

**CITY OF YACHATS
ORDINANCE NO. 311**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 4.08
TRANSIENT RENTAL LICENSES AND ESTABLISHING A PROCEDURE FOR
LICENSING**

WHEREAS, City Council established a Transient Rental Task Force to find ways to reduce the number of neighborhood conflicts and complaints related to transient rental of single family homes; and

WHEREAS, Task Force members were selected to represent the several viewpoints of those with a particular interest in the topic; and

WHEREAS, the Task Force investigated and discussed the types of issues that lead to conflict and the various approaches to reduce that conflict then made recommendations to City Council regarding possible amendments to the Municipal Code and licensing procedures; and

WHEREAS, City Council reviewed the recommendations at their meeting on January 12, 2012 and discussed additional modifications then directed staff to draft an Ordinance to implement the recommended changes;

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1 Yachats Municipal Code Amendments

The Yachats Municipal Code, Chapter 4.08 – Transient Rental Licenses is hereby amended to read as follows:

Chapter 4.08 - Transient Rental Licenses

Sections:

4.08.010	Purpose.
4.08.020	Definitions.
4.08.030	Standards.
4.08.040	Inspection, license and annual fee.
4.08.050	Complaints.
4.08.060	Violations--Penalties.

Section 4.08.010 Purpose.

The transient rental license is in recognition of the desire of many owners to rent their property on a short term basis and to provide for the orderly use and regulation of such rentals to preserve the health, safety and welfare of the community. [This use shall not adversely affect the residential character of the neighborhood.](#) These standards and procedures are in the addition ~~of to city~~ [City](#) ordinances and federal

and state laws and regulations. The purpose of an inspection is to ensure the health and welfare of the occupants. (Ord. 148 § 1, 1992)(Ord. 291a, Amended, 11/09/2010)

Section 4.08.020 Definitions.

"Contact person" means the owner or a person with the authority to take action or make decisions concerning the management of the property.

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

"Incident" means an offensive activity or breach of the standards.

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

"Rental Occupant" means a person over the age of four years who occupies a rented dwelling unit.

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

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

"Transient rental" means a single-family dwelling, duplex or triplex which is rented or available for rent for a period of less than thirty (30) days, such as by the day or week. The dwelling may consist of individual units or be in a contiguous form to be considered a transient rental dwelling, however, each individual unit is to be considered separately for licensing and regulation purposes. A home which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a transient rental. (Ord. 148 § 2, 1992)(Ord. 291a, Amended, 11/09/2010; Ord. 226, Amended, 01/15/2002)

Section 4.08.030 Standards.

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

A. Rental facility should 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.

B. A contact person or agent within the local 547 or 563 calling area or one who resides or maintains an office within the zip code boundaries for Yachats and Waldport must be identified on the application and available by phone at all reasonable times (eight a.m. to eleven p.m.) and ~~immediately~~ respond in a timely manner if there is a problem during the dwelling's use as a transient rental. The name and phone number of the contact person shall be posted inconspicuously on the transient rental building, but where a neighbor can easily read it.

C. One ~~off-street~~ on property parking space shall be provided for each bedroom in the dwelling, but in no event shall fewer than two spaces be provided. This provision shall be waived for any existing transient 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. Required parking will be unimpeded, ~~surfaced~~, useable and available to renters. The parking shall be mapped and posted in the home, and a copy given to the City.

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

E. 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 transient rental.

F. ~~The use shall not adversely affect the residential character of the neighborhood.~~ The maximum allowable number of overnight occupants shall be two persons per sleeping area plus two additional persons. The rental agent shall match the number of persons and vehicles to the particular property being rented. ~~Tents~~ Recreational Vehicles, campers, tents and similar structures shall not be allowed on transient rental properties. Parking a boat trailer of moderate size, with or without a boat, is permitted as a substitute for one vehicle.

G. Weekly solid waste collection service shall be provided. A sufficient number of suitable garbage receptacles shall be provided. 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.

H. Each transient 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.

I. 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.

~~I.J.~~ Transient rental licenses are non-transferable.

~~J.K.~~ The licensee must comply with the requirements of the transient room tax ordinance as a condition for issuance or renewal of a transient rental license.

L. 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. (Ord. 191, 1997: Ord. 148 § 3, 1992)(Ord. 291, Amended, 10/15/2010; Ord. 237, Amended, 08/15/2003; Ord. 226, Amended, 01/15/2002)

Section 4.08.040 Inspection, license and annual fee.

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

Complaints received by the ~~city~~City may trigger a re-inspection.

All licenses shall be obtained prior to any rental of the property. The required application and license fee are due on January 1st of each year for the fiscal year commencing with that date and are delinquent on February 1st. The delinquency fee will be set by resolution. (Ord. 199 § 1, 1997: Ord. 148 § 4, 1992)(Ord. 291, Amended, 10/15/2010; Ord. 284, Amended, 09/22/2009)

Section 4.08.050 Complaints.

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

A. When~~If~~ a complaint is filed that is verified by the City to be valid, the owner and Agent, if any, will be notified in writing by mail or email and provided with a copy of the complaint. Either the licensee or Agent will be required to meet with a City official to discuss means by which further

complaints may be avoided. If the licensee fails to meet this requirement with a reasonable amount of time, the City Recorder will prepare a report for City Council action.

B. Upon a second complaint, ~~that is verified by the City to be valid,~~ the owner and Agent, if any, will again be notified in writing by mail or email and provided with a copy of the complaint.. Either licensee or Agent will again be required to meet with a City official to further discuss mean by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time the City Recorder will prepare a report for City Council action.

C. ~~Upon a third complaint, may result in the immediate loss of the transient rental license,~~ within a 90 day period, that is verified by the City to be valid, the owner and Agent, if any, will be notified in writing by mail or email and provided with a copy of the complaint..

a. The City Recorder may schedule a hearing and prepare a report for City Council action;
b. The City Council may schedule a hearing;
c. Either the City Recorder or City Council may, without a hearing, revoke the license immediately.

d. In the event that a license is revoked, the applicant or license holder shall have the right of appeal. The written notice of appeal to the Council shall be filed with the City Recorder within fifteen (15) days.

~~— The cityCity recorder Recorder shall provide a complaint form in triplicate with the city, notify the licensee and the contact person/agent receiving a copy when a verified complaint is received at City Hall.~~

~~The cityCity rRecorder shall prepare a report to Council based on complaints received. A hearing may be scheduled.~~

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

1. ~~Generation of excessive traffic~~Non-compliance with transient rental license standards as stated in Section 4.08.030.;

2. Monopoly of on-street parking;

3. Other offensive activities not in harmony with the residential neighborhood such as trespass, excessive noise or pets running loose;

~~4. Non-compliance with transient rental license standards.~~

The ~~cityCity council~~Council, upon hearing the evidence, may: (1) approve the license as it exists; (2) revoke the license; (3) impose appropriate restrictions on the operation of the license. (Ord. 148 § 5, 1992)(Ord. 226, Amended, 01/15/2002)

Section 4.08.060 Violations--Penalties.

It is unlawful for any person so required to fail or refuse to apply for a license, or operate without a license as required herein. Any person who violates any provisions of this chapter commits a Class B civil infraction and shall be subject to the procedures and penalties of Chapter 1.12, as now constituted or hereafter amended, revised or repealed. (Ord. 185 § 4, 1996: Ord. 148 § 6, 1992)

Section 2 – Procedures and Forms

The following Procedures and Forms, attached and herewith made a part of the Ordinance, are hereby adopted:

Exhibit “A” – Licensing Procedures

Exhibit “B” – Complaint Process

Exhibit “C” – Code Enforcement Officer’s Checklist

Exhibit “D” – Basic Visitor Rules Placard

PASSED AND ADOPTED by the City Council of the City of Yachats on this _____ day of _____.

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

APPROVED by the Mayor this ____ day of _____.

Attest:

Ronald L Brean, Mayor

Nancy Batchelder, City Recorder

Transient Rental Licensing Process

To initiate the Transient Rental License process for either a new license or reinstatement of a lapsed license, the Applicant can

- request an application by mail;
- download an application from the City website/document library; or
- pick up an application at City offices.

The applicant can request additional information from City staff in person, by phone, and by email.

In addition to the application form, the applicant will be given:

- The Code Enforcement Officers Inspection Checklist.
The checklist is provided to the applicant before the inspection so the applicant knows what the requirements are before the inspection and can take appropriate action to bring the property into compliance prior to inspection.
- The Basic Visitor Rules placard.
Basic Visitor Rules must be prominently posted on the inside of the principal exit door of each licensed property.

When the application is submitted:

- Application must be accompanied by the appropriate fees.
- When an applicant for a transient rental license has not engaged in business during the calendar year until after August 1st, the required fee for the license shall be reduced by one-half. Inspection Fee is not discounted.
- Fees may be paid by cash, money order, check, or credit card.
- If access to the proposed rental crosses private property via an easement, right-of-way, or other conveyance, then written evidence of the right to use the access in this manner is required.
- A map of the parking areas for the proposed rental must be included with the application.
- City staff review the application for completeness only.

If application is incomplete, City staff will contact the applicant to request missing information.

Once application is complete with fees and required supplemental documents, application goes to Code Enforcement Officer.

Code Enforcement Officer schedules an inspection of the property.

If inspection reveals the property is not in compliance with City Code and all applicable laws, including O.R.S, O.A.R. and the State Fire Marshal, Code Enforcement Officer notifies the applicant of the deficiencies. Once the deficiencies have been corrected the Code Enforcement Officer will inspect the property again.

If proposed rental meets all requirements, the Code Enforcement Officer signs the Application form.

Applicant/manager signs off on the Code Enforcement Officer's checklist to acknowledge they understand all listed requirements, and have received and posted the Basic Visitor Rules placard

Code Enforcement Officer returns the signed Application form and a copy of the completed checklist signed by the Code Enforcement Officer and the Applicant to the City Recorder.

City Recorder verifies the management contact information on the application.

City Recorder approves and issues license to the applicant, and provides Certificate of Authority for collection of Transient Lodging Tax.

Owner or Manager of licensed rental posts Certificate of Authority in a conspicuous place in the rental.

Owner or Manager of licensed rental posts local contact information on outside of rental structure where it is easily accessible to neighbors without the necessity of interacting with any on-site tenants.

Owner or Manager may then proceed to rent the accommodation.

Owner of transient rental must comply with the requirements of the Yachats Municipal Code 4.08 Transient Room Tax.

Approximately 30 days before renewal of license is due, City Recorder notifies all holders of current licenses that renewal fees and updated information are due.

The required application and license fee are due on January 1st of each year for the calendar year commencing with that date and are delinquent on February 1st.

- Renewal applicant will receive, with the renewal form, the Basic Visitor Rules placard to be posted on the inside of the principal exit door of the rental property.
- Renewal applicant will sign the renewal form, and an acknowledgment they received a new copy of the Basic Visitor Rules placard and understand the posting requirement.

When license fee is received along with a completed and signed application showing any changes in information, and applicant attests that all standards have been met, City Recorder will renew the license for another calendar year.

When a license has been active for five (5) consecutive years, the Code Enforcement Officer will inspect the rental to ascertain whether or not it is compliant with all requirements.

Applicant/manager is responsible for ensuring that Basic Visitor Rules remains posted.

When an owner or agent requests additional Basic Visitor Rules placards to replace lost or damaged ones, the City will provide them.

Complaint Process

The complaint process will be made readily available to all, beginning with a simple step-by-step description on the City website.

The complainant is expected to initiate the process while the out of compliance incident is occurring or when they first become aware that a property is not in compliance with the regulations.

If complainant attempts to contact property manager/owner as posted on property, and the phone number is invalid, a formal complaint may be filed with the City, even if the issue has been resolved since an invalid phone number short circuits the entire process and is, in and of itself, out of compliance with requirements.

If the complainant attempts to contact property manager or owner as posted on property, and leaves a message, then the manager/owner is expected to respond promptly. If two hours have passed since the message was left and the property manager/owner has not responded, a formal complaint may be filed with the City, even if the issue has been resolved.

If the complainant successfully contacts property manager or owner as posted on property, the manager or owner is expected to respond promptly. If two hours have passed since the contact was made and the property manager or owner has not resolved the issue, then the complainant is expected to make a second call to the property manager or owner. If within an additional two hours the issue has not been resolved, a formal complaint may be filed with the City, even if the issue has been resolved outside the time limit.

When a City official, as designated in Section 1.12.040 (Enforcement authority and issuance of citations) observes that a property is not in compliance, then the City official has three options to be selected on the basis of severity, persistence, and repetition of the non-compliance. The options, listed in order of severity are 1) take the same steps as outlined above for any complainant; 2) file an official complaint; or 3) in the most severe instances, cite the license holder.

When the City official chooses option 1 (to follow the process available to any complainant) he will limit his contact to the owner or agent and allow them to interact directly with the renter as needed.

When a formal complaint is filed with the City

- All complaints shall be in writing on a form provided by the City Recorder and signed by the complainant. The complainant must show or attest that they have made a timely attempt to resolve the issue with the person officially responsible for management of the property.
- All complaints filed with the City shall be verified by the City for validity.

When a complaint is filed that is verified by the City to be valid, the owner and Agent, if any, will be notified in writing by mail or email and provided with a copy of the complaint. Either the licensee or Agent will be required to meet with a City official to discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement with a reasonable amount of time, the City Recorder will prepare a report for City Council action.

Upon a second complaint, that is verified by the City to be valid, the owner and Agent, if any, will again be notified in writing by mail or email and provided with a copy of the complaint.. Either licensee or Agent will again be required to meet with a City official to further discuss mean by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time the City Recorder will prepare a report for City Council action.

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

- The City Recorder may schedule a hearing or prepare a report for City Council action;
- The City Council may schedule a hearing;
- Either the City Recorder or City Council may, without a hearing, revoke the license immediately.

In the event that a license is revoked, the applicant or license holder shall have the right of appeal. The written notice of appeal to the Council shall be filed with the City Recorder within fifteen (15) days.

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

Non-compliance with transient rental license standards as stated in Section 4.08.030;

Monopoly of on-street parking;

Other offensive activities not in harmony with the residential neighborhood such as trespass, excessive noise or pets running loose;

The City Council, upon hearing the evidence will adopt its findings, which may include:

- (1) approve the license as it exists;
- (2) revoke the license;
- (3) impose appropriate restrictions on the operation of the license.

10

TRANSIENT RENTAL BASIC VISITOR RULES PLACARD

The City will provide the following Basic Visitor Rules placard for each licensed property. The purpose of the placard is to educate renters.

[The possibility of eviction would be determined and carried out by the owner or agent; this is NOT an eviction by the City. Adding "by Order of the City of Yachats" was deemed useful to enhance the importance of the rules.]

Basic Visitor Rules

Pets must be controlled at all times by a leash and/or effective voice command.

Person having the custody or possession of a dog shall clean up after the dog.

Maximum number of occupants for this rental unit is _____.

Maximum number of overnight vehicles for this rental unit is _____.

Maximum number of daytime vehicles for this rental unit is _____.

No excessive noise between the hours of 10:00 PM and 7:00 AM.

All garbage or trash must be placed in the garbage container before departure.

Violation of these basic rules can result in eviction.

by Order of the City of Yachats