

YACHATS CITY RECORDER'S REPORT

BY NANCY BATCHELDER, CITY RECORDER

March 2010

Request for Code Change regarding Transient Rental complaints

Last month staff was asked for input regarding the request for a change in the Code to include the Code Enforcement Officer as a contact person for people wanting to file a complaint about a transient rental.

I believe that it is important for any person wishing to talk to the contact person or property owner directly. They are the ones that have authority to go onto the property, deal with the renters, or correct the problem. If the problem is serious enough or involves a crime the Sheriff's office should be contacted. I do not think that the Code Enforcement Officer would be able to do anything more than try to contact the property owner or contact person anyway as they do not have the authority to go on private property or contact the renters. The Code Enforcement Officer is not a police officer.

The City Code provides a process for complaints as it relates to the *issuance and retention* of a license. I understand that the process was developed as a way to provide the neighbors with some relief from chronic problems and that it was never intended to correct or solve the problems as they were happening.

The Code requires that all transient rentals have the name and phone number of the contact person posted so that neighbors will know who to call. The Code Enforcement Officer did verify which homes are lacking the required posting and letters have gone out reminding those owners that they need to comply.

Following is the response I got from the Lincoln City employee who deals with these issues:

My name is Timothy Novak and I was hired on at the beginning of 2008 specifically and primarily to enforce our vacation rental dwelling (VRD) ordinance.

We also require a local contact company or person and provide their name and information to neighbors within 250 feet of the VRD. If the neighbor has a complaint, I strongly encourage them to contact the local contact first and give them the opportunity to resolve the issue. I also welcome them to inform me if they would like. Generally people call complaints in, but if they want it to be official, they need to fill out an "incident report" form (see attached). The incident report forms are kept confidential to the extent the law allows and are important in cases where there are repeat violations which require stronger enforcement action, up to and including a citation and the revocation of their VRD License.

As far as the time and money spent on my position, I believe I was hired with the expectation that 3/4 of my time would be devoted to VRD-related work, including enforcement and permit processing. As to how my position is budgeted, my wages are paid for through the general fund.

Sincerely,

Timothy Novak
Planning Permit Technician
City of Lincoln City, OR.
(541) 996-1226

Following the City Council's approval of the LID plan last month, I drafted the Resolution memorializing that action and the Ordinance for estimated assessments. I also mailed the notices to all property owners regarding that estimated assessment. Once the work has been completed and the final costs are known another Ordinance will be drafted and the final assessments determined.

I asked Debrah to check with our software vendor to see if they have any special software to track LIDs. They do not. They have a property tax module that we could "tweek" to use for billing but it would not track the expenses. I also checked online and was only able to find a couple of expensive specially software applications. So, I have started working on a spreadsheet to keep track of the expenses as we go. It will be a challenge to track the expenses in such a way to ensure that the owners are only assessed for the work specifically required for their lot – but I love an accounting challenge! I will tackle the billing part of the project when I find out who is going to request installments and who will be paying in full.

I sent out the letters to the property owners regarding the naming of a private road near and into the Creekside Development. This item is on the City Council agenda this month.