



AGENDA
BAY CITY PLANNING COMMISSION MEETING
February 16, 2022 6:00 P.M.

1. CALL TO ORDER – 6.00 P.M
2. MINUTES
 - a. Planning Commission Meeting 11/17/21
 - b. Planning Commission Meeting 01/19/22
3. VISITORS PRESENTATION
4. UNFINISHED BUSINESS
 - a. Case Follow-up on the issue at the NW corner of Tillamook and 15th Street for an attached greenhouse in the side setback
5. NEW BUSINESS/ PUBLIC HEARINGS
 - a. None.
6. OTHER
 - a. Short Term Rental Requirement Review
7. PLANNING COMMISSION, CITY COUNCIL AND CITY PLANNER CONCERNS
 - a. Planning Commission member recruitment
 - b. TGM Code Assistance Project Phase 2 Stakeholder Advisory Committee member recruitment
 - c. Planning Commission Training special session
8. ADJOURNMENT

To attend by phone: (518) 992-1125 Access 389573#

PC Mtg Minutes from 11/17/2021



**BAY CITY PLANNING COMMISSION MINUTES
NOVEMBER 17, 2021 6:00 P.M.**

Members Present: Pat Vining, Dan Overholser, Gary Frey, Councilor Tom Imhoff, City Planner Scott Fregonese, City Manager Liane Welch

Others present: several citizens, see Attendance list.

1. **Call to Order 6:00 p.m.**
2. **Minutes** - Minutes from 7/21/21 were presented. Dan took a motion to approve the minutes, Gary moved the motion and seconded by Pat. All in favor. Motion passed unanimously.
3. **Visitors Presentation** – There were no visitor presentations.
4. **Unfinished Business** - Gary asked Scott if there was a resolution to the status of the variance granted for an attached greenhouse at 6670 Tillamook. The structure appears to be completed. The question asked is if the applicant has complied with the various permits from Tillamook County for improvements to the garage conversion as specified in the conditions of approval for the variance. Scott is in touch with Tillamook County and is waiting for their response.
5. **New Business** –
 - A. **Variance 2021-08** Applicant Bradley Evers, 5965 High Street, Tillamook County Assessor's Map #1N1034 AD Tax Lot 4304, is requesting a variance to reduce west side setback from 5 feet to 2.9 feet for a new deck to replace an existing deck that does not have ground access. The subject property is adjacent to existing single-family dwellings on the east side and vacant lots to the west and south. Gary mentioned he visited the site prior and found no issues of concern. Scott outlined the staff report for the variance investigation report. Notices were sent to neighboring properties and posted as required. No comments for or against the request were received. Particular items of note are that the new access replaces an existing deck and allows for direct ADA access to a recently approved addition for living quarters. Dan opened the hearing for public comment. Applicant Evers outlined the need for the ADA access for his elderly parents. He also stated that the neighbors to the west were in favor of the request. A clarifying question verified that the new deck would come to ground level at the front of the house. Dan closed the public comments and opened comments for the Planning Commission members. Gary and Pat saw no problems with the request. Tom mentioned a conversation with Fire Chief Griffith who felt that the direct ADA access would be beneficial for medical and fire response. Scott gave the findings for the record. The applicant waived all waiting periods.

Pat moved to approve the application, 2nd by Gary. The motion was to grant the variance as presented without special conditions. There was no further discussion. Dan called for a vote – Dan, Pat and Gary voted in favor. Motion passed.

- B. Variance 2021-09** Applicant Tim Thorne requests a variance to height and square footage requirements for an accessory building on Tillamook County Assessor's Map #1S1002 A0 Tax Lot 4102. The structure will help meet the garage requirement for a newly permitted manufactured home installation and provide for additional inside storage. The lot is currently vacant. No commissioners had walked the site but had viewed the site from Bewley St. Scott give staff report and findings. Appropriate public notices were offered, no comments were received. Applicant Thorne stated that the new residence would be his home as he has wanted to move back to Tillamook County. He wants to maintain a well-kept home site and feels the requested accessory building size variance will allow for storage of his various vehicles and travel trailer. Bay City resident Debbie Averill testified in favor of the application, stating that it will allow for dry and out-of-sight storage and that Tim will be a good addition to our community. There were no other citizen comments. Pat and Gary ask clarifying questions on the location of the driveway, manufactured home and accessory building. Mr. Thorne responds that the manufactured home will be on the north end of the parcel, the accessory building on the south and east leg and the driveway along the south property line adjacent to the southerly neighbor's driveway. There was discussion about the phasing of the manufactured home and accessory building that came up when Mr. Thorne expressed a desire to occupy his travel trailer on site during construction. Gary reminded all that the manufactured home is the primary use with the accessory building being secondary and relying on the primary which makes the request to reside on property during construction contingent on the manufactured home placement. Applicant Thorne stated that he understood the concern and was somewhat at the mercy of delivery schedules. No further discussion was held. All waiting periods were waved. Motion for approval without conditions by Gary with a second from Pat. No further discussion. Gary, Pat and Dan voted in favor, motion passed.
- C. Oyster Plat Application, Pacific Seafood Group** The Bay City Planning Commission has received a request for comments from the Oregon Department of Agriculture (ODA) on an application for a lease of submersible lands to be used for oyster farming. The proposed site is north of the City limits and west of HWY 101, just west of that part of the main channel commonly known as the Ghost Hole. The ODA request for comments was sent to 48 different agencies, organizations and businesses. The area of concern is outside of the jurisdiction of the City. Public comments were received from Levi Cherry and Yuri Prasolof of Oregon Coast Clam Company. They are not in favor of the lease, siting concerns of detrimental effects on the ecology of the bay, particularly the adjacent native clam, shrimp and vegetation. They related experiencing the decline of the ecology of the western area of the bay after the development of oyster farming in that area. Pat spoke of mechanical oyster harvesting and the detrimental effects to native eel grass beds, clamming and recreational fishing. He noted that when oyster dredging occurs that it makes fishing very difficult due to disturbed soils and vegetation encroaching into the fishing grounds. Greg Sweeny asked about the length of the lease and the oyster shell pile at the Pacific Seafood operation. There was no information available on the length of the lease. The question of the oyster shell pile was taken up by Gary who expressed concern

that an increase in farming would lead to increased production and a larger pile with and increase in the noxious odor and unsightly view. Discussion was also held surrounding the potential for conflict when the Bay City sewer treatment plant outfall is required to be relocated. Current thoughts are that the outfall will likely be required to be in a normal channel flow location, probably west of the terminus of Hayes Oyster Drive. This may cause a conflict with the mixing zone requirements and a downstream oyster farming operation. Due to this significant concern and the public comments, the commissioners requested City Manager Welch to respond to ODA. Pat also reminded the group of the generosity of Pacific Seafood to our community throughout the years.

6. **Short term rental and accessory dwelling unit discussion.** (added to the agenda) The City Council has asked the Planning Commission to begin working on evaluating these two housing use types within the City limits to get a jump start on the coming of the Phase 2 of the LCDC development code and ODOT street standards project. Discussion was held regarding the work done to address the state requirements adopted for the urban growth boundary and how that may apply within the City limits. Scott mentioned several communities, particularly Rockaway Beach, Gearhart, Garibaldi, Tillamook and other coastal towns that have ordinances worth study. Scott agreed to prepare study documents for the January meeting, commenting that many commissions do not meet in December unless land use applications are on the agenda. The commissioners agreed that a January workshop would be beneficial and give time for individual study of how other jurisdictions address these uses.
7. **New Hire** It was announced that the Planning Technician position has been filled. David Mattison will begin work at the first of the month. He brings many years of planning experience to the City.
8. **Adjournment** - Pat moved to adjourn the meeting and seconded by Gary- All in Favor. Meeting adjourned at 7:10 p.m.

PC Mg Minutes from 01/19/2022



BAY CITY PLANNING COMMISSION MINUTES
January 19, 2022 6:00 P.M.

Members Present: Pat Vining, Dan Overholser, Gary Frey, Jasper Lind, Councilor Tom Imhoff (Liason), Scott Fregonese (City Planner), David Mattison (Planning Technician)

Others present: several citizens, see Attendance list.

1. Call to Order 6:01 p.m.

2. Minutes – The Minutes from November 17th, 2021 were not available for review.

Planning Technician Mattison requested a reorganization of the evening's agenda to place the hearing first on the list of agenda items.

Dan Overholser approved the requested agenda reorganization, and moved the start of the meeting to the New Business.

3. New Business –

A. Temporary Use TU- 2021-10 Applicant Tillamook County Pioneer Museum is requesting a temporary use for the placement of a recreational vehicle on Map and TL 1S10W02CC 4200. Currently the lot is used as the Kilchis Point Reserve. The applicant proposes to place a recreational vehicle on the property as a Camp Host site.

Planning Technician Mattison outlined and presented the Staff Report to the planning Commission and audience.

Gary mentioned he visited the site and observed that the slopes of Tillamook and 10th were steep along with slopes on the lot itself.

Dan read the Planning Commission disclosure statement, and asked if any Planning Commission members have any bias, conflict of interest or ex parte contact. There was no bias, conflict of interest or ex parte contact from the members of the Planning Commission.

Dan asked if any Planning Commission member had visited the site. Pat stated that he is familiar with the site, since he worked on establishing the original trail.

Dan asked for questions from the Commission members to staff. Pat presented a question on code interpretation between Section 1.35 and Section 3.97. Planning Technician Mattison explained the interpretations, and how Section 1.35 was not applicable.

Planner Fregonese explained how the applicant with any case for a temporary use could apply for the temporary use, but had to meet the temporary use criteria.

Gary had some concerns with the verbage that was used in the public notice. His points were taken into consideration for future notices.

Dan opened the public hearing at 6:20 to the audience, asking for comments from the applicant. Applicant Jaykob Wood outlined the proposal for the temporary use to hook-up a camper onsite. He stated that this for a public use and not a residential temporary use. Barbara Trout, Chair of the TCPM Board, stated that the past Recreational Vehicle needed to be taken through the Temporary Use process. The recreational vehicle would be for a park host.

Gary presented his concerns with the applicant's presentation and the public notice for the request. He needs these items to match.

Pat stated he appreciated the clarification from the applicant, and how it clears his understanding of the request.

Rene Clark, an adjacent property owner, at 4600 Salmon Street, presented her concern with the absence of a park host onsite and how it provides a feeling of safety with her and her children.

There were no objections to the proposal

There were no requests for additional time or an extension to the hearing or requests for the hearing to remain open.

Dan closed the public hearing at 6:35 and opened the discussion by the Planning Commission members. Jasper presented his support for the proposal and how it meets the city requirements. Pat stated his support for the project. Gary stated he saw no problems with the request, but needed clarification with the notice. Tom Imhoff asked about screening and buffering of the recreational vehicle. Gary stated that it looked like screening onsite was already sufficient. Jasper stated that screening may be counter-productive and may defeat the provision of safety from the park host.

Dan asked Commission to take one of the following options, approve, approve with conditions, or deny the application.

Gary moved to approve the application, with the conditions to add terminology 'camp host' and 'transient RV' be included in the findings with an annual review. The motion was 2nd by Pat. The motion was to grant the temporary use as presented with conditions to add terminology 'camp host' and 'transient RV' be included in the findings with an annual review. There was no further discussion. Dan called for a vote – Dan, Pat, Jasper and Gary voted in favor. Motion passed. All voted in favor, motion passed.

4. Visitors Presentation – There were no visitor presentations.

5. Unfinished Business

Gary opened a discussion regarding a variance granted to the property on the NW corner of Tillamook and 15th Street for an attached greenhouse in the side yard setback. The concern is in regard to following up on special conditions of approval for planning commission actions. The property in question had several conditions to be completed prior to completion of the proposed structure, (remodeled garage, wood stove) which appears to have been completed. The Planning Commission required in the variance application for its approval that these other issues – reuse of the garage, electricity and permits are submitted and approved, then the setback variance and greenhouse construction can be completed. However, it is Planning Commission's assumption that permits were not submitted and approved for these projects.

Planner Fregonese clarified that conditions for the approval of the setback variance would need to make sure that the work done elsewhere was done properly. This concern will be forwarded to the City Manager for further investigation. Whose job is it to police? To enforce? The first step is to reach to the County.

Gary stated that every permit needs to be identified from start to finish.

Further discussion followed in regard to the challenges of follow-up.

The City will look into permitting on the property.

6. **Other** – Accessory Dwelling Units (ADU's)

Planning Technician Mattison presented information regarding ADU's. He provided information from Lincoln City, Rockaway Beach, and the A-B-C's of ADU's, and an outline of ADU requirements.

Planner Fregonese stated that Tillamook County has to allow for ADU's. The City is not big enough to be required to allow for ADU's. ADU's provide an alternative for housing availability.

The question what presented if ADU's are necessary in the City Limits.

ADU's will be part of phase 2, and Council is requesting Planning explore the allowance of ADU's.

Liason Imhoff asked if off-street parking was required for ADU's. Could they be allowed to use on-street parking?

Planning Technician responded that ADU's are usually required to provide off-street parking for the ADU. On-street credits for parking are not provided in Bay City's codes.

Gary asked if ADU's are exempt from parking requirements.

Planner Fregonese stated that only if the City is over a certain size (2,500) can they be required to exempt ADU's from the parking requirements. ADU's can also be placed within an existing home.

Further discussion followed. Further review and discussion will take place at the February meeting.

7. Planning Commission, City Council, and City Planner Concerns

Dan asked if there was anything the Commission members of City wanted to present.

Planning Technician Mattison presented the progress and changes that need to be made to the zoning map – inclusion of the Shorelands zones. He explained the changes.

He then explained the changes that should be made to the fee schedule.

He presented the re-establishment of the past multiple permit each for a different application request.

He and Liason Imhoff presented the Short Term Rental information to review in February.

City Manager stated that we are working on Vacation Rental issues.

8. Adjournment – Dan asked if any of the Planning Commission members wanted to motion to close the meeting.

Jasper made a motion to adjourn the meeting and it was seconded by Gary - All in Favor.
Meeting adjourned at 7:46 p.m.

Unfinished Business



City of Bay City

PO Box 3309 – 5525 B. St, Bay City OR 97107-3309
City Hall (503) 377-2288 Email: Planningtech@ci.bay-city.or.us
Website: www.ci.bay-city.or.us

Permit must be filled in complete, missing information will result in your permit being rejected, if you have questions please contact us via email or phone to confirm prior to submitting.

ZONING PERMIT APPLICATION:

BC PERMIT # 2P21-1352

Legally Recorder Property Owner(s) Joseph K. Weisser
Mailing Address 6670 Tillamook Ave City Bay City State OR ZIP 97107
Phone 503-812-3853 Email Budster170@gmail.com

PROFESSIONAL OF RECORD:

Contractor(s) _____ License # _____
Mailing Address _____ City _____ State _____ ZIP _____
Phone _____ Email _____

LOCATION INFORMATION:

Situs Address _____ Recorded Survey #(s) _____
Zone moderate intensity Lot Dimensions 160 X 210 Total Area 33,600 sq. ft.
Map and Tax Lot # 15 162 BA 0550 (Example: 1N1034 AD 3400)

PROPOSED USE: (choose all that apply and fill in specific structure name)

Residential Multifamily Public Commercial Industrial
 Single Family Duplex Addition _____ Accessory Structure _____
 Demolition _____ Remodel garage to living space Dry Rot Repair some c) remade
 Manufactured - New Used - Year _____ Make _____ Model _____
 Misc _____

SIZE OF STRUCTURE:

Dimensions 12 X 20 Stories 1 # Dwelling units 1 Bedroom / Bath 0 / 0
Height (from existing grade)* _____ *Elevations must depict on the plans from the existing grade to peak of roof
Living area 218.5 sq. ft. Unfinished _____ sq. ft. Garage _____ sq. ft. Deck _____ sq. ft.
Misc. SF (Patio, etc.) _____

SETBACKS & COVERAGE: (must be included on site plan)

Front yard 80ft Rear yard 110ft Right Side 0ft Left Side 140ft Lot Coverage %*: 15

*Portion of lot covered with buildings, patios, decks, paving, storage areas, or other impervious surfaces, including concrete/asphalt.



Tillamook County

1510 - B Third St
Tillamook, OR 97141
503-842-3408
Fax: 503-842-1819

Building Permit

Residential Structural

Permit Number: 851-21-001812-STR

IVR Number: 851067263845

Web Address: www.co.tillamook.or.us

Email Address: buildingpermits@co.tillamook.or.us

Permit Issued: December 15, 2021
Project: WEISSER

Application Date: July 20, 2021

TYPE OF WORK

Residential Specialty Code Edition: 2021

Category of Construction: Other

Type of Work: Alteration

Submitted Job Value: \$10,000.00

Description of Work: CONVERT GARAGE TO LIVING SPACE

JOB SITE INFORMATION

Worksite Address

6670 TILLAMOOK AVE
BAY CITY, OR

Parcel

1S10 02BA 05500

Owner:

WEISSER, JOSEPH K &
CHRISTINE R

Address:

6670 TILLAMOOK AVE
BAY CITY, OR 97107

LICENSED PROFESSIONAL INFORMATION

None Specified

PENDING INSPECTIONS

Inspection	Inspection Group	Inspection Status
1260 Framing	Struct Res	Pending
1999 Final Building	Struct Res	Pending

SCHEDULING INSPECTIONS

Various inspections are minimally required on each project and often dependent on the scope of work. Contact the issuing jurisdiction indicated on the permit to determine required inspections for this project.

Schedule or track inspections at www.buildingpermits.oregon.gov

Call or text the word "schedule" to 1-888-299-2821 use IVR number: 851067263845

Schedule using the Oregon ePermitting Inspection App, search "epermitting" in the app store

Permits expire if work is not started within 180 Days of issuance or if work is suspended for 180 Days or longer depending on the issuing agency's policy.

All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the Center at (503) 232-1987.

All persons or entities performing work under this permit are required to be licensed unless exempted by ORS 701.010 (Structural/Mechanical), ORS 479.540 (Electrical), and ORS 693.010-020 (Plumbing).

PERMIT FEES

Fee Description	Quantity	Fee Amount
Structural building permit fee		\$131.88
Structural plan review fee		\$85.72
State of Oregon Surcharge - Bldg (12% of applicable fees)		\$15.83
	Total Fees:	\$233.43

Note: This may not include all the fees required for this project.

Other..... (Short-Term Rentals)

Ordinance #685

City of Bay City Short-Term Rental Ordinance

**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

**Examples of regulations for Short Term Rentals
Vacation Rentals**

Examples of regulations for Short Term Rentals also called Vacation Rentals

McMinnville

Criteria:

1. Short term rentals shall not be located within 200 feet of another short term rental, or on the same property as another short term rental.
2. Short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a residence.
3. That a minimum of one off-street parking space be provided for each guest room.
4. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.
5. That the duration of each guest's stay at the residence be limited to no more than 30 (thirty) consecutive days.
6. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997.
7. That the property owner shall live within the geographic area of the 97128 zip code or shall provide contact information of a person living within the geographic area of the 97128 zip code who shall be available to respond immediately to any emergency or complaint related to the short term rental.
8. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:
 - a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or
 - b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.

9. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.

10. Complaints on conditions 1 through 9 above will be reviewed by the Planning Commission at a public hearing. The Planning Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.

Newberg

15.445.330 STANDARDS.

A. The vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.

B. The applicant shall provide for regular refuse collection.

C. The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 15 people.

D. The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent or temporary shelter during the rental occupancy.

****There are other standards that restrict the vacation rental homes to specific zones.****

Complaints and revocation of registration.

If the city receives two or more written complaints within a one-year period regarding a vacation rental home occupancy, and the issues have not been resolved through the code enforcement officer, the city manager may schedule a hearing to consider revoking the vacation rental home registration. The hearing may be conducted by the city manager, or other such hearings officer as the city manager may appoint for this purpose. The city manager shall notify the owner and operator of the hearing, those submitting written complaints, and may invite others to submit testimony at the hearing. After hearing the facts, the city manager may do any of the following:

- A. Revoke the registration for noncompliance with the standards in this section. If this permit is revoked, the premises may not be used as a vacation rental home for a period of two years, or a period of lesser time as determined by the hearings officer.
- B. Impose additional conditions necessary to fulfill the purpose of this section.
- C. Establish a probationary period to monitor compliance.
- D. Dismiss the complaint.
- E. Refer the matter to the code enforcement officer for citation in municipal court or other appropriate jurisdiction.

The hearings officer's decision may be appealed to the planning commission by the applicant, owner, or person filing the written complaint within 14 calendar days of the date of the decision in the manner provided in NMC 15.100.170. [Ord. 2763 § 1 (Exh. A § 17), 9-16-13.]

Dundee

17.203.240 Short Term rentals

All short-term rentals (STRs) shall conform to the following standards:

- A. **Applicability.** No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent, a dwelling unit for short-term rental unless issued a STR permit or exempted under this Section. The standards of this section shall supersede the standards elsewhere in the Development Code, unless otherwise stated. This section applies to a dwelling unit in a residential or Agriculture (AG) zone built for permanent use. The person(s) renting the STR must rent the dwelling in its entirety for the purpose of overnight lodging to visitors for less than 28 days at any one time.
- B. **Purpose.** The purpose of this section is to provide a process and standards for allowing STR units while mitigating possible impacts to neighbors. STRs are not considered home occupations.
- C. **Review Process.** There are two types of short-term rentals. Infrequent and standard STRs are regulated below.

1. Infrequent STRs are properties that are available for rent fewer than 30 days total per calendar year. These are:

a. Processed as a Type I application.

b. Required to comply with the notice requirement listed in subsection (D)(1).

c. Required to comply with all the standards listed in subsection (J).ct. Limited to no more than four rental periods per calendar year (cumulatively no more than 30 days per calendar year). For purposes of this section, a rental period means a range of continuous days.

e. Exempt from the concentration limits for STRs in subsection (I) of this section.

2. Standard STRs shall be processed as a Type II application.

E. Criteria. For both Type I Infrequent Short Term Rentals and Type II Short Term Rentals the criteria are:

1. The proposed STR will not present any burden on neighbors to the property. Any mitigation added to address concerns, have been included as requirements of the permit. Mitigation may be required to the satisfaction of City Staff.

2. The applicant has applied for a business license.

3. All standards from Section 17.203.240.J have been met.

F. Business License and Transient Room Tax.

1. The owner of the STR shall obtain and annually renew a business license pursuant to Chapter 5.04 of the DMC with the City of Dundee (Type I and II), and shall comply with Chapter 3.04 DMC, Transient Room Tax (Type I and Type II).

2. The owner of the STR shall renew the business license and remit payment of the business license fee by April 1 of any year, otherwise the STR permit will be void.

3. An STR permit holder must generate at least \$500 in transient room taxes pursuant to Chapter 3.04 DMC over any continuous twelve month period, otherwise the STR permit will be void.

4. All business license renewals for STRs shall include:

a. Evidence at the time of renewal that all Transient Room Taxes have been paid in full for the previous year.

b. The owner or property owner must annually provide contact information to neighbors within 200 feet of the STR property, including an emergency contact other than the property owner. An affidavit shall be provided with the business license renewal application stating such mailing has been sent.

c. The applicant shall provide a log of complaints to the City annually with the business license renewal. This shall include issues received /reported by the property owner or manager and all nuisance issues that were addressed by the police. The log must explain how each complaint was addressed.

G. Limits on Permit Transfer. All STR permit approvals will only be valid for the current property owner (not including transfers to trusts, LLC's, divorces or similar changes in names, but not ownership). Any sale of the property will automatically invalidate the STR permit.

H. Overnight Occupancy Limits. The maximum overnight occupancy for the STR shall be two persons per bedroom plus two additional persons, however in no case shall the overnight occupancy exceed 10 persons, regardless of the bedroom count.

I. Concentration limits. At no point shall the number of STR permits in the City exceed five percent (5%) of the total number of detached single-family homes in the city, calculated at the time the permit is issued. Infrequent STRs are exempt and do not contribute to the City wide total. Any STR renewal is not required to demonstrate that they are within the 5% limit. Should the City reach the 5% limit, no new STR permits shall be issued until a sufficient number of previous STR permits do not renew or the number of residential units in the City grows to the point where there is less than 5%.

J. Standards.

1. Parking. At least two (2) off street parking spaces (located on the property) must be provided. In addition, one (1) STR parking space may be on-street. All overnight and visiting guests must park in designated parking areas (as shown on the site plan). No unauthorized on-street parking is permitted.

2. **Trash and Recycling Facilities.** The owner shall provide for and maintain regular trash collection. Available bins must have adequate capacity for the renters, and no uncontained garbage is allowed on the site.
3. **Pets.** Pets shall comply with DMC Title §.
4. **Noise Limits.** All activities associated with the STR shall comply with the noise standards in Chapter 8.28 DMC. Any violations are to be considered nuisance violations.
5. **RVs and Other Temporary Shelters.** The premises of the STR may not include any occupied recreational vehicle, trailer, tent, or other temporary shelter during the rental occupancy. Tents, including event tents, are not permitted.
6. **Nuisances.** All activities associated with the STR shall not cause a nuisance as defined in Chapter 8.16 DMC.
9. **No Type II STR shall be located adjacent (contiguous to the property on the same side of the street) to any permitted Type 11 STR unit. The Planning Commission may approve contiguous Type 11 STR permits as a Conditional Use Permit with criteria as outlined in Subsection (H).**

Carlton

Chapter 17.125 - VACATION RENTAL DWELLING[3]

17.125.010 - Standards.

A vacation rental dwelling permit shall be issued as an accessory use provided the following standards are met:

- A. There must be no offensive noise, smoke, dust, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental dwelling.
- B. The use shall not adversely affect the residential character of the neighborhood.
- C. There shall not be an excessive generation of traffic created by the vacation rental dwelling.
- D. One (1) off-street parking space will be provided for each bedroom in the dwelling, but in no event shall less than two (2) spaces be provided for each dwelling.

E. The dwelling must maintain the residential nature of the front and side yards. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.

F. The permittee must provide receptacles for the deposit of garbage and subscribe to a solid waste collection service for the vacation rental dwelling.

G. The permittee must obtain a business registration license from the City of Carlton.

H. Signs for vacation rental dwellings shall comply with requirements in, Chapter 17.80.

I. The property owner shall designate a local representative who permanently resides within the Carlton Urban Growth Boundary or a licensed property management company with a physically staffed office within ten (10) vehicular miles of the Carlton Urban Growth Boundary. The owner may be the designated representative where the owner resides in the Carlton Urban Growth Boundary.

The local representative must be authorized by the owner of the dwelling to respond to the 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 vacation rental purposes. The local representative must respond to complaints in a timely manner to ensure the dwelling complies with the standards for vacation rental dwellings and other city ordinances pertaining to noise, disturbances, nuisances, as well as state laws pertaining to the consumption of alcohol, or the use of illegal drugs.

J. The following information shall be posted within the vacation rental dwelling adjacent to the front door:

1.The name of the local representative and a telephone number where the representative may be reached;

2.The telephone number and web site address of the City of Carlton and the Carlton Police Department;

3.The maximum number of occupants permitted to stay in the dwelling;

4.The maximum number of vehicles allowed to be parked on the property;

5.The number and location of off-street parking spaces; and

6.The solid waste collection day.

(Ord. No. 678, § 1(Exh. A), 4-13-2009; Ord. No. 695, § 1(Exh. A), 12-12-2011)

17.125.020 - Process.

A.Step One Process.1.Notice. Upon receipt of an application for a vacation rental dwelling permit, notice must be mailed at the applicant's expense to all owners of property within one hundred (100) feet of the exterior boundary of the property for which the application is made, giving the property owners notified twenty (20) days in which to respond to the city.

2. Staff review.

a. If no objections or complaints are received regarding the proposed use of the property as a vacation rental dwelling, staff may issue a vacation rental dwelling permit to the applicant. However, if staff finds that the facts of the particular case requires interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards found in Chapter 17.196.

b. If staff receives one (1) or more written objections from individuals affected by the proposed use regarding compliance with any of the vacation rental standards listed above, after the notice requirements of the Step One process have been met, no permit shall be issued at that time and a hearing shall be set before the Planning Commission in accordance with the Step Two process specified below.

B. Step Two Process. If the staff refers the matter to the Planning Commission for hearing, or a hearing is required as a result of a Step One mandatory referral, the application will be deemed an application for a conditional use and the conditional use requirements of Chapter 17.152 shall apply, as well as the standards for issuance of a vacation rental dwelling permit. The Development Code public hearing notice provisions and application fee requirements for a conditional use shall also apply.

(Ord. No. 678, § 1(Exh. A), 4-13-2009; Ord. No. 693, § 1(Exh. A), 12-12-2011)

17.125.030 - Permit issuance.

A vacation rental permit shall be issued in the name of the property owner and is not transferable. The permit shall terminate and be deemed void when the permit holder sells or transfers the property occupied or rented as a vacation rental dwelling. A conditional use permit approved for a two-family duplex vacation rental will automatically terminate if the other half of the duplex is rented out for non-vacation use.

(Ord. No. 678, § 1(Exh. A), 4-13-2009; Ord. No. 695, § 1(Exh. A), 12-12-2011)

17.125.040 - Non-compliance and complaints.

A .Non-Compliance. Any vacation rental dwelling unit that does not comply with the requirements of this Section and the provisions of the underlying district shall be a violation of this Ordinance and shall be subject to the enforcement remedies of Section 17.04.040.

B. Complaint Procedures. In addition to penalties specified in Section 17.04.040, the city may determine that an appropriate penalty is the revocation of a vacation rental permit in accordance with the following complaint procedures:

1. The Planning Commission shall review the vacation rental dwelling permit upon receipt of one (1) written complaint from an individual who is adversely affected by the proposed use. The complaint shall clearly state the nature of the objection to the vacation rental dwelling. Staff shall investigate all such complaints and the results of the investigation shall be reported to the Planning Commission at a regular meeting. The complainant and owner of the vacation rental dwelling shall be notified of the meeting. Standards of judging objections shall include, but are not limited to, the following:

i. Generation of excessive traffic;

ii. Monopoly of on-street parking spaces;

iii. Other offensive activities not in harmony with the residential neighborhood as may be determined by the Planning Commission;

iv. Compliance with vacation rental dwelling permit standards, including conditions required by the Planning Commission as a result of issuance of a vacation rental permit through the conditional use process;

2. The Planning Commission, upon hearing the evidence, may: approve the use as it exists; require the use to be terminated; or impose appropriate restrictions on the operation of the vacation rental dwelling.

3. The determination of the Planning Commission shall become final ten (10) days after the date of its written decision unless appealed to the City Council.

(Ord. No. 678, § 1(Exh. A), 4-13-2009; Ord. No. 693, § 1(Exh. A), 12-12-2011)

Dayton

7.2.417.01 General Requirements

No person shall occupy, use, operate, nor offer or negotiate to use, lease, or rent a dwelling unit as a short-term unless the requirements of this section have been met.

1. **Business Registration.** The owner of a short-term rental shall register with the City and pay the associated registration fee as provided in Section 3.3 of the Dayton Municipal Code. The ability to operate a short-term rental in the City of Dayton shall be discontinued for failure to obtain or renew a registration to operate as provided in this section. The registration or lodging tax identification number issued by the City shall be displayed in all marketing materials advertising the short-term rental.

2. **Additional Submittal Requirements.** The following information shall be submitted along with the business registration on a form approved by the City.

1. The name, address, email address and telephone number of the property owner. An applications may be submitted by an owner and contract purchaser as the applicant and upon written request, the approval will be granted to both the owner and the buyer.

2. A floor plan of the short-term rental identifying the number of bedrooms proposed for use.

3. **Acknowledgment by signature** that the owner (and contract purchaser) have read all the regulations relating to the operation of a short-term rental under Section 7.2.417 and 7.1.200.03.

3. **Transient Lodging Tax.** The owner of a short-term rental shall comply with the transient lodging tax provisions of Section 3.8 of the Dayton Municipal Code.

4. Occupancy. The max occupancy for the dwelling unit shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.

5. Prohibited use. No recreational vehicle, travel trailer, tent, or other temporary shelter shall be used in conjunction with the short-term rental.

7.2.417.02 Zone Requirements

Owner occupied short-term rentals are permitted in the applicable zone, subject to the requirements for the appropriate dwelling type and the requirements in Section 7.2.417. Establishment of a short-term rental under the provisions of this section shall not constitute a land use action.

Yachats

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 thirty (30) days.

B. Vacation rentals in residential zones shall have no more than four (4) 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 ten (10) miles of the City of Yachats and be available for response to alleged violations within two (2) 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 a.m. to 11:00 p.m.) and respond within two (2) 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 (4) 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 (2) 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 (6) 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 (2) persons per sleeping area plus two (2) 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 contact 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.

Eugene

The city of Eugene Oregon allows short term rentals for fewer than 30 nights per guest, with the proper registration through the city and by adhering to the following regulations:

- Transient Room Tax - on top of the state Transient lodging tax, you must register your rental with the city, collect and remit 4.5% transient room tax.
- Occupancy Limits - a family of any number or up to 5 unrelated guests are permitted per property. For example, a family of 3 can rent a bedroom to two unrelated guests. There are no limitations for persons related to the long-term resident.
- Overnight camping is permitted on residential properties in a camper, tent, trailer or vehicle so long as it is parked in the driveway.
- You cannot collect rent on overnight stays that are considering "camping", so you cannot rent vehicles or structures that fall into this category on your property.

Bend

The city of Bend, Oregon requires any short term rental operator to apply for a Land Use Permit and an Initial Operating License. Whole home rentals are permitted once the operator obtains the required license, permit and collects and remits transient lodging taxes. Bend Development Code Standards for Short Term Rentals (Section 3.6.500)

- The use of a property for short term rental occupancy is permitted in all residential, commercial and mixed-use districts with a Land Use Application (with adjoining fee), permitting the following operational standards are met:
 - Concentration Limits - There must be at least 250 feet of separation between residential zoned properties or properties within the MR zone outside of the Old Mill District boundary with a permitted Short Term Rental, measured radially from the property boundary. This concentration limit does not apply to Infrequent Short Term Rentals (rented less than 30 days per year) or Owner-Occupied Short Term Rentals within these zones.
 - Occupancy - Two persons per bedroom with two additional persons permitted. As an example, a three bedroom property is permitted no more than 8 persons.
 - Parking - One parking space per bedroom.

- Active Operating License & Land Use Permits

There is one exception to needing the permit and license and that is if the property is located within Mt. Bachelor Village, The Courtyards at Broken Top (Lots 1-8 and 21-32) or Deschutes Landing. For a full list of approved zoning locations, please refer to the Interactive Short Term Rental Eligibility Map.

Portland

The city of Portland, Oregon allows Accessory Short-Term Rentals. The term accessory emphasizes that the primary use of the property (or rental) is a long term occupancy, and only part of the property is used for renting. The regulation allows for partial home rentals lasting fewer than 30 days, or in other buildings on the land where the long term occupant resides. Whole home rentals are not permitted. The owner must reside permanently on the property for at least 270 days of the year and they are permitted to rent through an agent or property management company. The owner must apply for a permit and will need this approved permit number when registering for the state Transient Lodging Tax. There are differing permitting processes based on the number of bedrooms for rent.

Short Term Rental (STR) Sample Language

This document contains code excerpts from several small to medium sized cities in Oregon. It is intended only for possible conversation topics and sample wording and does not represent any recommendation on the part of the compiler. The reader will find duplicate and similar language as several jurisdictions address similar issues.

***** EXCERPTS *****

GENERAL PURPOSE

- 1. Purpose. The purpose of this section is to provide a process and standards for allowing STR units while mitigating possible impacts to neighbors. STRs are not considered home occupations
- 2. Activities allowed. Accessory short-term rentals shall be limited to the provision of lodging. Activities other than lodging, such as events, gatherings, luncheons, banquets, parties, weddings, meetings, fundraising, or commercial or advertising activities, are prohibited

WHERE

- 1. Concentration Limits - There must be at least 250 feet of separation between residential zoned properties or properties within the MR zone outside of the Old Mill District boundary with a permitted Short Term Rental, measured radially from the property boundary. This concentration limit does not apply to Infrequent Short Term Rentals (rented less than 30 days per year) or Owner-Occupied Short Term Rentals within these zones.
- 2. Short term rentals shall not be located within 200 feet of another short term rental, or on the same property as another short term rental.
- 3. Vacation rentals in residential zones shall have no more than four (4) bedrooms.
- 4. No Type II STR shall be located adjacent (contiguous to the property on the same side of the street) to any permitted Type 11 STR unit. The Planning Commission may approve contiguous Type 11 STR permits as a Conditional Use Permit with criteria as outlined in Subsection (H).
- 5. Concentration limits. At no point shall the number of STR permits in the City exceed five percent (5%) of the total number of detached single-family homes in the city, calculated at the time the permit is issued. Infrequent STRs are exempt and do not contribute to the City wide total. Any STR renewal is not required to demonstrate

that they are within the 5% limit. Should the City reach the 5% limit, no new STR permits shall be issued until a sufficient number of previous STR permits do not renew or the number of residential units in the City grows to the point where there is less than 5%.

6. Short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a residence.
7. Active Operating License & Land Use Permits

PROPERTY RESTRICTIONS

1. The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent or temporary shelter during the rental occupancy.
2. RVs and Other Temporary Shelters. The premises of the STR may not include any occupied recreational vehicle, trailer, tent, or other temporary shelter during the rental occupancy. Tents, including event tents, are not permitted.
3. Prohibited use. No recreational vehicle, travel trailer, tent, or other temporary shelter shall be used in conjunction with the short-term rental.
4. The dwelling must maintain the residential nature of the front and side yards. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.
5. Prohibited use. No recreational vehicle, travel trailer, tent, or other temporary shelter shall be used in conjunction with the short-term rental.
6. Structure type. An accessory short-term rental shall be located within a lawfully-built single family dwelling unit, two family dwelling unit, or guest house, that meet building code requirements. For purposes of this subsection, a dwelling unit within a condominium is considered a single family dwelling unit. An accessory short-term rental shall not be allowed in:
 - a. An accessory dwelling unit (ADU);
 - b. A tent or other temporary enclosure or shelter;
 - c. A recreational vehicle, travel trailer, or similar structure;
 - d. A motor vehicle; or
 - e. Any structure not intended for ongoing human occupancy;

PARKING

1. Parking - One parking space per bedroom.
2. The vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.
3. That a minimum of one off-street parking space be provided for each guest room.
4. Parking. At least two (2) off street parking spaces (located on the property) must be provided. In addition, one (1) STR parking space may be on-street. All overnight and visiting guests must park in designated parking areas (as shown on the site plan). No unauthorized on-street parking is permitted.
5. One (1) off-street parking space will be provided for each bedroom in the dwelling, but in no event shall less than two (2) spaces be provided for each dwelling.
6. The maximum number of overnight vehicles allowed on the property shall not exceed the number of surfaced parking areas on the property or six (6) vehicles, whichever is less. Daytime parking is limited to surfaced parking on the property.
7. 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 (2) spaces be provided for the vacation rental.
8. 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
9. 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.
- 10.

OCCUPANCY

1. Occupancy - Two persons per bedroom with two additional persons permitted. As an example, a three bedroom property is permitted no more than 8 persons.
2. The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 15 people
3. Overnight Occupancy Limits. The maximum overnight occupancy for the STR shall be two persons per bedroom plus two additional persons, however in no case shall the overnight occupancy exceed 10 persons, regardless of the bedroom count.

4. The maximum allowable number of overnight occupants shall be two (2) persons per sleeping area plus two (2) 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.
5. Hosted rental.
 - a) There is no maximum limit on the number of days within a calendar year an accessory short-term rental may be rented when the resident family is present as a host.
 - b) Multiple bookings at any given time by more than one group of guests are allowed.

Non-hosted rental.

- a) The total number of days within a calendar year an accessory short-term rental may be rented without the resident family being present as a host shall not exceed a maximum of 95 days.
- b) Rental of the accessory short-term rental shall be limited to a maximum of one booking at any given time. Multiple bookings at any given time by more than one group of guests are not allowed.

PROCESS

1. The proposed STR will not present any burden on neighbors to the property. Any mitigation added to address concerns, have been included as requirements of the permit. Mitigation may be required to the satisfaction of City Staff.
2. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures
3. Applicability. No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent, a dwelling unit for short-term rental unless issued a STR permit or exempted under this Section. The standards of this section shall supersede the standards elsewhere in the Development Code, unless otherwise stated.
4. A vacation rental permit shall be issued in the name of the property owner and is not transferable. The permit shall terminate and be deemed void when the permit holder

sells or transfers the property occupied or rented as a vacation rental dwelling. A conditional use permit approved for a two-family duplex vacation rental will automatically terminate if the other half of the duplex is rented out for non-vacation use.

5. The owner of the STR shall obtain and annually renew a business license pursuant to Chapter 5.04 of the DMC with the City of Dundee (Type I and II), and shall comply with Chapter 3.04 DMC, Transient Room Tax (Type I and Type II).
6. Limits on Permit Transfer. All STR permit approvals will only be valid for the current property owner (not including transfers to trusts, LLC's, divorces or similar changes in names, but not ownership). Any sale of the property will automatically invalidate the STR permit.
7. The owner of the STR shall renew the business license and remit payment of the business license fee by April 1 of any year, otherwise the STR permit will be void.
8. An STR permit holder must generate at least \$500 in transient room taxes pursuant to Chapter 3.04 DMC over any continuous twelve month period, otherwise the STR permit will be void.
9. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures.

COMPLAINTS

1. The Planning Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.
2. Complaints and revocation of registration. If the city receives two or more written complaints within a one-year period regarding a vacation rental home occupancy, and the issues have not been resolved through the code enforcement officer, the city manager may schedule a hearing to consider revoking the vacation rental home registration. The hearing may be conducted by the city manager, or other such hearings officer as the city manager may appoint for this purpose. The city manager shall notify the owner and operator of the hearing, those submitting written complaints, and may invite others to submit testimony at the hearing. After hearing the facts, the city manager may do any of the following:

- A. Revoke the registration for noncompliance with the standards in this section. If this permit is revoked, the premises may not be used as a vacation rental home for a period of two years, or a period of lesser time as determined by the hearings officer.
- B. Impose additional conditions necessary to fulfill the purpose of this section.
- C. Establish a probationary period to monitor compliance.
- D. Dismiss the complaint.
- E. Refer the matter to the code enforcement officer for citation in municipal court or other appropriate jurisdiction.
- F. The hearings officer's decision may be appealed to the planning commission by the applicant, owner, or person filing the written complaint within 14 calendar days of the date of the decision in the manner provided in NMC 15.100.170.

PROPERTY MANAGEMENT

1. That the property owner shall live within the geographic area of the 97128 zip code or shall provide contact information of a person living within the geographic area of the 97128 zip code who shall be available to respond immediately to any emergency or complaint related to the short term rental.
2. The property owner shall designate a local representative who permanently resides within the Carlton Urban Growth Boundary or a licensed property management company with a physically staffed office within ten (10) vehicular miles of the Carlton Urban Growth Boundary. The owner may be the designated representative where the owner resides in the Carlton Urban Growth Boundary

CITY CODES STUDIED

McMinnville, Dundee, Newberg, Eugene, Bend, Carlton, Dayton, Yachats, Salem

LINCOLN CITY

Chapter 5.14

Vacation Rental Dwelling License

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.**
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- 5.14.050 Standards for issuance of license.**
- 5.14.055 License standards.**
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- 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 § 1; 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, 1978, 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



Parameter	Minimum	Ideal	Maximum
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. 2019-08 § 1; 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 six-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. 2017-19 § 1; 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. Jurisdictional 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. The basis for appeal must include a statement explaining why the director's decision is in error, including citation to the applicable law. The basis must identify either a procedural error, a misapplication of the applicable law (or application of the wrong law), or a lack of substantial competent evidence supporting the director's decision. Failure to strictly observe the appeal deadline or any of the substantive requirements in this section is a jurisdictional defect and results in summary dismissal of the appeal.

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. 2020-23 § 1; 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 VP 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 2021-25, passed December 13, 2021.

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.

City Website: <https://www.lincolncity.org/>

City Telephone: (541) 996-2151

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City Of Manzanita

Ordinance #10-03

**An Ordinance Establishing Rules And Regulations Relating To Short
Term Rentals**

ORDINANCE NO. 10-03
(As amended by Ord. No 16-05, 12/7/16; and Ord. No 21-06, 9/8/21)

**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. [Added by Ord. No. 16-05, 12/7/16]

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

Dwelling Unit. Means the definition provided in Section 1.030 of Manzanita Zoning Ordinance 95-4, as amended. [Amended by Ord. No. 21-06, 9/8/21]

Local Agent. Any Person who has been contracted by the Owner and has full authority to act on the Owner's behalf for purposes outlined in Ordinance 10-3 Section 4. [Amended by Ord. No. 16-05, 12/7/16 and by Ord. No. 21-06, 9/8/21]

Owner. Any Person who, alone or jointly, has title to or an ownership interest in any Dwelling Unit to be used as a Short-Term Rental. [Amended by Ord. No. 21-06, 9/8/21]

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. [Added by Ord. No. 16-05, 12/7/16]

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. [Added by Ord. No. 21-06, 9/8/21]

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. [Amended by Ord. No. 16-05, 12/7/16]

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. [Added by Ord. No. 16-05, 12/7/16]

Sleeping Room. A fully-enclosed habitable space with a heat source and an emergency egress or rescue opening meeting the minimum standards of the current Oregon Residential Specialty Code. [Added by Ord. No. 21-06, 9/8/21]

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. [Amended by Ord. No. 16-05, 12/7/16]

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to not immediately surrender a Short-Term Rental License to the City upon sale of the property or cessation of use as a Short-Term Rental at the address named on the license. [Added by Ord. No. 21-06, 9/8/21]

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 Owner or Local Agent, 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 (MCA) required by the Manzanita Transient Lodging Tax Ordinance No. 16-03. [Amended by Ord. No. 21-06, 9/8/21]

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. [Added by Ord. No. 16-05, 12/7/16; amended by Ord, No. 21-06, 9/8/21]

b. **Advertising.** All advertising soliciting business for a Short-Term Rental shall include the license number issued by the City of Manzanita to the Owner. All advertisements 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. [Added by Ord. No. 16-05, 12/7/16]

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. A license application shall not be accepted nor processed until fines related to any violation of any City Ordinance related to the subject property are paid in full. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

b. Application. An application packet 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. If the Dwelling Unit is owned by a corporation or other entity, legal documentation, acceptable to the City, detailing the names of all Persons with any ownership interest in the entity shall be submitted with the application. 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 staff time to process the application and the initial Short-Term Rental inspection. Incomplete application packets shall not be accepted nor processed. After one resubmittal, all additional resubmittals for the same property shall require payment of additional application fees. Additional inspections, including pre-purchase inspections, are available for a separate fee. A Short-Term Rental applicant must have the initial Short-Term Rental inspection completed and all deficiencies corrected within three months of the application submittal date. Failure to complete the Short-Term Rental inspection process within three months of the application submittal date shall result in the expiration of the application. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

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. If the Owner is an entity, then any transfer of fifty percent or more of all ownership interest in the Owner will also constitute

a change of Ownership of the Short-Term Rental. 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 to be a transfer of Ownership for purposes of this Ordinance. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

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 Short-Term Rental inspection will be to determine the conformance of the Dwelling Unit with this ordinance and all other standards required by the City. Applicants must correct any identified deficiencies and make corrections consistent with the provisions of the current edition of the Oregon Residential Specialty Code and required City standards prior to issuance of a short-term rental license.

In any case where a property subject to an initial inspection is not approved by the City, the City shall allow thirty (30) days from the date of the initial Short-Term Rental inspection for minor repairs or sixty (60) days from the date of the initial Short-Term Rental inspection for major repairs, at the completion of which the Owner or Local Agent must contact the City of Manzanita for a re-inspection. An additional inspection fee may apply. All re-inspections due to failed items on the City-published inspection list will be subject to additional inspection fees. If the repairs identified in the initial Short-Term Rental inspection are not rectified at the time of re-inspection, the license application shall be invalidated, and the applicant must re-apply and pay the associated application fee. The City reserves the right to modify inspection requirements to ensure compliance with any standards required by the City. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

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 via regular or electronic mail, 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 forms and documentation required must be submitted to the City. Failure to submit the license fee and required forms and documentation to the City will result in the license being offered to the next applicant on the waiting list. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

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. [Amended by Ord. No. 16-05, 12/7/16]

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. [Added by Ord. No. 16-05, 12/7/16]

Section 4. Standards. All Short-Term Rentals shall comply with the following standards. Any Owner, Local Agent 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 City Ordinance or State law: [Amended by Ord. No. 21-06, 9/8/21]

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 Local Agent shall provide and maintain a sign which lists a telephone number for the Owner or Local Agent 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 MCA number for the Dwelling Unit as described in Section 2(b) of this Ordinance. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

c. Parking. All Short-Term Rental properties must provide off-street parking spaces for a minimum of 2 vehicles. The maximum number of vehicles allowed off-street at each home shall be the number of bedrooms, plus one. 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 pertinent City Ordinances, standards, and policies. 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 for overnight parking, then on-street parking shall be limited to one (1) vehicle.

Trailers for boats and all-terrain vehicles may be allowed but shall not exceed the allowable parking for each Short-Term Rental property. Renters may be cited and fined under existing State law or this Ordinance in the event they park illegally.

A parking plan map and notice, identifying the number and location of parking spaces, shall be posted in a conspicuous place within each 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 satisfied. The maximum number of parking spaces shall be conveyed to each renter before the visit.

Overnight occupancy or sleeping in a parked vehicle, including recreational vehicles, is not permitted within the Manzanita city limits. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

d. Owner and Local Agent Responsibilities. The Owner or Local Agent shall live within a 10-mile radius of the Short-Term Rental and be able to respond in person within 20-minutes. If the Owner lives outside of a 10-mile radius, the Owner shall contract with a Local Agent.

The Owner or Local Agent shall be available to accept and immediately respond to complaints and other issues on a 24-hour basis at all times and be able to access the Short-Term Rental. Once a complaint or issue is reported, the Owner or Local Agent shall immediately make direct contact with the renter or appropriate entity by phone to resolve the reported problem. If the problem cannot be resolved or an immediate resolution is not achieved by phone, the Owner or Local Agent shall make an in-person visit to the Short-Term Rental to rectify the situation within 20-minutes.

The Owner or Local Agent shall maintain a consistent telephone number and email address by which to be reached 24-hours a day, 7 days a week, year-round.

The Owner or Local Agent shall post the short-term rental license as required in Section 2(a).

The contact information of all Owners and Local Agents shall be kept current with the City of Manzanita at all times. Any change in contact information shall be submitted to the City on a form provided by the City at least 14 days prior to the date changes will take effect. Once processed by the City, the Owner or Local Agent will be issued an updated Short-term Rental License which shall be posted as required in Section 2(a) before the property is occupied again.

The names and contact information for Owners and Local Agents for purposes outlined in this section shall be publishable for use by the public and other entities to address Short-Term Rental complaints and other issues. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

e. Garbage Storage and Removal. During periods of Rental, the Owner shall provide adequate covered and properly secured garbage containers in conformance with all related guidelines established by the City. Before the original license issuance and the annual license renewal, the Owner shall provide the City with evidence that the Dwelling Unit receives side yard or walk-up garbage service from the local franchised garbage hauler. 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. The Owner or Local Agent shall notify guests that all garbage must be kept in the secured containers provided for that purpose. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

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 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. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

h. Occupancy Capacity. The maximum allowable overnight occupancy for each Short-Term Rental Dwelling Unit shall be calculated on the basis of two (2) people per Sleeping Room plus an additional four (4) people.

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 and shall be posted in a conspicuous location within the Short-Term Rental. 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. Exceeding the posted overnight occupancy at any time for sleeping purposes is prohibited.

No sleeping area that fails to satisfy the requirements of a Sleeping Room may be used by any Person, or made available by any Owner, for sleeping, and such noncompliant areas 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 Owner or the Owner's agent shall notify every Renter, in writing or electronically, that the non-compliant sleeping area may not be used for sleeping. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

i. Outdoor Lighting. To minimize light pollution, glare, light trespass and to protect the dark skies:

1. Outdoor light fixtures shall be fully shielded by opaque side and top covers or frosted glass and the bulb pointed in a downward direction so that light does not radiate from the sides or top of the fixture.
2. Bulbs shall be "warm" rather than daylight, and either amber or lower emission LED (less than 3000k).
3. Lights shall be turned off when not in use and shall not be left on for more than 12 hours. As an alternative, porch lights may be fitted with motion detectors.
4. Security (flood) lights shall be on motion detectors and must not shine on adjacent houses. [Added by Ord. No. 21-06, 9/8/21]

j. Proof of Liability Insurance. Before the original license issuance and the annual license renewal, the Owner shall provide the City with proof of liability insurance coverage on the Short-Term Rental property. This liability insurance coverage shall remain active and in effect during the entire time that the property is licensed as a Short-Term Rental. [Added by Ord. No. 21-06, 9/8/21]

k. Noise. No person shall create, permit, or continue unreasonable noise. The hours of 10:00 pm until 7:00 am the next day is a required quiet time and there shall be no noise exceeding 55 dBA. Noise levels shall be measured from the public rights-of-way where the alleged offense is occurring. Despite the requirements under this Section 4(k), (1) properties located within LC and C-1 zones are limited to no more

than 70 dBA during the hours of 10 pm to 12 am, and (2) sanitation and refuse collection are exempt from the requirements of Section 4(k). All Short-Term Rentals shall also comply with City Noise Ordinance 94-6. [Added by Ord. No. 21-06, 9/8/21]

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to violate any of the standards outlined in this section. [Amended by Ord. No. 16-05, 12/7/16]

Section 5. License Renewals and Re-inspections.

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, regulation or requirement, the City will not renew the license, and the property shall no longer be used as a Short-Term Rental. A license shall not be renewed if fines related to a violation of any City Ordinance or Transient Lodging Taxes related to the subject property are outstanding.

Failure to pay the required license renewal fee, determined by resolution of the City Council, or to submit any form or document required for renewal by the annual August 1 due date shall result in the assessment of a late fee as determined by resolution of the City Council. Failure to pay the required license renewal fee or to submit any form or document required for renewal within thirty (30) days following the annual August 1 due date shall be considered abandonment of the Short-Term Rental License and the license shall expire. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

b. Periodic Re-inspection. Every Short-Term Rental License shall be subject to re-inspection of the Dwelling Unit by the City Building Official or designee at the City's discretion, but no less than every three (3) 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 reserves the right to modify inspection requirements to ensure compliance with any standards required by the City. The City shall notify the Owner of required re-inspections 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 re-inspection by the City Building Official or designee and must correct any identified deficiencies. All follow-up inspections due to failed items on the City-published inspection list will be subject to additional inspection fees. Failure to arrange for the re-inspection 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 expire. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

c. The Owner of a Short-Term Rental shall be required to schedule and pass a Short-Term Rental 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. [Added by Ord. No. 16-05, 12/7/16; amended by Ord. No. 21-06, 9/8/21]

d. Upon notification that a licensed Short-Term Rental is noncompliant with a City Ordinance, law, regulation, or there is a health and safety concern, a re-inspection shall be conducted by

the City Building Official or designee. [Added by Ord. No. 16-05, 12/7/16; and amended by Ord. No. 21-06, 9/8/21]

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. [Added by Ord. No. 16-05, 12/7/16]

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 re-apply 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.

1. Violating any provision in this Ordinance, as well as non-compliance with any term or condition of a Short-Term Rental License, violating Manzanita Ordinance 16-03, or violating any City or State law, may result in revocation of a license, denial of an application to renew a license, and enforcement and penalties as outlined in this Ordinance and in Manzanita Ordinance 15-01. Licenses that are terminated for non-renewal, non-payment, expiration or abandonment shall not be considered a revocation of a license.

2. In the sole discretion of the City Building Official, where a Building Code or Ordinance violation exists at a Short-Term Rental that presents an immediate Serious Fire or Life Safety Risk, the City Building Official may immediately revoke the Short-Term Rental License as an emergency revocation. The City Building Official shall provide written documentation (in layman's terms) of the violation and reason for revocation prior to leaving the inspection site.

3. Upon an emergency revocation, the Short-Term Rental shall not be Rented or used as a Short-Term Rental.

4. At any time following the emergency revocation of a Short-Term Rental License pursuant to this subsection, the City Building Official may reinstate the license upon a re-inspection by the City Building Official verifying that the subject Building Code or Ordinance violation has been corrected.

[Amended by Ord. No. 21-06, 9/8/21]

c. Compliance. Three (3) or more violations of this Ordinance related to the same Short-Term Rental within one (1) year or if there have been three (3) or more violations of other City Ordinances related to the same Short-Term Rental within one (1) year, may result in revocation of the license or the denial of an application to renew a license. Violations include but are not limited to non-compliance with the requirements of this Ordinance. Failure to comply with Transient Lodging Tax Ordinance 16-03 shall (1) result in an immediate violation and (2) provide grounds for immediate revocation of the Owner's Short-Term Rental License. [Added by Ord. No. 21-06, 9/8/21]

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.

ORDINANCE NO. 21-06

PASSED FIRST READING by the Council this 4th day of August, 2021.

PASSED SECOND READING by the Council this 8th day of September, 2021.

APPROVED by the Mayor this 8th day of September, 2021.

Michael Scott, Mayor

ATTEST:

Leila Aman City Manager/Recorder