

CITY OF BAY CITY
ORDINANCE 700
AN ORDINANCE REGULATING SHORT-TERM RENTAL UNITS TO
PROVIDE FOR SHORT-TERM RENTAL LICENSE
REQUIREMENTS; AND PROVIDING FOR REPEAL OF BAY CITY
ORDINANCE 685

WHEREAS, On August 9, September 13, and October 11, 2022, City Council meetings the Short-Term Rentals were discussed regarding the positive and negative effects as well as what types of regulations other cities have adopted; and

WHEREAS, On February 16, March 16, April 20, and June 15, 2022, the Bay City Planning Commission held meetings and discussion regarding the Short-Term Rentals regarding the positive and negative effects as well as what types of regulations other cities have adopted; and

WHEREAS, the proposed revisions are intended to address public health concerns, codify existing procedures and clarify the process for both property owners and staff, resulting in a more efficient experience for all parties;

NOW THEREFORE, THE CITY OF BAY CITY ORDAINS AS FOLLOWS:

Section 1. Title.

This Ordinance shall be known as the "Bay City Short-Term Rental Ordinance" and may be cited and pleaded as such and shall be cited herein as "this Ordinance," or by any reference to a section or subsection of this Ordinance.

Section 2. Purpose.

The purpose of this Ordinance is to regulate short-term rentals in order to enhance public safety and livability within Bay City. A Short-Term Rental License is a limited permission to use property for a short-term rental. A Short-Term Rental License may be suspended, terminated or revoked if the standards of this ordinance are not met. The Short-term Rental License may be transferred as defined in Section 16.1 of this ordinance. This ordinance provides an administrative framework for licensing the annual operation of a short-term rental.

Section 3. Applicability

This Ordinance shall apply to Short-term rentals within the incorporated limits of Bay City, Oregon. This ordinance is broken down to reflect two different types of short-term rentals in the City – Business and Single-Dwelling Short-term Rentals. Section 5 – Section 9 are requirements for the Business Short-term Rentals. Section 10 - Section 15 are requirements for the Single-Dwelling Short-term Rentals. Sections 16 – 20 apply to all Short-term Rentals, Business and Single-Dwelling.

Section 4. Definitions.

“Accessory Dwelling Unit”. An additional dwelling unit created on a lot containing an existing legal residential use. An accessory dwelling unit may be in the form of a portion of or attachment to an existing residential structure or as a detached structure. An accessory dwelling

use is secondary to the primary residential use.

“Bed and Breakfast”. An establishment located in a structure designed for a single-family residence, regardless of whether the owner or operator of the establishment resides in such structure, which:

- a. Has one (1) or more rooms for rent on a daily basis to the public; and
- b. Offers a breakfast meal as part of the cost of the room;
- c. Serves only one breakfast meal a day to guest, staff and owners, only.
- d. Complies with the applicable license requirements per OAR Chapter 333, Division 170.

“Business Short Term Rental”. A short-term rental that operates as a Recreational Vehicle, Tent, Yurt Campsite, Tiny Home Park, Hotel, Motel, Motor Hotel, Tourist Court or Bed and Breakfast and is rented to any person on a day-to-day basis for a consecutive period less than 30 days during the year.

“Contact Person”. The property owner or property management or if designated on the application for a license, the agent of the owner, authorized to act for the owner.

“Dwelling Unit”. One (1) or more rooms occupied, designed or intended for occupancy as separate living quarters in a permanent detached single-family dwelling unit.

“Hotel, Motel, Motor Hotel, Tourist Court”. An establishment that provides temporary lodging, contains guest rooms or units, furnishes customary hotel/motel services such as linen, maid service, and the use and upkeep of furniture and usually meals and other services for travelers and other paying guests.

“Owner”. The owner or owners of a short-term rental.

“License”. A Short-Term Rental License that is signed by the City of Bay City.

“Person”. Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit, or legal entity that owns and holds legal and/or equitable title to the property.

“Pet”. Dogs (canine) and cats (feline). No other pets/animals are allowed or recognized for the purpose of this ordinance.

“Recreational Vehicle”. A vacation trailer or other vehicular or portable unit which is either self-propelled or towed, or is carried by a motor vehicle and which is intended for human occupancy, and is designed for vacation or recreational purposes, but not residential use (See “Camping or Recreational Vehicle”), and is: a. Built on a single chassis; b. 400 square feet or less when measured at the largest horizontal projection; c. Designed to be self-propelled or permanently towable by a light duty truck; or d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Rental". An agreement granting the use of a dwelling unit to a person with monetary compensation. Use of a dwelling unit by a recorded owner or other person or persons without monetary compensation shall not be considered to be a rental under this Ordinance.

"Rented". The use of a dwelling unit granted to a person in exchange for monetary consideration.

"Renter". A person who rents a short-term rental or is an occupant in a short-term rental.

"Sale or transfer". Any change of ownership during the lifetime of the Short-Term Rental License holder, whether or not there is consideration, or after the death of the Short-Term Rental License holder, except a change in ownership where title is held not as tenants in common but with the right of 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).

"Serious Fire or Life Safety Risk." A building code or ordinance violation involving those construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety.

"Short-Term Rental (STR)". A detached single dwelling unit that is rented to any person on a day to day basis for a consecutive period less than 30 days during the year.

"Sleeping Area". A room or other space within a dwelling unit designed, intended or used for sleeping. Tents and recreational vehicles shall not be considered a sleeping area.

"Tent Campsite". A grouping of fabric shelters supported by poles or rope, designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent or residential purposes.

"Tiny Home Park". A grouping of three (3) or more dwellings, permanent or temporary and attached to a frame or chassis, with or without wheels, with a size 400 sq ft or less at a width of eight and one-half feet.

"Vacation rental". A dwelling unit that is used, rented or occupied on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis. A Vacation Rental is considered a Short-Term Rental.

"Vacationer". Any person enjoying a recess or leave of absence from their place of residence, the majority of whom are temporary occupants.

"Yurt Campsite". Outdoor structures that resemble large round tents, and are used temporarily for recreational purposes.

BUSINESS SHORT-TERM RENTALS (STR's)

Section 5. Standards.

All Business STR's shall comply with the following standards. Any owner, contact person, or renter who violates any standards, or allows any standards to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other Bay City Ordinance or State law.

Each Business STR owner must certify to the City in writing that the unit being rented complies with the following standards:

1. Property address must be clearly displayed in the interior and displayed on the exterior of the dwelling in accordance with the Oregon Fire Code.
2. The name and phone number of the contact person shall either be posted or provided in one or more of the following manner(s):
 - A. Signage
 1. If the Business STR has a sign identifying it as a short-term rental, then the current name and phone number of the contact person shall either appear on the sign or otherwise be conspicuously posted so that it is visible from outside the front entrance of the short-term rental.
 2. If this option is invoked, the required signage must be maintained in compliance with this Ordinance and Ordinance 374 in perpetuity, or until the dwelling is no longer being utilized as a Business STR.
3. Approved Business STR License Display. The Business STR 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 Business STR License will contain the following information:
 - A. A number or other identifying mark unique to the vacation rental dwelling Business STR License and which indicates the Business STR License is issued by Bay City, with the date of expiration;
 - B. The name of the owner or local representative and a telephone number where the owner or local representative may be contacted at all times;
 - C. The telephone number and web site address of Bay City and the Tillamook County Sheriff's Office;
 - D. Required Bay City quiet hours which are 10:00 pm to 7:00 am.
4. The owner shall provide covered garbage containers that can be secured by means approved by the local franchised garbage hauler. The contact person shall notify guests that all garbage must be kept in secured containers provided for that purpose. Garbage shall be removed by the local franchised garbage hauler a minimum of one (1) time per week unless arrangements are made with the local franchised garbage hauler to suspend or modify service during the times when the short-term rental is not rented. The contact person shall provide guests with information about recycling opportunities.
5. Exterior hot tubs shall have adequate structural support and shall have a locking cover or

other barrier to adequately protect against potential drowning when a hot tub is not available for permissive use.

6. Exterior Lighting and Security Lighting. Lighting onsite shall be the minimum necessary wattage to illuminate a specific area, such as an entry or walkway. Exterior lights and security lights shall be shielded so as not to cast glare on adjacent property. Glare from exterior lights or security lights shall be shielded from adjacent uses and shall be the minimum necessary to illuminate the property. All lighting shall be designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent public streets, the night sky, or adjacent property.
7. Commercial liability insurance is required for a Business STR.
8. All Business STR's shall have the following with each item placed in each dwelling unit and/or each yurt onsite:
 - A. An emergency "Go Bag" that contains emergency supplies for 72-hours for two (2) people based on recommendations by the Red Cross;
 - B. Tsunami Map displaying emergency escape route, which can be picked up at City Hall.

Section 6. Business Short Term Rental (STR) License Requirements and Revocation.

All Business STR's shall comply with the following requirements. Any owner or contact person who violates any requirements or allows any requirements to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other City Ordinance or State law.

1. Annual License of Business STR's. The owner of a Business STR License shall obtain an annual revocable Business STR License under this ordinance to lawfully advertise, offer, operate, rent, or otherwise make available for occupancy or use a Business STR.
2. All owners of Business STR's within the City are required to register any units which are to be rented to third parties with the City, annually. All Business STR Licenses shall be submitted to the City by January 31 of each year the unit is registered, for on-going Business STRs. In the event that an owner begins renting their unit during the year, they shall register the unit prior to any rental of that unit.
3. A Business STR 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 ordinance are met.
4. The city shall approve an application for a Business STR or Business STR License renewal if all the following are met:
 - A. The property proposed to be registered for a Business STR is located in the City.
 - B. City Staff has determined the property complies with this Ordinance.
 - C. The owner has provided information sufficient to verify a qualified person will be

available to be contacted about use of the Business STR during and after business hours.

- D. The owner has agreed to comply with all Business STR License and operational standards including any conditions such as specific occupancy requirements.
 - E. Any owner shall obtain a Business STR License prior to using the subject property as a Business STR. Upon notification of the license requirement by the City of Bay City, continuing or subsequent instances of renting or advertising as a STR without a license shall be subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other City Ordinance or State law. A license shall not be issued until fines related to a violation of this Ordinance and outstanding Transient Lodging Taxes for the subject property are paid in full.
- 5. The owner of each existing Business STR shall apply for and pay the appropriate fee for a Business STR License, as set by resolution. Within thirty (30) days of applying for the Business STR License, it is the contact person's responsibility to contact the City of Bay City to ensure that entry to the structure can be granted by a person eighteen (18) years of age or above.
 - 6. All Business STR Licenses shall be renewed annually by January 31st of any year, and are subject to the annual fee, which is set by resolution.
 - 7. A licensed Business STR shall not be required to pass a new inspection when a license is renewed, except in the following cases:
 - A. There has been a fire, flood or other event that caused substantial damage to the structure;
 - B. The license was revoked;
 - C. There has been an addition or substantial modification to the structure.
 - D. Complaints for items not covered in Section 6.7 A-C.
 - 8. If notice under section 5, subsection 5 B is provided to the owner and the payment is not received by the renewal date, a notice that the City of Bay City intends to terminate the license shall be sent to the contact person (if applicable) and owner. This notice shall allow an additional thirty (30) days to comply with renewal provisions and shall specify that failure to comply will result in expiration of the license.
 - 9. Revocation of Business STR License
 - A. Violating any provision in this Ordinance, as well as non-compliance with any term or condition of a Business STR License, violation of any other City ordinance or violating any County or State law, may result in revocation of license, denial of an application to renew a license, enforcement and penalties as outlined in this Ordinance. Business STR Licenses that are terminated for non-renewal or non-payment shall not be considered a revocation of a license.

- B. In the sole discretion of the City, where a Building Code or Ordinance violation exists at a Business STR that presents an immediate serious fire or life safety risk, the City may immediately revoke the Business STR License as an emergency revocation. The City shall provide written documentation of the violation and reason for revocation prior to leaving the inspection site.
- A. Upon an emergency revocation, the Business STR shall not be rented or used as a STR.
- B. At any time following the emergency revocation of a Business STR License pursuant to this subsection, the City may reinstate the license upon a re- inspection by the City verifying that the subject Building Code or Ordinance violation has been corrected or a new Business STR License is obtained.
- C. If an application for a license or the renewal of a license is denied, or a license is revoked, the owner may appeal to the Bay City Manager by written notice delivered to the City within thirty (30) days of denial or revocation.
- D. The provisions of this Section are in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other City or applicable Tillamook County Ordinance or State law.

Section 7. Business STR License Application Requirements.

1. Prior to engaging in the use of a Business STR for any period of time, a person shall apply for a revocable Business STR License for a Business STR on forms provided by the city, demonstrating the application meets the standards required of this ordinance. A person shall submit a completed application along with payment of the applicable fee as described in Section 16. If a Business STR License application does not include all required information, including a copy of the city'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.
2. An application packet for a Business STR License shall be completed and submitted to the City of Bay City by the owner of the Business STR on forms provided by the City and shall include, or be followed by, the following information:
 - A. A list of all property owners of the Business STR including names, address and telephone numbers. Property ownership for the purposes of this Ordinance shall consist of those persons listed on the Tillamook County tax records.
 - B. The name, address and telephone numbers of the contact person who shall be responsible and authorized to respond to complaints concerning the use of the STR.

- C. Proof of liability insurance coverage on the STR, a certificate of insurance naming the City as an additional insured shall be submitted to the City.
- D. Proof of garbage service from the local franchised garbage hauler.
- E. Completed Bay City Transient Lodging Tax Registration Form.
- F. Completion of a Land Use application process as described in Ordinance #374 (for new development of a Recreational Vehicle Park and campground, Tent Campground, Yurt Campsite, Tiny House Park, Hotel, Motel, Motor Hotel, Tourist Court or Bed and Breakfast.

Section 8. Inspection.

The City has no obligation to inspect the Business STR. The City requires that the Business STR application be notarized for certification for compliance with this ordinance at the time of submission. In the event that the City receives any complaint of non-compliance with this ordinance, the owner shall allow inspection of the Business STR by the City's designated representative, upon 24-hour advance notice to owner by City. Further, if the City contracts with the County or with a private building inspector to conduct the inspection, the owner of the Business STR shall be responsible for reimbursement to any out-of-pocket cost incurred by the City to inspect and verify compliance or non-compliance of the Business STR with this Ordinance. The City shall bill the STR owner for such cost, which shall be due within 30 days of the billing date.

Section 9. Continuation of an STR.

1. All Business STRs shall be subject to re-submission by the applicant every year by January 31st of any year. The annual renewal cycle shall commence upon date of adoption of this Ordinance with the cycle of a STR determined from the date of initial license approval.

SINGLE-FAMILY SHORT-TERM RENTALS (STRs)

Section 10. Standards.

All Single-Family STRs shall comply with the following standards. Any owner, contact person, or renter who violates any standards, or allows any standards to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other Bay City Ordinance or State law.

Each Single-Family STR owner must certify to the City in writing that the unit being rented complies with the following standards:

1. Property address must be clearly displayed in the interior and displayed on the exterior of the dwelling in accordance with the Oregon Fire Code.
2. The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time. Renters who violate this standard may be issued a citation and be subject to a fine pursuant to this Ordinance.

3. The contact person shall notify every renter, in writing, of the quiet times and that a owner and/or renter may be fined for violations under this Ordinance.
4. The contact person shall attempt to contact a renter by phone or in person within twenty (20) minutes of receiving any complaint concerning the conduct of a renter.
5. The name and phone number of the contact person shall either be posted or provided in one or more of the following manner(s):
 - A. Signage: If the Single-Family STR has a sign identifying it as a short-term rental, then the current name and phone number of the contact person shall either appear on the sign or otherwise be conspicuously posted so that it is visible from outside the front entrance of the short-term rental. If this option is invoked, the required signage must be maintained in compliance with this Ordinance and Ordinance 374 in perpetuity, or until the dwelling is no longer being utilized as a short-term rental.
 - B. Written Notification: If the Single-Family STR does not have a sign identifying it as a short-term rental, then the name and phone number of the contact person shall be posted as described in this Ordinance. In addition, the owner shall provide written notice to the Bay City Hall and to each dwelling owner located within two hundred fifty feet (250') of the short-term rental of the name and the phone number of the designated contact person. In this case, the owner shall provide such written notice each time there is a change to the name or phone number of the designated contact person.
6. Approved Single-Family STR License Display. The STR 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 STR License will contain the following information:
 - A. A number or other identifying mark unique to the vacation rental dwelling STR License and which indicates the STR License is issued by Bay City, with the date of expiration;
 - B. The name of the owner or local representative and a telephone number where the owner or local representative may be contacted at all times;
 - C. The telephone number and web site address of Bay City and the Tillamook County Sherriff's Office;
 - D. The maximum number of vehicles allowed parked on the property;
 - E. The solid waste collection day;
 - F. Required Bay City quiet hours from 10:00 pm to 7:00 am; and
 - G. Any other information required to be included in the displayed STR License including any conditions specific to the STR License.
7. The owner shall provide covered garbage containers that can be secured by means approved by the local franchised garbage hauler. The contact person shall notify guests that all garbage

must be kept in secured containers provided for that purpose. Garbage shall be removed by the local franchised garbage hauler a minimum of one (1) time per week unless arrangements are made with the local franchised garbage hauler to suspend or modify service during the times when the short-term rental is not rented. The contact person shall provide guests with information about recycling opportunities.

NOTE: THE FOLLOWING ITEMS (ITEMS 8-15) SHALL BE PHOTOGRAPHED WITH COPIES SUBMITTED TO THE CITY WITH THE SINGLE FAMILY STR LICENSE APPLICATION:

- 8 At least one (1) functioning fire extinguisher shall be accessible within the dwelling unit. If the STR has more than one floor, one (1) functioning fire extinguisher shall be located on each floor.
9. The electrical panel shall have all circuits labeled. .
10. Smoke detectors shall be placed and maintained in each sleeping area, outside each sleeping area in its immediate vicinity and in each additional story and basement without a sleeping area.
11. A combination carbon monoxide/smoke detector device shall be placed and maintained on each floor of a short-term rental and within fifteen feet (15') of each sleeping area.
12. All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
13. All interior and exterior stairways with four (4) or more steps and that are attached to the structure, must be equipped with a hand railing.
14. All interior and exterior guardrails, such as deck railings, must be able to withstand a two-hundred-pound (200#) impact force.
15. Emergency Escape and Rescue Openings:
 - A. For all dwelling units constructed after the effective date of this Ordinance every sleeping area shall have at least one (1) operable emergency escape and rescue opening. Sill height shall not be more than forty-four inches (44") above the floor. Openings shall open directly into a public way or to a yard or court that opens to a public way.
 - B. Minimum net clear opening at grade floor openings shall be five (5) square feet and five point seven (5.7) square feet at upper floors. Minimum net clear height is twenty-four inches (24") and net clear width is twenty inches (20").
 - C. For all dwelling units constructed prior to the effective date of this Ordinance, every sleeping area shall have at least one (1) operable emergency escape and rescue opening that complies with this Section. If no such emergency escape or rescue opening exists, then an alternative may be accepted by the Tillamook County Building Official pursuant to the currently adopted Oregon Residential Specialty Code.

- D. Every sleeping area in a short-term rental that does not comply with this Section, shall not be used as a sleeping area and shall be equipped with a door that remains locked at all times when the dwelling unit is being used as a short-term rental. Such a noncompliant sleeping area shall not be included in the maximum occupancy calculation for the STR. The contact person shall notify every renter, in writing, that the non-compliant sleeping area may not be used for sleeping.
 - E. At any time after a license has been granted for an STR pursuant to this Ordinance, the owner upon submission of zoning and building permits may bring a non-compliant sleeping area into compliance and upon a re-certification of compliance by the Tillamook County Building Official pursuant to the currently adopted Oregon Residential Specialty Code, and a new STR license shall be issued that includes the increase in maximum occupancy associated with bringing a non-compliant sleeping area into compliance.
16. The following items shall be addressed in the Short-Term Rental Application.
- A. All plug ins and light switches shall have face plates.
 - B. Ground Fault Circuit Interrupter (GFI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
17. Exterior hot tubs shall have adequate structural support and shall have a locking cover or other barrier to adequately protect against potential drowning when a hot tub is not available for permissive use.
18. Short-term Rental Served by Sewer: The maximum occupancy for a short-term rental unit shall be calculated on the basis of an average of two (2) persons per sleeping area plus an additional two (2) persons. For the purpose of maximum occupancy, those under two (2) years of age shall not be counted. Tents and recreational vehicles shall not be used to increase the number of people approved to occupy a short-term rental.
19. There shall be a minimum of one (1) parking space available for each approved sleeping area in a short-term rental, plus one (1) additional parking space. Off-street parking shall be used if physically available. If a sufficient number of off-street parking spaces are not available for the authorized number of vehicles, then on-street shall be limited to two (2) vehicles. Street Improvements to City Standards may be required to meet parking standards. Parking shall not, under any circumstances, hinder the path of any emergency vehicle. Trailers for boats and all-terrain vehicles may be allowed but shall not exceed the allowable on street parking for each short-term rental property. Renters may be cited and fined under existing State law or under applicable City ordinances in the event they park illegally.
20. The contact person shall notify every renter in writing of the required off-street parking and other parking spaces available to serve the short-term rental. Language shall be included in the notice that parking shall not, under any circumstances, hinder the path of any emergency vehicle and that renters may be cited and fined if this requirement is not adhered to.
21. A house number, visible from the street, shall be maintained.
22. Pets

- A. Pets shall be restricted from continuous or excessive barking.
 - B. Pets shall be kept on leashes or contained to limited area when outside of the STR structure.
23. Exterior Lighting and Security Lighting. Lighting onsite shall be the minimum necessary wattage to illuminate a specific area, such as an entry or walkway. Exterior lights and security lights shall be shielded so as not to cast glare on adjacent property. Glare from exterior lights or security lights shall be shielded from adjacent uses and shall be the minimum necessary to illuminate the property. All lighting shall be designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent public streets, the night sky, or adjacent property.
24. All Single-Family STR's shall have the following:
- A. An emergency "Go Bag" that contains emergency supplies for 72-hours for two (2) people based on recommendations by the Red Cross;
 - B. Tsunami Map displaying emergency escape route which can be picked up at City Hall.
25. Commercial liability insurance is required for a Single-Family STR. A Certificate of Insurance naming the City of Bay City as an additional insured shall be submitted to the City.

Section 11. Limitations, Density and Spacing of Single-Family STR's.

There are certain limitations on the siting, location, density and spacing of a Single-Family STR within the City of Bay City.

1. Single-Family STR properties are restricted as described below. Existing STRs with valid registrations at the time of the enactment of this ordinance are exempt from this standard. STRs that begin operating after adoption of this Ordinance and STRs that discontinue or lose approved status through violations of this Ordinance are subject to this standard.
2. Single-Family STR's shall be limited to the following physical distances between each STR in each City zone district:
 - In the NHI Zone District 0 feet
 - In the MI Zone District..... 1 block face or 200 feet
 - In the LI Zone District.....2 block face or 400 feet
 - In the S3 Zone District... 1 block face or 200 feet
3. Single-Family STR's shall be limited to 5% of the housing stock in the City of Bay City. A City housing stock count will be available at the City Hall. The count is based on the most recent US Census information available for the City.
4. Single-Family STR's shall not be operated on a property where a legal Accessory Dwelling Unit exists.
5. Single-Family STR's cannot occupy an accessory dwelling unit (ADU).
6. Single-Family STR's shall not be operated on a property where an existing long-term rental (longer than 30 days) use exists.

Section 12. Single-Family STR License Application Requirements.

1. Prior to engaging in the use of an STR for any period of time, a person shall apply for a revocable STR License for an STR on forms provided by the city, demonstrating the application meets the standards required of this ordinance. A person shall submit a completed application along with payment of the applicable fee as described in Section 16. If a STR License application does not include all required information, including a copy of the city'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.
2. An application packet for a STR License shall be completed and submitted to the City of Bay City by the owner of the STR on forms provided by the City and shall include, or be followed by, the following information:
 - A. A list of all property owners of the STR including names, address and telephone numbers. Property ownership for the purposes of this Ordinance shall consist of those persons listed on the Tillamook County tax records.
 - B. Certification by the City or their designee which includes the following:
 1. That, the STR complies with Standards found in section 5 of this Ordinance;
 2. The maximum occupancy for the STR as defined by subsection 5(19) of this Ordinance; and
 3. A site plan depicting the dimensions and location of the available parking spaces as required by section 5 subsection 20 of this Ordinance.
 - C. The name, address and telephone numbers of the contact person who shall be responsible and authorized to respond to complaints concerning the use of the STR.
 - D. Proof of liability insurance coverage on the STR.
 - E. Proof of garbage service from the local franchised garbage hauler.
 - F. Completed Bay City Transient Lodging Tax Registration Form

Section 13. Inspection.

The City has no obligation to inspect the Single-Family STR. The City requires that the Single-Family STR application be notarized for certification for compliance with this ordinance at the time of submission. In the event that the City receives any complaint of non-compliance with this ordinance, the owner shall allow inspection of the Single-Family STR by the City's designated representative, upon 24-hour advance notice to owner by City. Further, if the City contracts with the County or with a private building inspector to conduct the inspection, the owner of the Single-Family STR shall be responsible for reimbursement to any out-of-pocket

cost incurred by the City to inspect and verify compliance or non-compliance of the Single-Family STR with this Ordinance. The City shall bill the STR owner for such cost, which shall be due within 30 days of the billing date.

Section 14. Continuation of a Single-Family STR.

1. All Single-Family STR's shall be subject to re-submission by the applicant every January 31st of any given year.

ALL SHORT-TERM RENTALS

Section 15. Fees Established.

Annual Business STR and Single-Family STR License Fees.

1. An annual STR License fee is charged by the City, as set by resolution by the City Council. As part of the STR License renewal process, the annual STR License fee must be paid annually at the time of STR License issuance. If this date is missed (after a 30-day grace period), a new STR License will need to be submitted. Approved STR License shall be posted at the site.
2. At the time an owner submits an application for a STR License, the owner shall pay to the City a license fee as set by resolution.
3. The fee for an annual renewal fee shall also be that fee set by City Council resolution.

Section 16. Short Term Rental (STR) License Requirements and Revocation. All STR's shall comply with the following requirements. Any owner or contact person who violates any requirements or allows any requirements to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other City Ordinance or State law.

1. An STR 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 STR 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 STR License held by the transferor shall terminate.
2. If the owner has transferred his or her property to a trust of which the owner is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit in the City that has a STR 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 STR License.
3. An STR License holder may transfer ownership of the real property to the STR License

holder and a spouse or domestic partner with the right of survivorship and not be subject to STR License revocation; provided, that if the property subject to the STR 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.

4. Annual License of STRs. The owner of an STR License shall obtain an annual revocable STR License under this ordinance to lawfully advertise, offer, operate, rent, or otherwise make available for occupancy or use an STR.
5. All owners of STRs within the City are required to register any units which are to be rented to third parties with the City, annually. All STR Licenses shall be submitted to the City by January 31 of the year the unit is registered, for on-going STRs. In the event that an owner begins renting their unit during the year, they shall register the unit prior to any rental of that unit.
6. An STR 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 ordinance are met.
7. The STR License shall be issued in the name of the property owner and is not transferable, except as described in 1-3 above. The STR License shall terminate and be deemed void when the holder sells or transfers the property approved as an STR. Except for exempted transfers related to right of survivorship, the death of a STR License holder terminates the STR application. If upon the death of the STR License holder the ownership of the property transfers by operation of law to an executor or heir, then the STR License, subject to the STR 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.
8. The city shall approve an application for an STR or STR License renewal if all the following are met:
 - F. The property proposed to be registered for an STR is located in the City and the owner does not have an ownership interest in any other property in the City used or approved for use as a STR.
 - G. The city manager has determined the property complies with this Ordinance.
 - H. The owner has provided information sufficient to verify a qualified person will be available to be contacted about use of the STR during and after business hours.
 - I. The owner has agreed to comply with all STR License and operational standards including any conditions such as specific occupancy requirements.
 - J. Any owner shall obtain a STR License prior to using the dwelling unit as an STR. Upon notification of the license requirement by the City of Bay City, continuing or subsequent instances of renting or advertising as a STR without a license shall be subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other City Ordinance or State law. A license shall not be issued until fines related to a violation of this Ordinance and outstanding Transient Lodging Taxes for

the subject property are paid in full.

9. The owner of each existing STR shall apply for and pay the appropriate fee for a STR License. Within thirty (30) days of applying for the STR License, it is the contact person's responsibility to contact the City of Bay City to ensure that entry to the structure can be granted by a person eighteen (18) years of age or above.
10. All STR Licenses shall be renewed annually by January 31st of each year and are subject to the annual fee.
11. A licensed STR shall not be required to pass a new inspection when a license is renewed, except in the following cases:
 - D. There has been a fire, flood or other event that caused substantial damage to the structure;
 - E. The license was revoked;
 - F. There has been an addition or substantial modification to the structure.
12. If notice under section 5, subsection 5 B is provided to the owner and the payment is not received by the renewal date, a notice that the City of Bay City intends to terminate the license shall be sent to the contact person (if applicable) and owner. This notice shall allow an additional thirty (30) days to comply with renewal provisions and shall specify that failure to comply will result in expiration of the license.
13. Revocation of License
 - A. Violating any provision in this Ordinance, as well as non-compliance with any term or condition of a STR License, violation of any other City ordinance or violating any County or State law, may result in revocation of license, denial of an application to renew a license, enforcement and penalties as outlined in this Ordinance. Licenses that are terminated for non-renewal or non-payment shall not be considered a revocation of a license.
 - B. In the sole discretion of the City, where a Building Code or Ordinance violation exists at a STR that presents an immediate serious fire or life safety risk, the City may immediately revoke the STR License as an emergency revocation. The City shall provide written documentation of the violation and reason for revocation prior to leaving the inspection site.
 - C. Upon an emergency revocation, the STR shall not be rented or used as a STR.
 - D. At any time following the emergency revocation of a STR License pursuant to this subsection, the City may reinstate the license upon a re- inspection by the City verifying that the subject Building Code or Ordinance violation has been corrected or a new STR License is obtained.
 - E. If an application for a license or the renewal of a license is denied, or a license is revoked, the owner may appeal to the Bay City Manager by written notice delivered to the City within thirty (30) days of denial or revocation.

- F. The provisions of this Section are in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other City or applicable Tillamook County Ordinance or State law.

Section 17. Complaints, Enforcement and Penalties.

1. Complaints/Nuisance. All complaints and nuisances documented in regard to an STR shall be considered non-compliance with STR standards.
2. Non-compliance with Standards. In the event of a complaint of noncompliance with any of the required standards set forth in Section 5, which is verified by the City designated representative, the owner may receive a fine as described below per violation for each day that the violation exists, after notice to the owner of the violation. If any violation continues for a period of 30 consecutive days, the City may terminate water service to the property until the STR unit is in compliance with the standards of this ordinance.
3. Enforcement.
 - A. It shall be the duty of the City Manager to supervise the administration of this Ordinance, except as otherwise specified in this Ordinance. This Ordinance may be enforced by a member or designee of the City Manager.
4. Penalties.
 - A. Non-compliance with STR License. In the event that the owner has failed to register the STR unit, the City shall notify the STR unit owner of the noncompliance and shall give the owner 15 days to register the unit. A late STR License fee as set by resolution by the City Council, shall be added onto the annual STR License fee. Any owner, contact person, or renter who violates any part of this Ordinance is subject to citation and fines.
5. Violations of this Ordinance shall be deemed to be a violation and shall be punishable upon conviction by a minimum fine of \$250 per day and a maximum fine of \$1,000 per day, with a total fine not to exceed \$3,000 for each citation.
 - A. Each day of violation of any part of this Ordinance constitutes a separate offense and is separately punishable, but may be joined in a single prosecution.
 - B. The penalties in this Section are in addition to and not in lieu of any other authorized actions the City may take under other Sections of this Ordinance or other Ordinances, and any criminal prosecution or penalties as provided by applicable Tillamook County Ordinance or State law.

Section 18. Severability.

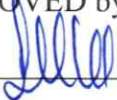
The separate provisions of this Ordinance are hereby declared to be independent from one another; and if any clause, sentence, paragraph, section or part of this Ordinance shall, for any reason, be adjudged invalid by any court of competent jurisdiction, all remaining parts shall remain in full force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

unconstitutional or invalid, such judgment shall not affect the validity or the remaining portions of this Ordinance and it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this Ordinance, irrespective of the portion thereby declared to be unconstitutional or invalid, be valid.

Section 19. Repeal Ordinance 685 is repealed in its entirety.

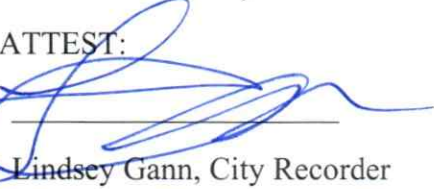
ADOPTED by the City Council of the City of Bay City this 13th day of Dec, 2022.

APPROVED by the Mayor of the City of Bay City this 13th day of Dec, 2022.



David McCall, Mayor

ATTEST:



Lindsey Gann, City Recorder

See Mayor's memo
1st Reading: 9/13/22 11/8/22
2nd Reading: 10/11/22 12/13/22
Yea's 5
Nay's 0