish rules and regulations relating to short term rentals within the City to ensure the safety and convenience of renters, owners and neighboring property owners; now therefore

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

Section 1. Definitions.

a) For the purpose of this Ordinance, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory, and the term "this Ordinance" shall be deemed to include all amendments hereafter made to this Ordinance.

b) The following words and phrases, as used herein, shall have the following meanings:

Dwelling Unit. Means one or more rooms occupied, designed or intended for occupancy as separate living quarters, and containing four (4) or more of the following:

- refrigeration
- cooking facility (including cooking stove, hot plate, range hood, microwave, or similar appliance) or wiring or venting to support same
- dishwashing machine
- sink intended for meal preparation (not including a wet bar)
- garbage disposal
- toilet
- shower or bathtub

Local Contact Person. The owner, a rental agency, security agency or other agent of the owner authorized to act for the owner.

Owner. The person who owns the dwelling unit used as or proposed to be used as a short term rental.

Person. Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Rent. The full consideration charged, whether or not received by the operator, for the occupancy of the short term rental valued in money or in goods, labor, credits, property, or other consideration valued in money, without any deduction. Except as otherwise provided in this ordinance, Rent includes all fees, charges and assessments (including but not limited to processing fees, cleaning fees or fees for maid service and pet fees) charged, assessed or

allocated by the operator for the occupancy of the short term rental, the payment for which is not optional and not refundable. Rent does not include:

1. Any taxes, fees, or assessments levied by any other governmental entity.
2. The sale of any goods or services which are separate and independent from occupancy.

Short Term Rental. A dwelling unit that is rented to any person on a day to day basis or for a period of less than thirty (30) consecutive nights.

Short Term Rental License. A permit to operate a short term rental in accordance with this and all City Ordinances. The licensing year is August 1st to July 31st of the following year and the fee of which is not subject to proration.

Section 2. License required. A property owner shall obtain and maintain a license as provided in this Ordinance for any qualified dwelling unit that is to be used as a short term rental. A license shall be obtained prior to using a dwelling unit as a short term rental or advertising in any manner the availability of the dwelling unit for short term rental. A Short Term Rental License shall be surrendered immediately to the City upon sale of the property or cessation of use as a short term rental at the address named on the license.

a. Short Term Rental License. The short term rental license shall state the address of the short term rental, the name and phone number of the local contact person(s), the maximum allowable number of overnight occupants, the license number, the expiration date of the license, and any other information required by the City of Manzanita. The license shall be prominently displayed in the rental so as to be seen and readily noticed by any and all occupants. Such license also will serve as the Manzanita Certificate of Authority required by the Manzanita Transient Lodging Tax Ordinance No. 16-03.

It is a Class A Civil Infraction as provided in Ordinance No. 15-01 to rent or make a dwelling unit available for rent as a short term rental without obtaining the license required by this section or to rent the property on a short term basis without the current license posted conspicuously in the rental property as required above.

b. Advertising. All advertising soliciting business for a short term rental shall include the license number issued by the City of Manzanita to the rental owner. All advertisement appearing through any medium including any print, electronic, or audio media, including, but not limited to, advertisements appearing in newspapers, magazines, newsletters, flyers, internet sites, bulletin boards, or any other advertising medium, regardless of origin, distribution method, or distribution location of such medium soliciting reservations or rental availability shall include the short term rental license number. Such identification shall appear as "MCA #" (Manzanita Certificate of Authority) followed by the City-issued license number in a readable size and font, and be placed in such location that it is readily noticed as a part of the advertisement.

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to place advertising soliciting business by any means for the short term rental property without having the short term rental license number included.

Section 3. Short Term Rental License Requirements.

- a. Eligibility to apply for license. A property owner who holds title or a recorded land sale contract to a property with a dwelling unit which has passed a final building inspection may apply for a short term rental license. Applications will be processed in the order received by the City.
 - b. Application. An application for a short term rental license shall be completed and submitted to the City by the owner of the dwelling unit on forms provided by the City. The application shall identify and be signed by all persons shown as owners or having any beneficial ownership in any form of ownership of the dwelling unit on the most recent Tillamook County Assessor's tax records or recorded title. Any additional cost incurred by the City in obtaining verification of such information shall be added to the cost of the license. At the time of application, an application fee as determined by resolution of the City Council shall be paid to the City. The fee shall include the cost of the initial health and safety inspection and one follow-up inspection. Additional inspections, including pre-purchase inspections, are available for an additional fee. A short term rental applicant must have the initial inspection completed and all deficiencies corrected within six months of the application submittal date. Failure to complete the inspection process within six months of the application submittal date shall result in the expiration of the application.
 - c. Limitations on application. Effective June 4, 2010, a person holding a short term rental license or an interest in a property for which a short term rental license has been issued shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial ownership, a short term rental license covering any other property within Manzanita. A short term rental license may be issued only for a single dwelling unit on a single property or for a single dwelling unit within a duplex on a single property.
- The short term rental license is issued to the owner and does not transfer with the sale or conveyance of the property. All short term rental license holders must report to the City any change of ownership of their short term rental, in whatever form, before the conveyance deed is recorded. The transfer of the property from (1) a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust or (2) the transfer of ownership pursuant to a will or bequest upon the death of the owner is not deemed not to be a transfer of ownership for purposes of this Ordinance.
- d. Initial inspection. At the time of initial application, the dwelling unit shall be inspected by the City Building Official or designee. The purpose of this inspection will be to determine the conformance of the dwelling unit with the State of Oregon Residential Specialty Code regulations related to potential safety issues, and with all other standards required by the City. Applicants must correct any identified deficiencies and a final safety inspection must be passed before a short term rental license is issued.
 - e. License issuance. Except as provided in Section 3(f) below, the owner shall be issued a license for a short term rental upon completion of all required forms, inspection approval of the dwelling unit by the Building Official or designee, and payment of the annual license fee as determined by resolution of the City Council.
 - f. Waiting list in certain areas. If the dwelling unit is located within the area subject to the cap placed on the number of short term rentals by Section 6.030(3)(a) of Ordinance 95-4 and no licenses are available, the owner who is otherwise eligible to receive a license will be placed on a waiting list. The City shall notify the applicant, in writing, of the status of the pending license. If at any time the applicant chooses to withdraw their application from consideration, the applicant must do so in writing.

As a license within the capped area becomes available, it will be offered to the owner whose approved application has been on the list for the longest time. Within one week of notification, the license fee and all documentation required must be submitted to the City. Failure to submit the license fee and required documentation to the City will result in the license being offered to the next applicant on the waiting list.

g. Hardship license. The City Council at its discretion may approve a special hardship license where it is determined that a medical condition, death of a spouse or other extraordinary financial burden is likely to jeopardize the owner's ability to maintain ownership of the designated property. The Council may attach a time limit with a hardship license, and this license shall be revoked upon the sale or conveyance of the property.

h. Utilization of License Required. Holders of short term rental licenses issued after June 4, 2010, including those issued to owners on the waiting list described in Section 3(f) above as of June 4, 2010, who report no rental income for a period of nine (9) months from the initial license issuance date shall be considered as having abandoned the license, and the license shall be automatically revoked. This requirement shall apply to subsequent nine (9) month periods.

i. License Limitation on Listed Property. A property owner who holds title or a recorded land sale contract to a property which is a currently licensed short term rental who lists said property for sale, shall limit the extent of future reservations/bookings to no more than forty-five (45) days from the date the reservation was made. Any and all outstanding reservations/bookings, beyond and including the date of the recording of the deed of sale of that property, shall be cancelled.

Section 4. Standards. A short term rental shall be operated to meet the following standards:

a. House Number. A house number visible from the street must be provided and maintained.

b. Identification Sign. In addition to the signs permitted by Section 4.070 of Ordinance 95-4 the owner or rental agency may provide and maintain a sign attached to the outside of the dwelling unit which identifies the dwelling unit as a short term rental, and lists a telephone number for the applicable rental agency, if any, or other local contact person as required under Section 4(d). Such signage shall be visible from the street and shall be no smaller than 72 square inches nor larger than 90 square inches. Such sign shall include the City short term rental license number for the dwelling unit as described in Section 2(b) of this Ordinance.

c. Parking. All short term rental properties must provide off_street parking spaces for a minimum of 2 vehicles. Such spaces shall not be blocked and shall be available to people using the short term rental. Location and design of parking spaces shall comply with all applicable City ordinances.

d. Local Contact Person. The owner shall post as required in Section 2(a) and keep on file with the City the name and telephone number of a local contact person(s) who shall be responsible for responding to questions or concerns regarding the operation of the short term rental. This information must be kept current. Any change in local contact person must be reported to the City at least 14 days prior to the date the change takes effect. A new Short Term Rental Local Contact Person Registration form must be completed and submitted to the City, and the re-issued City license must be posted as required in Section 2(a) before the property may be again rented.

The local contact person must be available to accept and immediately respond to telephone calls on a 24 hour basis at all times that the short term rental is rented and occupied. At all other times, the local contact person shall respond within 24 hours. The local contact person must have a key to the rental unit and be able to respond physically within thirty (30) minutes to address issues at the dwelling unit or must have arranged for another person to perform the same duties within the same timeframe. The name and phone number of this alternative contact person must be kept on file with the City and be listed as a secondary local contact person on the Short Term Rental License Certificate. The requirement for identifying a local contact person applies to each person or entity making arrangements for renting a given short term rental.

e. Garbage Removal. During periods of rental, the owner shall provide covered and properly secured garbage containers and provide for sideyard garbage removal. An exception to the sideyard garbage removal requirement may be allowed if the garbage container is stored in a closed area and moved to and from the curbside collection point on the same day as garbage is collected. Garbage shall be removed a minimum of one (1) time per week, unless the short term rental is not being rented. Information providing directions to community recycling facilities shall also be provided in the dwelling unit.

f. Emergency information. The owner shall provide in the dwelling unit information and equipment to assist renters in dealing with natural disasters, power outages and other emergencies. The minimum information and equipment to be provided in the short term rental shall be as determined by resolution of the City Council.

g. Payment of Transient Lodging Tax. Proper reporting and payment of transient lodging taxes due to the City under Transient Lodging Tax Ordinance 16-03 shall be made by the last day of the month following the preceding calendar quarter (or by the last day of the month following the preceding month if mandated by the Tax Administrator). Late tax reports and/or payments are subject to a minimum fine, plus interest and penalties as set out in Transient Lodging Tax Ordinance 16-03, even if there was zero rent to report. Failure to submit timely reports and make timely payment of short term rental taxes due may result in revocation of the owner's short term rental license. This provision applies to all persons responsible for transient lodging tax reporting and payment for a given short term rental.

h. Occupancy Capacity. The maximum allowable overnight occupancy for each short term rental dwelling unit shall be calculated on the basis of two (2) persons per sleeping room plus an additional four (4) persons. For this purpose, a sleeping room is defined as fully-enclosed habitable space with a heat source and an emergency egress or rescue opening.

The maximum allowable overnight occupancy of a short term rental shall be determined at the time a short term rental license is issued or renewed. That capacity shall not be increased by construction of any addition to the structure covered by the license or by construction of any other structure located on the property.

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to violate any of the standards outlined in this section.

Section 5. License Renewals and Reinspections

a. Renewal Fee. All short term rental licenses shall be renewed annually for the period of August 1 of the current year to July 31 of the following year provided all requirements in this Ordinance and Transient Lodging Tax Ordinance No.16-03 continue to be met. If the owner is out of compliance

with the provisions of this Ordinance or any other City Ordinance, the City will not renew the license, and the property shall no longer be used as a short term rental. Failure to pay the required license renewal fee, determined by resolution of the City Council, by the annual August 1 due date shall result in the assessment of a \$25 late fee. Failure to pay the required license renewal fee within thirty (30) days of the annual August 1 due date shall be considered abandonment of the short term rental license and the license shall be subject to revocation by the City Council.

b. Periodic Reinspection. Every short term rental license shall be subject to reinspection of the dwelling unit by the City Building Official or designee at the City's discretion, but no less than every five (5) years. The purpose of this inspection will be to determine the conformance of the dwelling unit with the State of Oregon Residential Specialty Code regulations which may be directly related to potential safety issues, and with all other standards required by the City. The City shall notify the owner of required reinspections at least six (6) months prior to the renewal date of the short term rental license. The owner shall pay a fee as determined by resolution of the City Council and arrange for a reinspection by the City Building Official or designee and must correct any identified deficiencies. Failure to arrange for the reinspection and complete correction of all identified deficiencies by the annual August 1 renewal due date for the short term rental license shall be considered abandonment of the short term rental license and the license shall be subject to revocation by the City Council.

Alternatively, an owner may comply with this requirement of periodic reinspection by utilizing a building inspector currently certified by the State of Oregon as an Oregon Residential Specialty Code inspector or other provider approved in advance by the City. The City reserves the right to modify such reinspection requirements and procedures.

c. The owner of a short term rental shall be required to schedule and pass a new health and safety inspection when there has been a fire, flood or other event that has caused substantial damage to the structure or when there has been an addition or substantial modification to the structure holding the dwelling unit.

d. The City may perform random health and safety inspections of a short term rental dwelling unit (1) upon receipt of safety related complaints or (2) to verify that the required emergency information and current short term rental license listing accurate contact information are posted in short term rentals as required in this Ordinance.

Section 6. Violations and Penalties.

a. Each day in which a property is used in violation of any part of this Ordinance shall be considered a separate violation.

b. Revocation of license. In addition to the penalties specified in this Ordinance, the City may determine that an appropriate penalty is the revocation of the short term rental license. The City Council shall hold a hearing on a proposed revocation of a short term rental license. At the conclusion of the hearing, based on the evidence presented, the Council may: Take no action on the request for the revocation of the license; attach conditions to the existing license; or revoke the license. Should a license be revoked, the owner may reapply for a new license one (1) year after the date of revocation. Revocation of a short term rental license shall not constitute a waiver of short term rental fees and taxes due at the time of revocation.

Section 7. Severability. The separate provisions of this Ordinance are hereby declared to be independent from one another; and if any cause, sentence, paragraph, section or part of this Ordinance shall for any reason be adjudged invalid by any court of competent jurisdiction, all remaining parts shall remain in full force and effect.

ORDINANCE NO. 10-03

PASSED FIRST READING by the Council this 7th day of April, 2010.

PASSED SECOND READING by the Council this 5th day of May, 2010.

APPROVED by the Mayor this 5th day of May, 2010.

ORDINANCE NO. 16-05

PASSED FIRST READING by the Council this 9th day of November, 2016.

PASSED SECOND READING by the Council this 7th day of December, 2016.

APPROVED by the Mayor this 7th day of December, 2016.

SEASIDE

Section 6.114 Production from an open pit or the removal of sand and gravel shall not leave a slope exceeding one foot (1') horizontal for one foot (1') vertical.

Section 6.115 An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.

Section 6.116 A rock crusher, washer, or sorter shall not be located nearer than 500 feet to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed, maintained and operated in such a way and manner as to eliminate, as far as is practicable, noise, vibration or dust which is injurious or substantially annoying to persons living in the vicinity.

Section 6.120 JUNK, WRECKING YARD, CONTRACTORS YARDS

In considering a conditional use application for a junk or wrecking yard, the Planning Commission shall require that it be enclosed by a sight-obscuring fence not less than six feet high.

Section 6.130 SIGNS

In the case of a conditional use, the sign limitation of a zone may be exceeded to allow one indirectly illuminated sign or non-illuminated sign not more than six square feet in area on each side of a structure abutting a street.

Section 6.135 BED & BREAKFAST ESTABLISHMENTS

The following conditions shall apply to all bed and breakfast establishments in R-2, R-3 and R-C Zones, plus any other conditions the Planning Commission feels necessary in order to preserve the residential character of the neighborhood.

1. Maximum number of rental units shall be two (2), with a total occupancy of no more than five (5) persons.
2. Establishment shall be owner occupied.
3. One (1) off-street parking space shall be provided for each rental unit plus the two (2) spaces for the residential unit.
4. Annual fire inspection.
5. Signing is limited to a 1 1/2 square foot nameplate, non-illuminated.

Section 6.136 Variance Procedure For Bed & Breakfast Establishments. A variance for additional units may be considered if the following criteria are met:

1. Abutting property owners are in agreement.
2. House has architectural design that would accommodate the use without changing the character of the neighborhood.
3. Adequate approved parking is provided.
4. Building meets Fire & Life Safety Code with annual inspection required.

Section 6.137 VACATION RENTAL DWELLING (VRD)

1. **Purpose.** The Vacation Rental Dwelling Permit is in recognition of the desire of many people to rent their property on a short term basis. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations.
2. **Standards.** In all zones allowing Vacation Rental Dwellings, a permit shall be issued as an accessory use in accordance with the administrative conditional use provisions provided the applicant can demonstrate by written application that all of the following standards are met:
 - A. **Parking.** One 9' x 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
 - B. **Number of Occupants.** The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations.

The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of Inspection for valid code reasons.
 - C. **Residential yard areas.** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
 - D. **Local responsible party.** A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).
 - E. **Spatial distribution requirements.** Within the medium density residential (R-2) zones and high density residential (R-3) zones, not more than 20% of the properties within 100' of the subject property can be currently licensed for VRD use without Planning Commission review.

Failure to meet this standard will require a public hearing and review by the Planning Commission under the provisions of Subsection 5.
3. **Notice and Administrative Decision.** Upon submittal of a complete application, notice of the request shall be mailed to all property owners within 100 feet in accordance with Section 10.031 (2). The notice and final decision by the Planning Director must comply with the provisions in Section 10.032 through Section 10.035 of the Ordinance.
4. **Appeals.** Within fifteen (15) days of the administrative decision, the decision may be appealed in accordance with the provisions in Section 10.037 and 10.040 of the Ordinance
5. **Planning Commission review.** The Planning Commission will review VRD's which do not conform with the provisions of Subsection 2.E., in accordance with the conditional use procedures in Section 6.30 through 6.50 of the Ordinance. The

applicant must address the following criteria in addition to the standards in Subsection 2.A-D of this Section. A decision by the Commission to approve a VRD request may include conditions that would restrict the number of renters or total occupants in the VRD.

- A. The use of the property as a VRD will be compatible with the surrounding land uses.
- B. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

6. Approval conditions. All approval must include the following conditions:

- A. Vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
- B. Prior to issuance of a vacation rental dwelling permit, the building in question must be inspected and be in substantial compliance with the Uniform Housing Code.
- C. It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, and Traveler's Accommodation Statutes, and with the Uniform Housing Code.
- D. Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with this Section.
- E. A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- F. Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Subsection 5 of this Section. Failure on the applicant's part to meet the standards or conditions will result in denial of the application

7. Prior Approvals. Vacation rental dwellings approved under prior standards shall comply with the provisions of Section 6.137; 2B., 2D., & 6A. within one year of the amendments in this Section.

(Amending Ordinance No., 2000-09, adopted 11-27-2000)

8. Complaints. Any complaint procedures concerning violations of the VRD Provisions are in addition to the "Remedies" specified in Article 12 of the Zoning Ordinance.

Section 6.140 PRIVATE SPORTS COMPLEX

SEATTLE

Chapter 6.600 - SHORT-TERM RENTALS

Sections:

6.600.010 - Scope and purpose

This Chapter 6.600 applies to all short-term rental operators and short-term rental platforms that facilitate short-term rental operators to offer a dwelling unit, or portion thereof, for short-term rental use within The City of Seattle, and to all bed and breakfast operators who list a bed and breakfast unit on a short-term rental platform. The ordinance enacting this Chapter 6.600 is an exercise of the City's police power to license short-term rental platforms, short-term rental operators and bed and breakfast operators. The purpose of the ordinance is to preserve the City's permanent housing stock, balance the economic opportunity created by short-term rentals with the need to maintain supply of long-term rental housing stock available at a range of prices, reduce any indirect negative effects on the availability of affordable housing, create a level playing field for all parties engaged in the business of providing lodging, and protect the livability of residential neighborhoods.

(Ord. 125490, § 1, 2017.)

6.600.020 - Application of other provisions

The licenses provided for in this Chapter 6.600 are subject to the general provisions of the new Seattle License Code set forth in Chapter 6.202 as now or hereafter amended. In the event of a conflict between the provisions of Chapter 6.202 and this Chapter 6.600, the provisions of this Chapter 6.600 shall control.

(Ord. 125490, § 1, 2017.)

6.600.030 - Definitions

"Bed and breakfast" means a lodging use where rooms within a single dwelling unit are provided to transients by a resident operator for a fee by prearrangement on a daily or short-term basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast.

"Bed and breakfast operator" means any person who is the owner or resident manager of a bed and breakfast unit.

"Bed and breakfast unit" means a room within a bed and breakfast that is offered or provided to a guest(s) by a bed and breakfast operator for a fee for fewer than 30 consecutive nights.

"Booking service" means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between a short-term rental operator and a prospective short-term rental guest, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

"Dwelling unit" means a room or rooms located within a structure that are configured to meet the standards of Section 23.42.048 and that are occupied or intended to be occupied by not more than one household as living accommodations independent from any other household.

"Fee" means remuneration or anything of economic value that is provided, promised, or donated primarily in exchange for services rendered.

"Guest" means any person or persons renting a short-term rental or bed and breakfast unit.

"Household" means a housekeeping unit consisting of any number of related persons; eight or fewer non-related persons; eight or fewer related and non-related persons, unless a grant of special or reasonable accommodation allows an additional number of persons.

"In Seattle" or "within Seattle" means in the Seattle city limits.

"Local contact" means the operator or the operator's representative who is the point of contact for any short-term guest(s) for the duration of the guest(s) stay in the short-term rental.

"Operate a short-term rental platform within Seattle" means that a short-term rental platform is engaged in business in Seattle, including having agreements with short-term rental operators or other customers in Seattle who provide dwelling units, or portions thereof, located in Seattle for short-term rental use, regardless of whether the short-term rental platform is physically present in Seattle.

"Owner" means any person who, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building, dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement shall not be considered an owner.

"Person" means any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

"Primary residence" means a person's usual place of return for housing as documented by motor vehicle registration, driver's license, voter registration, or other such evidence as determined by Director's rule. A person may have only one primary residence.

"Principal" means a principal or governing member of any business entity, including but not limited to: LLC member/manager, president, vice president, secretary, treasurer, CEO, director, stockholder, partner, general partner, or limited partner.

"Short-term rental advertisement" means any method of soliciting use of a dwelling unit for short-term rental purposes.

"Short-term rental" means a lodging use, that is not a hotel or motel, in which a dwelling unit, or portion thereof, that is offered or provided to a guest(s) by a short-term rental operator for a fee for fewer than 30 consecutive nights. A dwelling unit, or portion thereof, that is used by the same person for 30 or more consecutive nights is not a short-term rental. A dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the Secretary of State, State of Washington, and/or is classified by the Internal Revenue Service as a public charity or a private foundation, and provides temporary housing to individuals who are being treated for trauma, injury or disease and/or their family members is not a short-term rental.

"Short-term rental operator" or "operator" means any person who is the owner of a dwelling unit established under Title 23, or portion thereof, who offers or provides that dwelling unit, or portion thereof, for short-term rental use or a person who is the tenant of a dwelling unit, or portion thereof, who offered or provided a short term rental as set forth in subsection 6.600.040.B.2.

"Short-term rental operator registry" means record of information detailing short-term rental transactions, maintained by the short-term rental operator.

"Short-term rental platform" or "platform" means a person that provides a means through which an operator may offer a dwelling unit, or portion thereof, for short-term rental use, or which a bed and breakfast operator may offer a bed and breakfast unit, and from which the person or entity financially benefits. Merely publishing a short-term rental advertisement for accommodations does not make the publisher a short-term rental platform.

(Ord. 125490, § 1, 2017.)

6.600.040 - License required

- A. Platforms. It is unlawful for any person to operate as a platform within Seattle without a valid platform license issued pursuant to this Chapter 6.600.
- B. Operators. It is unlawful for any person to operate as a short-term rental operator within the City without a valid short-term rental operator license issued pursuant to this Chapter 6.600. A short-term rental operator license permits an operator to offer or provide a maximum of one dwelling unit, or portion thereof, for short term rental use, or a maximum of two dwelling units if one of the units is the operator's primary residence, except for the following:
 1. An operator who offered or provided a short-term rental outside of the locations described in subsections

6.600.040.B.2 or 6.600.040.B.3 prior to September 30, 2017, may obtain a short-term rental operator license allowing that operator to continue to operate up to two dwelling units for short-term rental use, subject to the requirements of subsection 6.600.040.B.4. Upon renewal of the license after one year of operations, the operator may obtain a license allowing that operator to: continue to operate the two units; and add a third dwelling unit if the unit is the operator's primary residence.

2. An operator who offered or provided a short-term rental in the Downtown Urban Center, south of Olive Way and north of Cherry Street, as established in the Seattle Comprehensive Plan (2016), prior to September 30, 2017, may obtain a short-term rental operator license allowing them to continue to operate those units and to offer or provide up to one additional dwelling units for short-term rental use, or a maximum of two dwelling units, if one of the units is the operator's primary residence, subject to the requirements of subsection 6.600.040.B.4.
3. An operator who offered or provided a short-term rental in any dwelling units within a multifamily building constructed after 2012 that contains no more than five dwelling units established by permit under Title 23 and is located in the First Hill/Capitol Hill Urban Center, as established in the Seattle Comprehensive Plan, prior to September 30, 2017, may obtain a short-term rental operator license allowing them to continue to operate those units and to offer or provide up to one additional dwelling units for short-term rental use, or a maximum of two dwelling units, if one of the units is the operator's primary residence, subject to the requirements of subsection 6.600.040.B.4.
4. If the license applicant wishes to continue operating a short-term rental in a location described in subsections 6.600.040.B.1, 6.600.040.B.2, or 6.600.040.B.3 the applicant must provide the Director with the following evidence of prior short-term rental use:
 - a. A business license tax certificate issued by the Department of Finance and Administrative Services for the short-term rental use, in effect on prior to September 30, 2017; and
 - b. Records demonstrating collection and remittance of all applicable local, state and federal taxes within the 12-month period prior to September 30, 2017; and
 - c. A registry identifying the dates the dwelling unit was used as short-term rental within the 12-month period prior to September 30, 2017.
 - d. Certification that, if the applicant is a renter, the owner has authorized the tenant's operation of the dwelling unit as a short-term rental. If requested by the Director, the applicant shall provide documentation demonstrating that the owner has provided that authorization.
- C. Bed and breakfast operators. It is unlawful for any bed and breakfast operator within Seattle to use a platform to list a bed and breakfast unit without possessing a valid bed and breakfast operator's license issued pursuant to this Chapter 6.600.

(Ord. 125490, § 1, 2017.)

6.600.050 - License applications

- A. Platforms. Platform licenses are issued by the Director and may be obtained by filing with the Director a platform application in a format determined by the Director.
- B. Operators. Operator licenses are issued by the Director and may be obtained by filing with the Director a short-term rental operator license application in a format determined by the Director and by submitting a signed declaration of compliance attesting that each dwelling unit, or portion thereof, offered for short-term rental use satisfies the requirements of Section 6.600.070.
- C. Bed and breakfasts. Bed and breakfast licenses are issued by the Director and may be obtained by filing with the Director a bed and breakfast operator application in a format determined by the Director.
- D. All platform, operator, and bed and breakfast licenses shall expire one year from the date the license is issued and shall be renewed annually.

(Ord. 125490, § 1, 2017.)

6.600.060 - Short-term rental platforms general provisions

All platforms operating in Seattle shall comply with the following:

- A. Possess a valid platform license issued pursuant to this Chapter 6.600.
- B. Prior to providing booking services, require that all operators and bed and breakfast operators using the platform either submit an application for an operator license or bed and breakfast operator license through the platform and include a license number in any listing, or, include a license number in any listing for a short-term rental or bed and breakfast unit on the platform.
- C. Remove any listings for short-term rentals or bed and breakfast units from the platform upon notification by the Department. The Director shall develop, by rule, processes and procedures for the removal of any listing.
- D. Provide the following information in an electronic format determined by the Director to the City on a quarterly basis:
 1. The total number of short-term rentals, and bed and breakfast units in the City listed on the platform during the applicable reporting period; and
 2. The total number of nights all short-term rentals and bed and breakfast units rented through the platform during the applicable reporting period.
- E. Inform all operators, including bed and breakfast operators, who use the platform of the operator's responsibility to collect and remit all applicable local, state, and federal taxes unless the platform does this on the operator's behalf.
- F. Provide a copy of the summaries prepared by the Director pursuant to Section 6.600.065 to all operators, including bed and breakfast operators, for which the platform provides booking services. When notified to do so by the Director, provide written notification to all short-term rental operators and bed and breakfast operators of changes to local regulations. Upon request, the platform shall provide documentation to the Director demonstrating that the required notification was provided.
- G. Upon request by the Director, permit the Director access to review records that are required to be kept under this Chapter 6.600, in a manner consistent with federal law.

(Ord. 125490, § 1, 2017.)

6.600.065 - Summaries of short-term rental regulations

The Director shall, as soon as practicable after passage of the ordinance introduced as Council Bill 119081, and as the Director shall deem necessary thereafter, prepare a summary of this Chapter 6.600 and any other applicable regulations or identified best practices for operating a short-term rental.

(Ord. 125490, § 1, 2017.)

6.600.070 - Short-term rental operator general provisions

- A. All operators who offer dwelling units, or portions thereof, for short-term rental use in Seattle shall comply with the following:
 1. Possess no more than one operator license issued pursuant to this Chapter 6.600.
 2. Be a principal or spouse of a principal in no more than one operator license issued pursuant to this Chapter 6.600.
 3. Offer or provide no more than the maximum number of dwelling units, or portions thereof, as provided in subsection 6.600.040.B.
 4. Post the Department-issued operator license number for the short-term rental on every listing advertising or offering the dwelling unit, or portion thereof, for use as a short-term rental.
 5. Comply with all standards provided in Section 23.42.060.
 6. Provide local contact information to all short-term rental guests during a guest's stay. The local contact must reside

in King County, Washington and be available to respond to inquiries at the short-term rental during the length of the stay.

7. Comply with the requirements of the Housing and Building Maintenance Code in subsection 22.214.050.M and the Rental Registration and Inspection program.
8. Comply with RCW 19.27.530 by ensuring that all dwelling units have working smoke detectors and carbon monoxide alarm(s) in every bedroom and on all habitable floors and a properly maintained and charged fire extinguisher.
9. Post the following information in a conspicuous place within each dwelling unit used as a short-term rental:
 - a. Emergency contact information for summoning police, fire, or emergency medical services.;
 - b. Short-term rental street address;
 - c. Floor plan indicating fire exits and escape routes;
 - d. Information about how a guest can contact The City's Customer Service Bureau to report any concerns or complaints;
 - e. Maximum occupancy limits; and
 - f. Contact information for the operator or the designated local contact;
10. Maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than \$1,000,000 or conduct each short-term rental transaction through a platform that provides equal or greater insurance coverage.
11. Remit all applicable local, state, and federal taxes unless the platform does this on the operator's behalf.
12. Upon request by the Director, provide documentation and a signed declaration of compliance attesting to compliance with subsections 6.600.070.A.1 through 6.600.070.A.11.

(Ord. 125490, § 1, 2017.)

6.600.080 - Bed and breakfast operator general provisions

All bed and breakfast operators who advertise or offer a bed and breakfast unit on a platform in the City, shall comply with the following:

- A. Possess no more than one valid bed and breakfast operator license issued pursuant to this Chapter 6.600.
- B. Post the Department-issued bed and breakfast operator license number issued for the bed and breakfast on every listing advertising or offering a bed and breakfast unit on a platform.
- C. If operating within a single-family zone, comply with all standards provided in Section 23.44.051. If operating within a multi-family zone, comply with all standards provided in subsection 23.45.545.G.
- D. Remit all applicable local, state, and federal taxes unless the platform does this on the bed and breakfast operator's behalf.

(Ord. 125490, § 1, 2017.)

6.600.090 - License fees

- A. Short-term rental platform license fees. The fee for a platform license issued pursuant to this Chapter 6.600 shall be a quarterly fee based on the total number of nights booked for short-term rental use through the platform. Platforms shall pay \$0 per night booked. The per night fees shall be calculated and paid on a quarterly basis. If a platform fails to provide complete information as required by subsection 6.600.060.D, the Director may estimate the quarterly per night license fee.
- B. Short-term rental operator license fees. The fee for an operator license issued pursuant to this Chapter 6.600 shall be \$75 per dwelling unit annually, paid at the time the application is submitted to the City.
- C. Bed and breakfast operator license fees. The fee for a bed and breakfast operator license issued pursuant to this Chapter 6.600 shall be \$75 per bed and breakfast, paid at the time the application is submitted to the City.

- D. The Director shall review annually any of the licensing fees in subsections 6.600.090.A, 6.600.090.B and 6.600.090.C and shall make necessary adjustments in a Director's Rule to ensure the fees achieve full cost recovery of the Director's administrative, enforcement and other regulatory costs and no more, after consideration of the following factors:
1. The projected costs and annual budget allotted for administrative, enforcement and regulatory costs across the short-term rental industry;
 2. The need for increased enforcement to reduce illegal activity;
 3. The total number of nights booked in City limits across the short-term rental industry; and
 4. The administrative burden of issuing additional platform or operator licenses.
- E. License fees are non-refundable and non-transferrable.

(Ord. 125490, § 1, 2017.)

6.600.100 - Enforcement and rulemaking

The Director will adopt rules pursuant to Chapter 3.02 to implement the provisions of this Chapter 6.600. The Director is authorized to enforce, promulgate, revise, or rescind rules and regulations deemed necessary, appropriate, or convenient to administer the provisions of this Chapter 6.600, providing affected entities with due process of law and in conformity with the intent and purpose of this Chapter 6.600.

(Ord. 125490, § 1, 2017.)

6.600.110 - Short-term rental platform—Violations and enforcement

- A. Violations. It is a violation of this Chapter 6.600 for any person or platform to:
1. Operate a short-term rental platform within Seattle without possessing a valid short-term rental platform license issued pursuant to this Chapter 6.600.
 2. Fail to require that any operator or bed and breakfast operator using the platform, prior to providing booking services, either submit an application for an operator license or bed and breakfast operator license through the platform and include the license number in any listing, or, include a license number in any listing for a short-term rental or bed and breakfast unit on the platform pursuant to subsection 6.600.060.B.
 3. Fail to remove any listings for short-term rentals or bed and breakfast units from the platform pursuant to subsection 6.600.060.C.
 4. Misrepresent any material fact in an application for a platform license or submit inaccurate information to the Director when the Director requests information pursuant to this Chapter 6.600.
 5. Fail to comply with any requirements of Chapter 6.600 applicable to short-term rental platforms.
- B. Enforcement
1. Investigation and notice of violation
 - a. The Director is authorized to investigate any person or platform the Director reasonably believes does not comply with the provisions of Chapter 6.600 applicable to platforms.
 - b. If, after investigation, the Director determines that any provisions of Chapter 6.600 applicable to platforms have been violated, the Director may issue a notice of violation to the platform or other person responsible for the violation.
 - c. The notice of violation shall state the provisions violated, necessary corrective action and the compliance due date.
 - d. The notice of violation shall be served upon the platform, agent or other responsible person by personal service or regular first-class mail addressed to the last known address for the platform, agent, or responsible person.
 - e. Nothing in this Section 6.600.110 limits or precludes any action or proceeding to enforce this code, and nothing obligates or requires the Director to issue a notice of violation prior to the imposition of civil or

criminal penalties.

- f. Unless a request for review before the Director is made in accordance with subsection 6.600.110.B.2, the notice of violation shall become the final order of the Director.

2. Review by the Director

- a. Any person aggrieved by a notice of violation issued by the Director pursuant to subsection 6.600.110.B.1 may obtain a review of the notice by requesting such review in writing within ten business days of the date of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until 5 p.m. on the next business day. Within 15 days of the request for review, the aggrieved person may submit additional information in the form of written material to the Director for consideration as part of the review.
- b. The review will be made by a representative of the Director who is familiar with the case and the applicable ordinances. The Director's representative will review all additional written material received by the deadline for submission of information. The reviewer may also request clarification of information received. After review of the additional information, the Director may:
 - 1. Sustain the notice of violation;
 - 2. Withdraw the notice of violation;
 - 3. Continue the review to a date certain for receipt of additional information; or
 - 4. Modify the notice of violation, which may include an extension of the compliance date.
- c. The Director shall issue an order of the Director containing the decision and shall cause the same to be mailed by first-class mail to the person or persons requesting the review and the persons named on the notice of violation.
- d. Extension of compliance date. The Director may grant an extension of time for compliance with any notice or order, whether pending or final, upon the Director's finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension. An extension of time may be revoked by the Director if it is shown the conditions at the time the extension was granted have changed, the Director determines a party is not performing corrective actions as agreed, or if the extension creates an adverse effect on the public. The date of revocation shall then be considered the compliance date.

4. Penalties

- a. In addition to any other sanction or remedial procedure that may be available, any person violating or failing to comply with any of the provisions of Chapter 6.600 applicable to platforms shall be subject to the following cumulative penalties per violation for each listing from the date the violation occurs until compliance is achieved:
 - 1) \$500 per day for each violation for the first ten days, and
 - 2) \$1,000 per day for each violation for each day beyond ten days of non-compliance until compliance is achieved.
 - b. In cases where the Director has issued a notice of violation or order of the Director, the violation will be deemed to begin, for purposes of determining the number of days in violation, on the date that compliance is required on the notice of violation or order of the Director.
5. Civil actions. Civil actions to enforce subsection 6.600.040.A, Section 6.600.060 and subsection 6.600.110.A shall be brought in the Seattle Municipal Court, except as otherwise required by law or court rule. The Director shall request in writing that the City Attorney take enforcement action. The City Attorney shall, with the assistance of the Director, take appropriate action to enforce subsection 6.600.040.A, Section 6.600.060 and subsection 6.600.110.A. In any civil action for a penalty, the City has the burden of proving by a preponderance of the evidence that a violation exists or existed. The issuance of a notice of violation or an order following a review by the Director is not itself evidence that a violation exists.
6. Appeals to Superior Court. Final decisions of the Seattle Municipal Court on enforcement actions authorized by

subsection 6.600.110 may be appealed pursuant to the Rules for Appeal of Courts of Limited Jurisdiction.

(Ord. 125490, § 1, 2017.)

6.600.120 - Short-term rental operator and bed and breakfast operator—Violations and enforcement

A. Violations. It is a violation of this Chapter 6.600 for any person to:

1. Offer or provide a dwelling unit, or portion thereof, for short-term rental use without possessing a valid operator's license for that dwelling unit, or portion thereof, issued pursuant to this Chapter 6.600.
2. Offer a bed and breakfast unit on a platform without possessing a valid bed and breakfast operator's license issued pursuant to this Chapter 6.600.
3. Misrepresent any material fact in any license application or other information submitted to the Director pursuant to this Chapter 6.600.
4. Fail to comply with any requirements of Chapter 6.600 applicable to operators or bed and breakfast operators.

B. Enforcement. If after investigation the Director determines that any of the provisions of Chapter 6.600 applicable to operators or bed and breakfast operators have been violated, the Director may issue a civil citation to the operator, bed and breakfast operator, or other person responsible for the violation.

1. Citation. The civil citation shall include the following information: (1) the name and address of the person to whom the citation is issued; (2) the address of the short-term rental or bed and breakfast unit involving the violation; (3) a separate statement of each provision violated; (4) the date of the violation; (5) a statement that the person cited must respond to the civil citation within 15 business days after service; (6) a space for entry of the applicable penalty; (7) a statement that a response must be sent to the Hearing Examiner and received not later than 5 p.m. on the day the response is due; (8) contact information for the Hearing Examiner where the citation is to be filed; (9) a statement that the citation represents a determination that a violation has been committed by the person named in the citation and that the determination shall be final unless contested as provided in this chapter; and (10) a certified statement of the Director's representative issuing the citation, authorized by RCW 9A.72.085, setting forth facts supporting issuance of the citation.
2. Service. The citation shall be served by first-class mail, addressed to the operator, bed and breakfast operator, or other person responsible for the violation. Service shall be deemed complete three days after the mailing. If a citation sent by first class mail is returned as undeliverable, service may be made by posting the citation at a conspicuous place on the property where the violation occurred and service shall be complete on the date of posting. The citation may also be served in person.
3. Response to citations
 - a. A person cited must respond to a citation in one of the following ways:
 - 1) Paying the amount of the monetary penalty specified in the citation, in which case the record shall show a finding that the person cited committed the violation; or
 - 2) Requesting in writing a mitigation hearing to explain the circumstances surrounding the commission of the violation and providing an address to which notice of such hearing may be sent; or
 - 3) Requesting in writing a contested hearing specifying the reason why the cited violation did not occur or why the person cited is not responsible for the violation, and providing an address to which notice of such hearing may be sent.
 - b. A response to a citation must be received by the Office of the Hearing Examiner no later than 15 calendar days after the date the citation is served. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.
 - c. Failure to respond. If a person fails to respond to a citation within 15 calendar days of service, an order shall be entered by the Hearing Examiner finding that the person cited committed the violation stated in the citation, and assessing the penalty specified in the citation.

4. Hearings

a. Mitigation hearings

- 1) Date and notice. If a mitigation hearing is requested, the mitigation hearing shall be held within 30 calendar days after written response to the citation requesting such hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing shall be sent to the address specified in the request for hearing not less than ten calendar days prior to the date of the hearing.
- 2) Procedure at hearing. The Hearing Examiner shall hold an informal hearing that shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses may not be compelled to attend. A representative from the Department may also be present and may present additional information, but attendance by a representative from the Department is not required.
- 3) Disposition. The Hearing Examiner shall determine whether the cited person's explanation justifies reduction of the monetary penalty; however, the monetary penalty may not be reduced unless the Department of Finance and Administrative Services affirms or certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the penalty include whether the violation was caused by the act, neglect, or abuse of another; or whether correction of the violation was commenced prior to the issuance of the citation but that full compliance was prevented by a condition or circumstance beyond the control of the person cited.
- 4) Entry of order. After hearing the explanation of the person cited and any other information presented at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation and assessing a monetary penalty in an amount determined pursuant to subsection 6.600.120.B.5. The Hearing Examiner's decision is the final decision of the City on the matter.

b. Contested hearings

- 1) Date and notice. If a person requests a contested hearing, the hearing shall be held within 60 calendar days after the written response to the citation requesting such hearing is received.
- 2) Hearing. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this Section 6.600.110. The issues heard at the hearing shall be limited to those that are raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.
- 3) Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed or by reason of defects or imperfections, provided such lack of detail, or defects or imperfections do not prejudice substantial rights of the person cited.
- 4) Amendment of citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if substantial rights of the person cited are not thereby prejudiced.
- 5) Evidence at hearing. The certified statement or declaration authorized by RCW 9A.72.085 shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration authorized under RCW 9A.72.085 and any other evidence accompanying the report shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation. The person cited may rebut the Department of Finance and Administrative Services' evidence and establish that the cited violation(s) did not occur or that the person contesting the citation is not responsible for the violation.
- 6) Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation and impose the applicable penalty pursuant to subsection 6.600.120.B.5. The Hearing Examiner may reduce the monetary penalty in accordance with the mitigation provisions in subsection 6.600.120.B.4.a.3. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation.

- 7) Final decision. The Hearing Examiner's decision is the final decision of the City.
 - c. Failure to appear for hearing. Failure to appear for a requested hearing will result in an order being entered finding that the person cited committed the violation stated in the citation and assessing the penalty specified in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear and schedule a new contested hearing date.
5. Citation penalties
- a. First violation. The first time a person is found to have violated one of the provisions referenced in subsection 6.600.120.A the person shall be subject to a penalty of \$500. The Director may, in an exercise of discretion, issue a warning to the person responsible for the violation if that person has not been previously warned or cited for violating this Chapter 6.600.
 - b. Second and subsequent violations. Any second or subsequent time a person is found to have violated one of the provisions referenced in subsection 6.600.120.A within a five (5) year period, the person shall be subject to a penalty of \$1,000 for each subsequent violation.
 - c. Collection of penalties. If the person cited fails to pay a penalty imposed pursuant to this subsection 6.600.120.B, the penalty may be referred to a collection agency. The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the penalty. Alternatively, the City may pursue collection in any other manner allowed by law.
 - d. Each day a separate violation. Each day a person violates or fails to comply with one of the provisions referenced in subsection 6.600.120.A, may be considered a separate violation for which a civil citation may be issued.

(Ord. 125490, § 1, 2017.)

Editor's note— Ordinance 125490 enacted this section without a subsection B.5.c, so B.5.d and B.5.e in that ordinance have been relettered in codification to B.5.c and B.5.d.

6.600.130 - Alternative criminal penalty

Any person who violates or fails to comply with any of the provisions in this Chapter 6.600 and who has had at least two or more citations, or two or more notices of violation issued against them for violating this Chapter 6.600, within the past three years from the date the criminal charge is filed shall be guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 need be proved. The Director may request the City Attorney prosecute such violations criminally as an alternative to the citation and notice of violation procedures outlined in this Chapter 6.600.

(Ord. 125490, § 1, 2017.)

6.600.140 - Additional relief

The Director may seek legal or equitable relief to enjoin any acts or practices when necessary to achieve compliance.

(Ord. 125490, § 1, 2017.)

6.600.150 - Denial, revocation, or refusal to renew license

- A. The Director may deny, revoke, or refuse to renew the license of any platform for violating or failing to comply with any applicable provision of this Chapter 6.600 or for any reason set forth in Section 6.202.230.
- B. The Director may deny, revoke or refuse to renew the license of any operator or bed and breakfast operator for violating or failing to comply with any applicable provision of this Chapter 6.600 or for any reason set forth in Section 6.202.230.
- C. No license issued pursuant to Chapter 6.600 may be renewed unless all outstanding penalties assessed against the licensee and all past and present license fees are paid in full to the Department of Finance and Administrative Services.

SONOMA, CA

Sec. 26-88-120. - Vacation Rentals.

- (a) **Purpose.** This section provides requirements and standards for the operation of vacation rentals. These standards are intended to ensure that vacation rentals are compatible with and do not adversely impact surrounding residential and agricultural uses.
- (b) **Applicability.** The provisions of the section shall apply to all vacation rentals except where there is a primary owner in residence. This section does not apply to legally established Hosted Rentals or Bed and Breakfast Inns, which are regulated by Section 26-88-118. As used in this section, "primary owner" does not include residences or condominiums owned as a timeshare, limited liability partnership or corporation, or fractional ownership of six (6) or more interests. Vacation rentals shall not be permitted in non-habitable structures, nor on parcels where the AH Combining Zone or the X Combining Zone have been placed. Vacation rentals shall also not be permitted within second dwelling units, nor in structures or dwellings with County covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, farmworker housing, farm family units, or on lands under a Williamson Act Contract. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a vacation rental.
- (c) **Permits Required.** Vacation rentals that meet the standards outlined in this section shall be allowed as provided by the underlying zone, subject to issuance of a zoning permit. Vacation rentals that do not meet the standards in this section may be permitted, subject to the granting of a use permit.
- (d) **Term of Permit.** Zoning permits shall run with the landowner and shall automatically expire upon sale or transfer of the property. Use permits shall run with the land but may be issued for limited term, as specified by the decision-maker. Both types of permits may be revoked for failure to comply with adopted standards, subject to the administrative and revocation procedures of Article 92 unless otherwise specified by this section.
- (e) **Permit Requirements.**
 - 1. Maximum Number of Guestrooms.** Vacation rentals may have a maximum of five (5) guestrooms or sleeping rooms. Vacation rentals with more than five (5) guestrooms or sleeping rooms may only be allowed if adequate sewage disposal capacity exists and neighborhood compatibility can be demonstrated, subject to the granting of a use permit. For purposes of determining the appropriate level of permit required, the actual number of bedrooms in the structure plus any additional rooms intended or used for sleeping shall be used.
 - 2. Maximum Overnight Occupancy.** Maximum overnight occupancy for vacation rentals shall be up to a maximum of two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under three (3) years of age. Vacation rentals with larger overnight occupancies may only be allowed subject to the granting of a use permit. For homes on a conditional or non-standard septic system, or those with capacity limited by a voluntary repair, the maximum

overnight occupancy for vacation rentals shall be equal to the design load of the septic system. The property owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the property.

3. Maximum Number of Guests and Daytime Visitors. The maximum number of total guests and visitors allowed at any time in a single vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property during the daytime, or eighteen (18) persons, whichever is less, excluding children under three (3) years of age. Daytime visitors shall not be on the property during quiet hours. Vacation rentals with larger numbers of guests and visitors may only be allowed subject to the granting of a use permit. Notwithstanding, maximum guest limits may be exceeded on the following national holidays: Easter, Memorial Day, 4th of July, Labor Day, Thanksgiving, Christmas Eve and Christmas, so long as the holiday event does not otherwise trigger the requirement for a special or cultural events permit.

4. Limit on Number of Residences or Structures per Parcel. Only a single family residence, and a legally established guest house meeting current standards shall be used as a vacation rental. Only one (1) tenant shall be allowed on-site at any given time: Only one transient rental is allowed per parcel. Parcels containing multiple residences or habitable structures may only be used as vacation rentals subject to the granting of a use permit, except that two (2) residences or structures may be used when the total number of guestrooms does not exceed five (5).

5. Parking. Parking shall be provided as follows: a minimum of one (1) on-site parking space for a vacation rental with up to two (2) guestrooms or sleeping rooms; two (2) on-site parking spaces for a three (3) or four (4) guestroom vacation rental. Larger vacation rentals must demonstrate adequate parking with a minimum of three (3) spaces. On-street parking may be considered for up to one (1) of the required parking spaces; otherwise, the number of vehicles allowed for overnight guests shall be limited to the off-street parking available, as demonstrated by the application materials and the property checklist, but shall not exceed one vehicle per bedroom. This maximum number of vehicles permitted for guests shall be clearly set forth in all rental agreements and in all online advertisements and listings.

(f) Performance Standards.

1. Noise Limits. All activities associated with the vacation rental shall meet the general plan noise standards contained below. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.

Hourly Noise Metric ¹ , dBA	Activity hours 7:00 a.m. to 10:00 p.m.	Quiet Hours 10:00 p.m. to 7:00 a.m.
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour. If the ambient noise level exceeds the standards above, adjust the standard to equal the ambient level, up to a maximum of 5dBA above the standard, provided that no measurable increase (i.e. 1.5 dBA or more) shall be allowed. Reduce the applicable standards above by 5 dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as dog barking.		

2. Amplified Sound. Outdoor amplified sound shall not be allowed at any time associated with a vacation rental.

3. Pets. Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.

4. Trash and Recycling Facilities. Recycling and refuse storage bins shall not be stored within public view unless in compliance with neighborhood standards. Recycling and trash receptacles shall be returned to screened storage areas within 24 hours of trash pick-up.

5. Outdoor Fire Areas. Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to 3 feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. No fire or fire area shall be located within 25 feet of a structure or combustible material.

6. Septic Systems and Sewer Connections. The owner shall maintain a properly functioning septic system or sewer connection. In some cases, a per-room sewer fee may be applied.

7. Transient Occupancy Tax. The vacation rental owner or authorized agent shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertising or websites.

8. Certified 24-hour Property Manager. All vacation rentals operating within unincorporated Sonoma County must have a certified property manager who is available 24 hours per days, 7 days per week during all times that the property is rented or used on a transient basis. Certified property managers may be

professional property managers, realtors, property owners, or other designated person provided that the individual has successfully completed a training course and achieved a qualifying score on a county-administered certification test. Certification shall be granted by the County and may be revoked by the County. Once certified, a property manager must continue to comply with all provisions set forth in this Section, including timely reporting of all complaints and their resolutions, in order to remain certified. Certified property managers must be located within a 30 mile radius of the vacation rental and must be available to respond to complaints at all times during the rental period. Any requested change to the certified property manager for a vacation rental property shall be made through submittal of a new Vacation Supplemental Application or similar form provided by the Department, and shall include the signature of the certified property manager and the desired effective date of the change. In no case may a vacation rental operate without a current certified property manager. Operation of a vacation rental without a valid certified property manager shall be considered a violation of this Section. The name and 24 hour contact information of the certified property manager shall be provided to any interested party upon request.

9. Emergency Access. The owner of any vacation rental located behind a locked gate or within a gated community shall provide gate code or a lockbox with keys ("Knox Box" or similar) for exclusive use by the sheriff and emergency or fire services departments.

10. Posting and Neighbor Notification of Permit and Standards. Once a vacation rental permit has been approved, a copy of the permit listing all applicable standards and limits shall be posted within the vacation rental property. The owner shall post these standards in a prominent place within 6 feet of the front door of the vacation rental, and include them as part of all rental agreements. At the permit holder's expense, the County shall provide mailed notice of permit issuance to property owners and immediate neighbors of the vacation rental unit using the standard 300' property owner mailing list. All advertising handouts, flyers, internet listings, or any other information provided for vacation rentals shall conform to the approved occupancy limits and standards as stated on the vacation rental permit. Advertising may only be conducted for properties operating under a valid permit. Advertising for a particular property inconsistent with the approvals for that property shall be considered a violation of these performance standards.

11. Requirements for All Internet Advertisements and Listings. All online advertisements and/or listings for the vacation rental property shall include the following:

- a. Maximum occupancy, not including children under 3;
- b. Maximum number of vehicles;
- c. Notification that quiet hours must be observed between 10:00 p.m. and 7:00 a.m.;
- d. Notification that no outdoor amplified sound is allowed; and,

- e. The Transient Occupancy Tax Certificate number for that particular property.

(g) Enforcement Process.

1. Initial complaints on vacation rentals shall be directed to the certified property manager identified in the zoning permit or use permit, as applicable. The certified property manager shall be available 24 hours during all times when the property is rented, and shall be available by phone during these hours. Should a problem or arise and be reported to the certified property manager, the certified property manager shall be responsible for contacting the tenant to correct the problem within 60 minutes, or within 30 minutes if during quiet hours, including visiting the site if necessary to ensure that the issue has been corrected. The certified property manager shall complete the online reporting form to report any such complaints, and their resolution or attempted resolution(s), to PRMD within 24 hours of the occurrence. Failure to respond to complaints or report them to PRMD shall be considered a violation of this section, and shall be cause for revocation of certification status.

If the issue reoccurs, the complaint will be addressed by PRMD code enforcement section who may conduct an investigation to determine whether there was a violation of a zoning or use permit condition. Sheriff reports, online searches, citations or neighbor documentation consisting of photos, sound recordings and video may constitute proof of a violation. If code enforcement verifies that a zoning or use permit condition violation has occurred, a notice of violation may be issued and a penalty may be imposed in accordance with Chapter 1 of the Sonoma County Code.

At the discretion of the code enforcement officer or the Director, the zoning permit or use permit may be scheduled for a revocation hearing with the board of zoning adjustments. If the permit is revoked, a zoning or use permit for a vacation rental may not be reapplied for or issued for a period of at least one (1) year.

2. Enhanced penalty for non-permitted rentals. A vacation rental that is determined to be operating without the necessary permit required under this Section shall be subject to a penalty of ten times the normal application fee.

3. Three Strikes Penalty. Upon receipt of any combination of three administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or performance standards issued to the owner or occupants at the property within a two year period, the vacation rental zoning permit is summarily revoked, subject to prior notice and to appeal, if requested within 10 days. Should such a revocation occur, an application to reestablish a vacation rental at the subject property shall not be accepted for a minimum period of two years.

4. Violation of Performance Standards –Administrative Citations.

In addition to all other legal remedies, criminal or civil, which may be pursued by

the County to address any violation of the County Code, this subsection provides for Administrative Citations.

- a. Use of Administrative Citations shall be at the sole discretion of the County.
- b. This subsection is adopted pursuant to the authority conferred by the Government Code, including Section 53069.4.
- c. Violations of the following permit requirements and performance standards may be deemed infractions for the purposes of this subsection, and are subject to administrative citation:
 1. Conduct of a cultural event, special event, party, wedding or other similar activity exceeding the allowable maximum occupancy;
 2. Exceeding the maximum permitted occupancy, not including children under 3 years of age;
 3. Noise violations, as set forth in (f), above, including the use of outdoor amplified sound;
 4. Violations of quiet hours (10:00 PM – 7:00 AM),
 5. Exceeding maximum number of vehicles
 6. Exceeding fire limits, including lighting fires during bans
 7. Unsecured pets and/or nuisance barking;
 8. Operation of a vacation rental without a certified property manager;
 9. Failure of the property owner to include the specified limits in rental agreements and online listings or advertisements;
 10. Failure to include the individual property's Transient Occupancy Tax Certificate number in all contracts, advertising and online listings;
 11. Failure of the property owner to maintain current Transient Occupancy Tax status.

(h) Monitoring and Enforcement Fee.

1. An annual fee may be adopted by the board of supervisors and collected by PRMD or the county tax collector to pay for monitoring and enforcement of vacation rentals.

YACHATS

**CITY OF YACHATS
ORDINANCE NO. 347
AN ORDINANCE AMENDMENT TO
YACHATS MUNICIPAL CODE CHAPTER 4.08 RELATED TO VACATION RENTALS**

Whereas, the City has regulated vacation rentals for over twenty years so it has been able to observe the impact of the regulations on the community and observe what areas of the regulations could be improved to better obtain the desired results; and

Whereas, the City desires to maintain a strong sense of community and not overwhelm neighborhoods with short-term rentals that impact livability for owner-occupied and long-term rental homes; and

Whereas, the City has a record of responding to complaints related to vacation rentals and the impacts that these rentals have on neighborhoods, including noise, excessive trash, and parking problems; and

Whereas, setting a cap on the total number of vacation rental licenses within the City will help to maintain the community feel of our City by controlling the number of vacation rental licenses issued in the City; and

Whereas, the City has limited resources and staff that can be devoted to enforcement of vacation rental complaints, so limiting the total number of vacation rental licenses will ease the burden on City resources; and

Whereas, the City understands the needs of owners that choose to rent out their homes on a short-term basis, so the City seeks to balance the wants of such owners with the wants of their neighbors that deal with the nuisance impacts that can result from vacation rentals; and

Whereas, in order to ease the burden of vacation rentals on City staff and neighbors, so that complaints are responded to within two hours of notification, each vacation rental must have a local contact person that has authority to act in relation to the vacation rental; and

Whereas, the City wants to encourage all those property owners that engage in short-term renting of their property to license their activities so that all property owners are operating under the same rules,

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. Yachats Municipal Code Chapter 4.08.

Yachats Municipal Code Chapter 4.08 shall be amended to read as follows:

Section 4.08.010 Purpose.

The vacation rental license is in recognition of the desire of many owners to rent their property on a short-term basis and to provide for the orderly use and regulation of such rentals to preserve the health,

safety and welfare of the community. This use shall not adversely affect the residential character of the neighborhood. These standards and procedures are in the addition to City ordinances and federal and state laws and regulations. The purpose of an inspection is to ensure the health and welfare of the occupants. (Ord. 328, 2014; Ord. 311, 2012; Ord. 291a, 2010; Ord. 148 § 1, 1992)

Section 4.08.020 Definitions.

“Dwelling unit” means any building or portion thereof which contains separate living facilities, including provisions for sleeping, eating, cooking and sanitation.

“Incident” means an offensive activity or breach of the standards.

“Overnight” means anytime between the hours of 10:00 p.m. and 7:00 a.m. on the following day.

“Local contact person” means a person with the authority to take action or make decisions concerning the management of a licensed vacation rental property.

“Rental occupant” means a person over the age of four years who occupies a rented dwelling unit.

“Sleeping area” means a bedroom or loft within a dwelling unit which meets the requirements of the building code as adopted by the State of Oregon.

“Surfaced” means a gravel, paved, tile, brick or concrete surface suitable for parking a vehicle.

“Vacation rental” means a single-family dwelling, duplex or triplex which is rented, or held out as available for rent, for periods of less than 30 days, such as by the day or week. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling, however, each individual unit is to be considered separately for licensing and regulation purposes. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four different vehicles over the course of a month, for three consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than 30 days. (Ord. 328, 2014; Ord. 311, 2012; Ord. 291a, 2010; Ord. 226, 2002; Ord. 148 § 1, 1992)

Section 4.08.030 Standards.

A vacation rental license shall be issued to the dwelling owner providing the following standards are met:

A. Except for individual units located on the same property, such as a duplex or triplex as defined above in Section 4.08.020, a person holding a vacation rental license or an interest in a property covered by a vacation rental license shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial ownership, a vacation rental license covering any other property. Any change of ownership, in whatever form, shall be reported to the City within 30 days.

B. Vacation rentals in residential zones shall have no more than four bedrooms. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 328, adopted November 13, 2014.)

C. A vacation rental shall comply with all applicable laws. Basic visitor rules as provided by the City must be prominently displayed on the inside of the primary exit door.

D. Each vacation rental shall have a local contact person who must live within 10 miles of the City of Yachats and be available for response to alleged violations, within two hours of notification. The contact information for the local contact person shall be kept current with the City of Yachats; identified on the vacation rental application; and available by phone at all reasonable times (8:00 am to 11:00 pm.) and respond within two hours if there is a problem during the dwelling's use as a vacation rental. The City license, with the name and phone number of the local contact, shall be posted on the front of the vacation rental building, where the public can easily read it. The license placard furnished by the City will be a specific color matched to property management companies, to further assist the public in identifying the responsible party. The house number for the vacation rental shall be prominently displayed on the exterior of the building, using numbers at least four inches in height, and be readily visible from the street. A copy of the local contact person agreement, in a form approved by the City, which lists the duties and responsibilities of the local contact person, signed by both the property owner and the local contact person, shall be filed with the City, and kept current.

E. One on-property parking space, as defined in Section 9.04.030 for off-street parking, shall be provided for each bedroom in the dwelling, but in no event shall fewer than two spaces be provided for the vacation rental. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 226, adopted 1/15/2002.) If access to the rental property crosses private property via an easement, right-of-way, or other conveyance all parking must be contained on the rental property. Owners are required to provide parking that is unimpeded, surfaced, useable and available to renters. The parking shall be mapped and posted in the home, and a copy given to the City with the vacation rental license application, and again whenever the location of designated parking spaces change. The owner shall require renters to use only the parking spaces that are surfaced and marked on the map.

F. The maximum number of overnight vehicles allowed on the property shall not exceed the number of surfaced parking areas on the property or six vehicles, whichever is less. Daytime parking is limited to surfaced parking on the property. If access to the rental property crosses private property via an easement, right-of-way, or conveyance, ingress and egress must be accomplished without encroachment on other properties adjoining the privately maintained access road or driveway. In such situations applicants will provide evidence of their right to use the privately maintained access road or driveway consistent with vacation rental before a vacation rental license is granted.

G. There shall not be any noise, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental that violates Yachats Municipal Code.

H. The maximum allowable number of overnight occupants shall be two persons per sleeping area plus two additional persons per vacation rental. The rental agent shall match the number of persons and vehicles to the particular property being rented. Advertisements for the rental shall not list a number of occupants that exceeds the number authorized by the City. Recreational vehicles, campers, tents and similar structures shall not be allowed on vacation rental properties. Parking a boat trailer of moderate size, with or without a boat, is permitted as a substitute for one vehicle.

I. Weekly solid waste collection service shall be provided. A sufficient number of suitable garbage receptacles shall be provided and must have bear-proof mechanisms. Except on collection day, these garbage receptacles shall not be readily visible from the street. Renters shall be advised not to place trash outside in plastic bags.

J. Each vacation rental shall provide and maintain a container for the disposal of cooking grease into a solid waste receptacle to prevent the grease from entering the sewer system.

K. All pets must be under control at all times. Methods of control include a leash or demonstrated effective voice command. The person having the control, custody or possession of a dog shall clean up after the dog by using a dog waste bag or other suitable method.

L. Vacation rental licenses are non-transferable.

M. The licensee must comply with the requirements of the occupancy tax ordinance as a condition for issuance or renewal of a vacation rental license.

N. Licensees shall keep all information on the GoYachats website current and notify City Hall of any changes in mailing address, email address or agent or contact person. Email addresses, mailing addresses and phone numbers for the owner, local contact person and person responsible for tax reporting shall be kept current with the City. Failure to keep contacting information current shall constitute a violation of this Chapter.

O. Licensees may not advertise a vacation rental for a higher occupancy than the maximum allowable number of overnight occupants listed on the license.

P. Vacation rentals shall comply with the standards in this section, whether or not the vacation rental is occupied by a renter, owner, or other person.

(Ord. 328, 2014; Ord. 324, 2013; Ord. 311, 2012; Ord. 291, 2010; Ord. 237, 2003; Ord. 226, 2002; Ord. 191, 1997; Ord. 148 § 3, 1992)

Section 4.08.040 Inspection, license and annual fee.

A. The City shall prepare an application form for a vacation rental license. Prior to issuance of a vacation rental license, the City will inspect the subject property to determine occupancy capacity, parking and access compliance. Upon receipt of the completed application, the annual license fee, inspection and attestation that the licensing standards have been met, the City shall issue a license to the applicant (not the dwelling) for a period of one year. The license may be renewed annually if all standards are met. If a license is renewed annually until at least five consecutive years have elapsed the City will re-inspect before issuing a license for the sixth year. The City retains the right to re-inspect the property at any time. Complaints received by the City may trigger a re-inspection. An inspection fee will be assessed for the initial inspection, for additional inspections undertaken due to complaints, and for each five-year inspection completed by the City. A vacation rental licensee shall not be required to pay a business occupation license fee in addition to the annual license fee. The annual license and inspection fees shall be set by resolution of the City council. All fees are non-refundable.

B. All licenses shall be obtained prior to any rental of the property. The required application and license fee are due on January 1 of each year for the fiscal year commencing with that date and are delinquent on February 1. The delinquency fee will be set by resolution.

C. Upon the effective date of this ordinance, the City shall stop issuing new vacation rental licenses, and establish a cap of 125 licenses. City staff shall process fully-completed applications that have been submitted up to that date. Applications submitted prior to the effective date of this ordinance that are missing information or are otherwise incomplete as of the effective date of this ordinance shall not be processed. The provisions in this subsection on issuing new licenses shall be in effect from October 15, 2017 through October 14, 2019. Prior to that date, City Council will consider the status of current vacation rental licenses and may consider whether to begin accepting applications for new licenses. That determination must be made of record prior to the

expiration of this provision, in the form of an ordinance amendment. For license renewals each year, priority will be given to existing licenses seeking renewal, so long as the renewal application is delivered to the City by December 29, or the next business day if December 29 falls on a day City Hall is closed. After December 29, if existing licenses are below 125 in total number, and there are licenses available after accounting for all license renewal, new applications will be accepted on a first-come-first-served basis, with process identified through administrative policy. (Ord. 328, 2014; Ord. 311, 2012; Ord. 291, 2010; Ord. 284, 2009; Ord. 199 § 1, 1997; Ord. 148 § 4, 1992)

Section 4.08.050 Complaints.

All complaints shall be in writing on a form provided by the City and signed by the complainant. The complainant must show or attest that they have made a timely attempt to resolve the issue with the person representatively responsible for management of the property. The complainant is expected to initiate the process while the out of compliance incident is occurring or when they first become aware that a property is not in compliance with the regulations. All complaints filed with the City shall be verified by the City for validity.

A. When a complaint is filed that is verified by the City to be valid, the owner and local contact person will be notified in writing by mail or email, and provided with a copy of the complaint. Either the owner or the local contact person will be required to meet with a City representative to discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time, City staff will prepare a report for City council action.

B. Upon a second complaint that is verified by the City to be valid, the owner and local contact person will again be notified in writing by mail or email and provided with a copy of the complaint. Either the owner or local contact person will again be required to meet with a City representative to further discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time the City recorder will prepare a report for City council action.

C. Upon a third complaint within a 90-day period that is verified by the City to be valid, the owner and agent, if any, will be notified in writing by mail or email and provided with a copy of the complaint.

- a. City staff may schedule a hearing and prepare a report for City council action.
- b. The City council may schedule a hearing.
- c. Either the City Manager or City Council may, without a hearing, revoke the license immediately.
- d. In the event that a license is revoked, the applicant or license holder shall have the right of appeal. The written notice of appeal to the council shall be filed with the City within 15 days of the notice of revocation.

D. Standards of judging complaints shall include, but are not limited to, the following:

1. Noncompliance with vacation rental license standards as stated in Section 4.08.030;
2. Monopoly of on-street parking;
3. Other offensive activities not in harmony with the residential neighborhood such as trespass, excessive noise or pets running loose.

E. The City Council, upon hearing the evidence, may (1) approve the license as it exists; (2) revoke the license; (3) impose appropriate restrictions on the operation of the license. (Ord. 328, 2014; Ord. 311, 2012; Ord. 226, 2002; Ord. 148 § 5, 1992)

Section 4.08.060 Violations—Penalties.

It is unlawful for any person so required to fail or refuse to apply for a license, or operate without a license as required herein. Any person who violates any provisions of this chapter is subject to a fine of up to \$1,000 per violation, with each day of a continuing violation constituting a separate violation. The third violation within any consecutive twelve month period shall result in revocation of the vacation rental license for twelve months, after which time the owner may reapply for a new license, in accordance with Section 4.08040(C). Violations shall be subject to the procedures and penalties of Chapter 1.12, as now constituted or hereafter amended or revised. (Ord. 328, 2014; Ord. 185 § 4, 1996; Ord. 148 § 6, 1992)