

**CITY OF ROCKAWAY BEACH, OREGON
ORDINANCE NO. 22-442**

**AN ORDINANCE REGULATING THE IMPACTS OF SHORT-TERM RENTALS
WITHIN THE CITY OF ROCKAWAY BEACH AND CREATING A NEW CODE
CHAPTER 113**

RECITALS:

1. The City Council is concerned for the health and welfare of the residents of Rockaway Beach and find that short-term vacation rentals can impact residents' enjoyment of the City and their property.
2. The City Council is also concerned with the health and welfare of visitors to the City that may stay in a private home acting as a short-term vacation rental.
3. In order to balance the interests of neighbors, vacationers, and vacation rental owners, the City Council finds that this ordinance strikes the correct balance and directs the implementation of this ordinance to also take into account the proper balance between these interests.

Now, therefore, the City of Rockaway Beach ordains as follows:

Section 1. The City of Rockaway Beach Code of Ordinances is hereby amended to add a new Chapter 113 as follows:

CHAPTER 113: SHORT-TERM RENTALS

§ 113.01 Definitions.

Dwelling Unit. A building or portion thereof which contains separate living facilities, including provisions for sleeping, eating, cooking and sanitation. A dwelling unit is evidenced by one or more of the following features: 1) refrigeration and cooking capabilities, 2) a sink intended for meal preparation, not including a wet-bar, 3) a dishwashing machine, 4) a separate and distinct entrance door, or 5) a separate utility meter.

Condominium. A building or complex containing a number of individually owned apartments or houses which share a common point of access.

Local Agent. Any Person who has been contracted by the owner and has full authority to act on the owner's behalf.

Off-Street Parking. A parking space designated to the dwelling unit not located in the public right of way or street and located within the property lines of the licensed property.

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.

Overnight. A stay at a short-term rental that lasts for the duration of the evening/night.

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.

Rental Unit. A single dwelling unit that provides complete and independent living facilities.

Renter. A person or group of persons renting a dwelling unit for a period of less than thirty (30) consecutive days.

Short-Term Rental. - The use of a residential dwelling unit by any person or group of persons entitled to occupy the dwelling unit for rent for a period of less than thirty (30) consecutive days.

Short-Term Rental License. A permit to operate a short-term rental in accordance with this Chapter. The licensing year is July 1 to June 30 of the following year and the fee of which is not subject to proration.

§ 113.02 Short-Term Rental License Application and Application Procedures.

(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 may apply for a short-term rental license. A license application shall not be accepted or processed until fines related to any violation of the City Code related to the subject property are paid in full. A license application shall not be accepted or processed until all corrective actions related to any violation of the City Code related to the subject property are completed to the City's satisfaction. No person shall occupy, use, operate or manage, or offer or negotiate to use, lease or rent, a dwelling unit for short-term rental unless issued a short-term rental license by the City.

(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. 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. At the time of application, an application fee as determined by resolution of the City Council shall be paid to the City. Incomplete application packets shall not be accepted or processed. After one resubmittal, all additional resubmittals for the same property shall require payment of additional application fees. Failure of the owner to supply complete information for the short-term rental application process within 30 days of the initial application submission shall result in the expiration of the application. Applicants can request in writing for a one time only 30-day extension after receiving communication of an incomplete application.

(C) Separate Licenses; Non-Transferability. Each dwelling unit shall have a separate short-term rental license. More than one license may be issued for dwelling units 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 transfer of ownership.

(D) License Renewals. All short-term rental licenses must apply for renewal annually for the period of one year from July 1 of the current year to June 30 of the following year. Renewals will be issued so long as all requirements in this Chapter continue to be met, a renewal

application is submitted, and applicable fees are paid. If the owner is out of compliance with the provisions of this Chapter or other City Code regulation or requirement related to the licensed property, 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 this Chapter or Transient Lodging Taxes related to the licensed property are outstanding. A license shall not be renewed until all corrective actions related to any violation of the City Code related to the licensed property are completed to the City's satisfaction.

§ 113.03 Application and License Fees.

An annual license fee of \$250 is due prior to issuance of a short-term rental license or renewal. By Council resolution, the City Council shall establish an application fee, a renewal application fee, and any other appropriate administrative charges for the implementation and operation of this Chapter.

§ 113.04 Short-Term Rental Standards.

Owners shall cause each rental unit to meet the following standards:

(A) House Number. Each rental unit must have either a house number or address identifier visible from the street.

(B) On-line Database. The owner or local agent shall provide and maintain with the city either an email address or a contact telephone number for the owner or local agent. The city shall make this information publicly available through an on-line database. The contact information of all owners and local agents shall be kept current with the City.

(C) Identification Sign. The owner or local agent shall provide and maintain a sign which lists the short-term rental license number, email address and a contact telephone number for the owner or local agent. Such signage shall be visible from the street, legible from 10 feet away and shall be no smaller than 93.5 square inches nor larger than 154 square inches. The contact information of all owners and local agents shall be kept current with the City. If the rental unit is within a condominium, the Identification Sign shall be placed on the main entrance door of the unit and be visible to other building occupants.

(D) Parking. Each dwelling unit must provide the minimum off-street parking spaces shown in the chart below, based upon the date the building was constructed or legally converted to its current use. Parking spaces shall measure no smaller than 9' x 18' each. Such spaces shall not be blocked and shall be available to people using the short-term rental at all times. Location and design of parking spaces shall comply with all applicable City standards. Spaces in a garage may count but they must be available for the renter to park in at all times the rental unit is rented. Trailers for boats and all-terrain vehicles may be allowed, but must fit within an off-street parking space allocated to the rental unit used by the owner of the trailer. Renters shall not block nearby driveways or designated fire lanes. 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 or block neighboring driveways and that renters may be cited and fined if this requirement is not satisfied. A diagram of the parking

plan and map shall be required as part of a license application. The maximum number of parking spaces available to the renter shall be conveyed to each renter before the visit.

Date constructed or legally converted	Number of spaces required
Prior to 7/30/1974	No off-street parking requirements
7/30/1974 – 3/24/1980	One off-Street per dwelling unit
On and after 3/25/1980	Two off-Street per dwelling unit

(E) Garbage. During periods of rental unit occupancy, the owner shall provide adequate covered and secured garbage containers in conformance with all related guidelines established by the City. Cans must be secured to prevent animals from knocking them over or getting into them. All garbage must fit within the can and cannot overflow. Owner shall provide the City with evidence that the dwelling unit receives garbage service with each application. Garbage shall be removed a minimum of once per week. The owner or local agent shall notify renters that all garbage must be kept in the secured containers provided for that purpose. No garbage or rubbish may be permitted to leak from containers or vehicles or be strewn upon or scattered over the streets, sidewalks, or other public ways of the city.

(F) Noise. Renters shall not create or cause noise that is offensive to a person of ordinary sensibilities located on the property line of the licensed property between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends.

(G) RVs and Other Temporary Shelters. No recreational vehicle is permitted to be used as a short-term rental unless the recreational vehicle or temporary shelter has been properly permitted as a dwelling unit in the RMD zone. No recreational vehicle, travel trailer or other temporary shelter shall be inhabited or used in conjunction with a short-term rental.

(H) Owner and Local Agent Responsibilities. The owner or local agent shall be able to respond via phone within 30-minutes to complaints and other issues and be able to access the short-term rental. Once a complaint or issue is reported by phone or email, 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 30-minutes. The owner or local agent shall maintain a telephone number listed within the rental unit and at the City by which to be reached 24 hours a day, 7 days a week, year-round.

(I) Proof of Liability Insurance Coverage. Owner shall provide the City with proof of liability insurance covering the licensed property. The liability insurance coverage shall remain active and in effect during the entire time that the property is licensed as a short-term rental.

(J) Emergency Information. The Owner shall post in the dwelling unit information to assist renters in dealing with natural disasters, power outages and other emergencies. The City shall list in the short-term rental license application the minimum information and equipment to be provided by the owner in each dwelling unit.

§ 113.05 Violations and Penalties.

It is a violation of this Chapter for any person so required to fail or refuse to apply for a license, or operate without a license as required in this Chapter. Any person who violates any provisions of this Chapter is subject to a civil penalty of up to five hundred dollars (\$500) per violation, with each day of a continuing violation constituting a separate violation. The third violation within any consecutive twelve (12) month period shall result in revocation of the short-term rental license for twelve (12) months, after which time the owner may reapply for a new license

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.

Section 2. Severability Clause. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part of this ordinance shall not affect the validity of the remaining parts to this ordinance.

Section 3. Effective Date. Pursuant to the Rockaway Beach City Charter, this ordinance shall become effective on the thirtieth day after its adoption.

1st reading by the Rockaway Beach City Council 8/10/22
2nd reading by the Rockaway Beach City Council 8/10/22

Adopted and Approved by the Rockaway Beach City Council 8/10/22



Susan Wilson, Mayor.

City Council	Aye/Nay
Mary McGinnis	X/
Tom Martine	X/
Kristine Hayes	/
Terry Walhood	X/
Penny Cheek	X/

Attest:


Luke Shepard, City Manager