

ORDINANCE NO. 10-02

AN ORDINANCE AMENDING SECTION 6.030 OF ORDINANCE 95-4 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; and

WHEREAS, Ordinance 95-4 must be amended to delete references to licensing procedures and standards that are not land use related; now therefore

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

Section 1. Section 6.030 (3) of Ordinance 95-4 is hereby amended to read as follows:

“Section 6.030 General Provisions Regarding Accessory Use. An accessory use shall comply with all requirements for a principal use, except as this Ordinance specifically allows to the contrary, and shall comply with the following limitations:

3. Short Term Rental. A short term rental operated according to the following standards and procedures:

a) A cap shall be placed on short term rentals in the R-2, R-3 and the SR-R zones. This cap shall be 17.5% of the dwelling units within these zones. This percentage cap is based on the ratio of registered short term rentals to the total number of dwelling units in the R-2 and R-3 zones as of January 5, 1994, the date this cap was initially established for the R-2 and R-3 zones. [Amended by Ord. 06-03, passed 9/18/06]

b) Any property owner who proposes to operate a short term rental shall make application to the City upon suitable forms furnished by the City. The application shall be signed by all persons shown as owners of the property by the most recent Tillamook County Assessor’s tax records. A property owner shall have only one short term rental permit. Where a property owner held more than one permit prior to January 5, 1994, those permits shall remain valid until sale or conveyance of the property. Where a property owner within the SR-R zone held a permit prior to September 18, 2006, that permit shall remain valid until sale or conveyance of the property, and that property shall not be included in the calculation of the percentage cap on short term rentals under subsection (a) of this section until such time as the permit is no longer valid.

~~The short term rental permit is issued to the owner and does not transfer with the sale or conveyance of the property. At the time of initial application, the dwelling unit shall be subject to inspection by the Building Official or his designee. The purpose of the inspection is to determine the conformance of the dwelling with the requirements of the State of Oregon Residential Specialty Code. Smoke detectors are required and must be operable.~~ [Amended by Ord. 06-03, passed 9/18/06]

- e) ~~— An approved visible house number is required.~~
- d) ~~— There shall be provisions for regular garbage removal. Garbage containers shall be secured and placed behind the dwelling.~~
- e) ~~— Off street parking for a minimum of 2 vehicles and a maximum of 4 shall be provided. All vehicles must be parked off the street and on the property of the dwelling being used as a short term rental. For the purposes of this Section, a vehicle includes but is not limited to cars, trucks, RV's, boats and their trailers and motorcycles. Guests of a short term rental shall complete a registration form for each vehicle which will be parked at the rental site. Registration forms shall be completed according to the instruction contained on the form. Location and design of parking spaces shall comply with all applicable City Ordinances.~~
- f) ~~— The property owner shall designate a representative who permanently resides within the 368 telephone prefix area. The owner may be the designated representative where the owner resides in the 368 telephone area. Where the owner does not reside in the 368 area, the owner shall designate a resident in the 368 telephone prefix area as his representative. The representative shall serve as a contact person if there are questions regarding the operation of the short term rental. The owner is responsible for the operation of the short term rental and ensuring that it complies with all applicable City Ordinances and regulations. The name, address, and telephone number of the representative shall be clearly posted in the dwelling and also registered with the City.~~
- gc) Owners and guests of short term rentals shall obey all applicable Ordinances and regulations of the City. Any individual found in violation of a City Ordinance shall be subject to the enforcement and penalty provisions contained in the applicable Ordinance. Any property owner who operates a short term rental dwelling in violation of the conditions of this Section shall be subject to the Abatement and Penalty provisions of Section 11.040.

In addition to the penalties specified in Section 11.030, the City may determine that an appropriate penalty is the revocation of the short term rental permit. The City Council shall hold a hearing on a proposed revocation of a short term rental permit. 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 permit; attach conditions to the existing permit; or revoke the permit. Should a permit be revoked, the owner may reapply for a new permit 1 year after the date of revocation. [Section 6.030(3)(a) (g) created by Ord. 94-3, passed April 20, 1994].”

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.

Garry R. Bullard, Mayor

ATTEST:

Jerald P. Taylor, City Manager/Recorder