

**CITY OF BAY CITY
ORDINANCE 685**

**AN ORDINANCE REGULATING SHORT-TERM RENTAL UNITS TO
PROVIDE FOR REGISTRATION REQUIREMENTS
AND DECLARING AN EMERGENCY**

Section 1. Purpose. The purpose of this ordinance is to require owners of short-term rentals (STR) located within the City to register their units so as to provide public safety and livability within Bay City. A short-term rental is one that is rented to a third party for less than 30 days at a time.

Section 2. Annual Registration of STRs. 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 registrations 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.

Section 3. Annual Registration Fee: The annual registration fee charged by the City, per rental unit is \$50.00 per rental unit. The annual registration fee must be paid at the time of registration.

Section 4. Standards for STR Units. Each STR owner must certify to the City in writing that the unit being rented complies with the following standards:

4.1 Property address must be clearly displayed in the interior and displayed on the exterior of the dwelling in accordance with the Oregon Fire Code.

4.2 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.

4.3 The contact person shall notify every renter, in writing, of the quiet times and that a renter may be fined for violations under this Ordinance.

4.4 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.

4.5 The name and phone number of the contact person shall either be posted or provided in one or more of the following manner(s):

4.5.1 Signage: If the short-term rental 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.

4.5.2 Written Notification: If the short-term rental 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.

4.5.3 Notification by Bay City: In lieu of the owner providing the written notice to the Bay City Hall and to each dwelling owner within two hundred fifty feet (250') of the short-term rental as required by this Ordinance, the City will provide such written notice upon payment by the owner to the City of an additional One Hundred Dollar (\$100) fee.

4.6 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.

4.7 At least one (1) functioning fire extinguisher shall be accessibly located within the dwelling unit.

4.8 All plug-ins and light switches shall have face plates.

4.9 The electrical panel shall have all circuits labeled.

4.10 Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.

4.11 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.

4.12 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.

4.13 All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.

4.14 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.

4.15 All interior and exterior guardrails, such as deck railings, must be able to withstand a two hundred pound (200#) impact force.

4.16 Emergency Escape and Rescue Openings:

4.16.1 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.

4.16.2 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").

4.16.3 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 subsection 6(a)(N)(1) of 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.

4.16.4 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 non-compliant sleeping area shall not be included in the maximum occupancy calculation for the short-term rental. The contact person shall notify every renter, in writing, that the non-compliant sleeping area may not be used for sleeping.

4.16.5 At any time after a permit has been granted for a short-term rental pursuant to this Ordinance, the owner may bring a non-compliant sleeping area into compliance and upon a re-inspection and certification of compliance for such sleeping area, a new permit shall be issued that includes the increase in maximum occupancy

associated with bringing a non-compliant sleeping area into compliance.

4.17 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.

4.18 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.

4.19 There shall be 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. 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.

4.20 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.

4.21 A house number, visible from the street, shall be maintained.

4.22 Commercial liability insurance for STR.

Section 5. Inspection. The City has no obligation to inspect the STR. In the event that the City receives any complaint of non-compliance with this ordinance, the owner shall allow inspection of the 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 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 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 6. Penalties.

6.1 Non-compliance with Registration. 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 registration fee of \$100.00 shall be added onto the annual registration fee.

6.2 Non-compliance with Standards. In the event of a complaint of noncompliance with any of the required standards set forth in Section 4, which is verified by the City designated representative, the owner may receive a fine of \$50.00 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.

Section 7. 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.

Section 8. Emergency. The City of Bay City deems an emergency to exist to effectuate a timely and efficient implementation of the standards for STRs and to allow for a January 1 start date for registrations, which is a health and safety factor, and therefore this ordinance shall be in full force and effect upon passage by the Council and upon signature by the Mayor.

PASSED and ADOPTED by the City Council this 4th day of December, 2018 and APPROVED by the Mayor this 4th day of December, 2018.

Shaena E. Peterson
By: _____
Shaena E. Peterson, Mayor

Linda Downey
ATTEST: _____
Linda Downey, City Recorder

First Reading: December 4, 2018

Second Reading: December 4, 2018

Adoption: 12/04/2018

Ayes: 6

Nays: 0

Abstentions: 0