

**CITY OF ROCKAWAY BEACH, OREGON**

**ORDINANCE NO. 17- 428**

**AN ORDINANCE AMENDING THE ROCKAWAY BEACH CODE OF ORDINANCES, SECTIONS 34.02 AND 34.17, AND ORDINANCE 13-419 ALL RELATING TO LOCAL TRANSIENT LODGING TAXATION.**

**RECITALS / FINDINGS:**

1. The Rockaway Beach City Council on its own recommendation finds it is in the general health, safety and welfare interests of the citizens of Rockaway Beach, Oregon, to amend Rockaway Beach Code of Ordinances (RBCO or Code), Sections 34.02 and 34.17 (relating to local transient room taxes).
2. The Rockaway Beach Code of Ordinances (“Code”) was first adopted in February 2008, and was reaffirmed and adopted by ordinance on September 14, 2011.
3. Rockaway Beach Code Sections 34.02 and 34.17 relating to Local Transient Lodging Taxation was last amended on October 9, 2013, by Rockaway Beach Ordinance #13-419.
4. This ordinance is necessary for the preservation of the general health, safety and welfare interests of the citizens of Rockaway Beach.

**NOW, THEREFORE, THE CITY OF ROCKAWAY BEACH, OREGON, ORDAINS AS FOLLOWS:**

**Section 1.** RBCO Section 34.02 (Transient Room Tax) is amended to change the 9% tax requirement to a 10% tax. The first sentence in that section is amended to read: “As required in the city, for the privilege of occupancy in any short term rental, each transient shall pay a tax in the amount of 10% of the rent charged by the operator.”

**Section 2.** RBCO Section 34.17 (F) is amended to read as follows:  
“(F) *Allocation of funds collected.* The first 5% of the money collected pursuant to this chapter shall be allocated by the City Council to any one or more of the following during any one fiscal year as follows: fire and rescue equipment, police services and equipment, promotion and tourism, street and parking improvements, parks and recreation services and equipment, land acquisition and capital improvements, city beautification and urban renewal, provided, however, that no more than 40% of the total funds shall be allocated to any one category during one fiscal year. The next 2% of the money collected pursuant to this chapter shall be allocated in its' entirety to media advertising to promote tourism, economic development and a positive business environment in Rockaway Beach. The balance of 3% of the money collected pursuant to this chapter shall be allocated, following reductions attributed to collection reimbursement charges, consistent with ORS 320.350 (5) & (6).”<sup>1</sup>

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<sup>1</sup> 320.350 (5) & (6) read as follows: “(5) Subsections (1) and (2) of this section do not apply to a new or increased local transient lodging tax if all of the net revenue from the new or increased tax, following reductions attributed to collection reimbursement charges, is used consistently with subsection (6) of this section to:

**Section 3.** This ordinance amendment is intended to preserve City's transient room tax and rate existing on July 1, 2003, to preserve City's transient room tax and rate as amended on October 19, 2013, and to increase it. The 1% increase here above City's current transient room tax rate is subject to the State's restrictions and exceptions in ORS 320.350 currently in effect. Further to correct the record in Rockaway Beach City Ordinance 13-419, the reference in Section 3 therein to "July 1, 2013" should have read, and by this ordinance is amended to now read, "July 1, 2003".

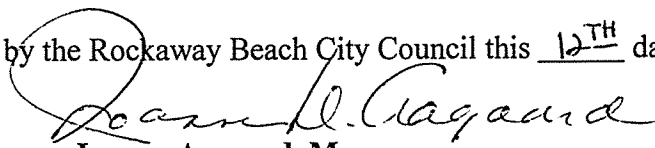
**Section 4. Savings.** Should any clause or section of this ordinance, amendment and/or Code be declared by a court to be void or voidable, the remainder of this ordinance, amendment and Code shall remain in full force and effect.

**Section 5. Effective Date.** This ordinance shall be effective on October 1, 2017.

PASSED 1<sup>st</sup> reading by the Rockaway Beach City Council this 14<sup>TH</sup> day of June 2017.

PASSED 2<sup>nd</sup> reading by the Rockaway Beach City Council this 12<sup>TH</sup> day of July 2017.

ADOPTED and APPROVED by the Rockaway Beach City Council this 12<sup>TH</sup> day of July 2017.




Joanne Aagaard, Mayor

**Adoption Roll Call Vote:**

**City Council:**  
Kristine Hayes  
Jonathan Beeman  
Sue Wilson  
Terry Wallhood  
James Doyle

**(Aye / Nay)**  
X /  
X /  
/  
X /  
X /

ATTEST:  
  
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Lars Gare, City Manager.

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- (a) Fund tourism promotion or tourism-related facilities;
  - (b) Fund city or county services; or
  - ( c ) Finance or refinance the debt of tourism-related facilities and pay reasonable administrative costs incurred in financing or refinancing that debt, provided that:
    - (A) The net revenue may be used for administrative costs only if the unit of local government provides a collection reimbursement charge; and
    - (B) Upon retirement of the debt, the unit of local government reduces the tax by the amount by which the tax was increased to finance or refinance the debt.
  - (6) At least 70 percent of net revenue from a new or increased local transient lodging tax shall be used for the purposes described in subsection (5)(a) or (c) of this section. No more than 30 percent of net revenue from a new or increased local transient lodging tax may be used for the purpose described in subsection (5)(b) of this section.”