

ORDINANCE NO. 10-03
(As amended by Ord. No. 21-04 5/5/2021)

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS
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; now therefore

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

Section 1. Definitions.

a) For the purpose of this Ordinance, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory, and the term "this Ordinance" shall be deemed to include all amendments hereafter made to this Ordinance.

b) The following words and phrases, as used herein, shall have the following meanings:

Dwelling Unit. Means one or more rooms occupied, designed or intended for occupancy as separate living quarters, and containing four (4) or more of the following:

- refrigeration
- cooking facility (including cooking stove, hot plate, range hood, microwave, or similar appliance) or wiring or venting to support same
- dishwashing machine
- sink intended for meal preparation (not including a wet bar)
- garbage disposal
- toilet
- shower or bathtub

Local Agent. Any Person who has been contracted by the Owner and has full authority to act on the Owner's behalf for purposes outlined in Ordinance 10-3 Section 4.

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.

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.

Rent. The full consideration charged, whether or not received by the operator, for the occupancy of the Short-Term Rental valued in money or in goods, labor, credits, property, or other consideration valued in money, without any deduction. Except as otherwise provided in

this Ordinance, Rent includes all fees, charges and assessments (including but not limited to processing fees, cleaning fees or fees for maid service and pet fees) charged, assessed or allocated by the operator for the occupancy of the Short-Term Rental, the payment for which is not optional and not refundable. Rent does not include:

1. Any taxes, fees, or assessments levied by any other governmental entity.
2. The sale of any goods or services which are separate and independent from occupancy.

Serious Fire or Life Safety Risk. A building code or Ordinance violation involving those construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety.

Short-Term Rental. A Dwelling Unit that is rented to any Person on a day-to-day basis or for a period of less than thirty (30) consecutive nights.

Short-Term Rental License. A permit to operate a Short-Term Rental in accordance with this and all City Ordinances. The licensing year is August 1st to July 31st of the following year and the fee of which is not subject to proration.

Sleeping Room. A fully-enclosed habitable space with a heat source and an emergency egress or rescue opening meeting the minimum standards of the current Oregon Residential Specialty Code.

Section 2. License required. A property Owner shall obtain and maintain a license as provided in this Ordinance for any qualified Dwelling Unit that is to be used as a Short-Term Rental. A license shall be obtained prior to using a Dwelling Unit as a Short-Term Rental or advertising in any manner the availability of the Dwelling Unit for Short-Term Rental. A Short-Term Rental License shall be surrendered immediately to the City upon sale of the property or cessation of use as a Short-Term Rental at the address named on the license.

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to not immediately surrender a Short-Term Rental License to the City upon sale of the property or cessation of use as a Short-Term Rental at the address named on the license.

a. Short-Term Rental License. The Short-Term Rental License shall state the address of the Short-Term Rental, the name and phone number of the Owner or Local Agent, the maximum allowable number of overnight occupants, the license number, the expiration date of the license, and any other information required by the City of Manzanita. The license shall be prominently displayed in the Rental so as to be seen and readily noticed by any and all occupants. Such license also will serve as the Manzanita Certificate of Authority required by the Manzanita Transient Lodging Tax Ordinance No. 16- 03.

It is a Class A Civil Infraction as provided in Ordinance No. 15-01 to rent or make a Dwelling Unit available for rent as a Short-Term Rental without obtaining the license required by this section or to rent the property on a short-term basis without the current license posted conspicuously in the Rental property as required above.

b. Advertising. All advertising soliciting business for a Short-Term Rental shall include the license number issued by the City of Manzanita to the Owner. All advertisements appearing through any medium including any print, electronic, or audio media, including, but not limited to, advertisements appearing in newspapers, magazines, newsletters, flyers, internet sites, bulletin boards, or any other advertising medium, regardless of origin, distribution method, or distribution location of such medium soliciting reservations or rental availability shall include the Short-Term Rental License number. Such identification shall appear as “MCA #” (Manzanita Certificate of Authority) followed by the City-issued license number in a readable size and font, and be placed in such location that it is readily noticed as a part of the advertisement.

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to place advertising soliciting business by any means for the Short-Term Rental property without having the Short-Term Rental License number included.

Section 3. Short-Term Rental License Requirements.

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 which has passed a final building inspection may apply for a Short-Term Rental License. Applications will be processed in the order received by the City. A license application shall not be accepted nor processed until fines related to any violation of any City Ordinance related to the subject property are paid in full.

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. The application shall identify and be signed by all Persons shown as Owners or having any beneficial ownership in any form of ownership of the Dwelling Unit on the most recent Tillamook County Assessor’s tax records or recorded title. 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. Any additional cost incurred by the City in obtaining verification of such information shall be added to the cost of the license. At the time of application, an application fee as determined by resolution of the City Council shall be paid to the City. The fee shall include the cost of staff time to process the application and the initial Short-Term Rental inspection. Incomplete application packets shall not be accepted nor processed. After one resubmittal, all additional resubmittals for the same property shall require payment of additional application fees. Additional inspections, including pre-purchase inspections, are available for a separate fee. A Short-Term Rental applicant must have the initial Short-Term Rental inspection completed and all deficiencies corrected within three months of the application submittal date. Failure to complete the Short-Term Rental inspection process within three months of the application submittal date shall result in the expiration of the application.

c. Limitations on application. Effective June 4, 2010, a Person holding a Short-Term Rental License or an interest in a property for which a Short-Term Rental License has been issued shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial Ownership, a Short-Term Rental License covering any other property within Manzanita. A Short-Term Rental License may be issued only for a single Dwelling Unit on a single property or for a single Dwelling Unit within a duplex 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 conveyance deed is recorded. If the Owner is an entity, then any transfer of fifty percent or more of all ownership interest in the Owner will also constitute a change of Ownership of the Short-Term Rental. The transfer of the property from (1) a natural Person(s) to a Trust serving the same natural Person(s) or to a family member pursuant to a Trust or (2) the transfer of Ownership pursuant to a will or bequest upon the death of the Owner is not deemed to be a transfer of Ownership for purposes of this Ordinance.

d. Initial inspection. At the time of initial application, the dwelling unit shall be inspected by the City Building Official or designee. The purpose of this Short-Term Rental inspection will be to determine the conformance of the Dwelling Unit with this ordinance and all other standards required by the City. Applicants must correct any identified deficiencies and make corrections consistent with the provisions of the current edition of the Oregon Residential Specialty Code and required City standards prior to issuance of a short-term rental license.

In any case where a property subject to an initial inspection is not approved by the City, the City shall allow thirty (30) days from the date of the initial Short-Term Rental inspection for minor repairs or sixty (60) days from the date of the initial Short-Term Rental inspection for major repairs, at the completion of which the Owner or Local Agent must contact the City of Manzanita for a re-inspection. An additional inspection fee may apply. All re-inspections due to failed items on the City-published inspection list will be subject to additional inspection fees. If the repairs identified in the initial Short-Term Rental inspection are not rectified at the time of re-inspection, the license application shall be invalidated, and the applicant must re-apply and pay the associated application fee. The City reserves the right to modify inspection requirements to ensure compliance with any standards required by the City.

e. License issuance. Except as provided in Section 3(f) below, the Owner shall be issued a license for a Short-Term Rental upon completion of all required forms, inspection approval of the Dwelling Unit by the Building Official or designee, and payment of the annual license fee as determined by resolution of the City Council.

f. Waiting list in certain areas. If the Dwelling Unit is located within the area subject to the cap placed on the number of Short-Term Rentals by Section 6.030(3)(a) of Ordinance 95-4 and no licenses are available, the Owner who is otherwise eligible to receive a license will be placed on a waiting list. The City shall notify the applicant, in writing via regular or electronic mail, of the status of the pending license. If at any time the applicant chooses to withdraw their application from consideration, the applicant must do so in writing. As a license within the capped area becomes available, it will be offered to the Owner whose approved application has been on the list for the longest time. Within one week of notification, the license fee and all forms and documentation required must be submitted to the City. Failure to submit the license fee and required forms and documentation to the City will result in the license being offered to the next applicant on the waiting list.

g. Hardship license. The City Council at its discretion may approve a special hardship license where it is determined that a medical condition, death of a spouse or other extraordinary financial burden is likely to jeopardize the Owner's ability to maintain Ownership of the designated property. The Council may attach a time limit with a hardship license, and this license shall be revoked upon the sale or conveyance of the property.

h. Utilization of License Required. Holders of Short-Term Rental Licenses issued after June 4,

2010, including those issued to Owners on the waiting list described in Section 3(f) above as of June 4, 2010, who report no Rental income for a period of nine (9) months from the initial license issuance date shall be considered as having abandoned the license, and the license shall be automatically revoked. This requirement shall apply to subsequent nine (9) month periods.

i. License Limitation on Listed Property. A property Owner who holds title or a recorded land sale contract to a property which is a currently licensed Short-Term Rental who lists said property for sale, shall limit the extent of future reservations/bookings to no more than forty-five (45) days from the date the reservation was made. Any and all outstanding reservations/bookings, beyond and including the date of the recording of the deed of sale of that property, shall be cancelled.

Section 4. Standards. All Short-Term Rentals shall comply with the following standards. Any Owner, Local Agent or Renter who violates any standards, or allows any standards to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other City Ordinance or State law:

a. House Number. A house number visible from the street must be provided and maintained.

b. Identification Sign. In addition to the signs permitted by Section 4.070 of Ordinance 95-4 the Owner or Local Agent shall provide and maintain a sign attached to the outside of the Dwelling Unit which identifies the Dwelling Unit as a Short-Term Rental and lists a telephone number for the Owner or Local Agent as required under Section 4(d). Such signage shall be visible from the street and shall be no smaller than 72 square inches nor larger than 90 square inches. Such sign shall include the City Short-Term Rental License number for the Dwelling Unit as described in Section 2(b) of this Ordinance.

c. Parking. All Short-Term Rental properties must provide off-street parking spaces for a minimum of 2 vehicles. Such spaces shall not be blocked and shall be available to people using the Short-Term Rental. Location and design of parking spaces shall comply with all pertinent City Ordinances, standards, and policies.

All vehicles that are owned, rented, or otherwise used by Persons sleeping in the Dwelling Unit must be parked on off-street parking surfaces designated and approved by the City. During the course of a Short-Term Rental, the total number of vehicles that (1) are owned, rented, or otherwise used by Persons sleeping in the Dwelling Unit and (2) occupy off-street parking spaces within the City, may not exceed in quantity the number that is one more than the number of bedrooms in the Dwelling Unit. The Persons sleeping in the Dwelling Unit, in the aggregate, may occupy up to one on-street parking space while renting the Dwelling Unit, if a sufficient number of off-street parking spaces are not available for the authorized number of vehicles. Parking shall not, under any circumstances, hinder the potential path of any emergency vehicle. Trailers for boats and all-terrain vehicles may be allowed but shall not exceed the allowable on-street parking for each Short-Term Rental property. Renters may be cited and fined under existing State law or this Ordinance in the event they park illegally.

Vehicles of occupants of a Short-Term Rental in other than the approved off-street and one (1) approved on-street parking spaces shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m. Violators are subject to towing and impoundment.

A parking plan map and notice, identifying the City-approved 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 and that renters may be cited and fined if this requirement is not satisfied.

No recreational vehicle, travel trailer, tent, or other temporary shelter shall be used as, or in conjunction with, a Short-Term Rental. No overnight occupancy or sleeping in a parked vehicle, including recreational vehicles is permitted within the Manzanita city limits.

d. Owner and Local Agent Responsibilities. The Owner or Local Agent shall live within a 10-mile radius of the Short-Term Rental and be able to respond in person within 20-minutes. If the Owner lives outside of a 10-mile radius, the Owner shall contract with a Local Agent.

The Owner or Local Agent shall be available to accept and immediately respond to complaints and other issues on a 24-hour basis at all times and be able to access the Short-Term Rental. Once a complaint or issue is reported, 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 20-minutes.

The Owner or Local Agent shall maintain a consistent telephone number and email address by which to be reached 24-hours a day, 7 days a week, year-round.

The Owner or Local Agent shall post the Short-Term Rental License as required in Section 2(a).

The contact information of all Owners and Local Agents shall be kept current with the City of Manzanita at all times. Any change in contact information shall be submitted to the City on a form provided by the City at least 14 days prior to the date changes will take effect. Once processed by the City, the Owner or Local Agent will be issued an updated Short-term Rental License which shall be posted as required in Section 2(a) before the property is occupied again.

The names and contact information for Owners and Local Agents for purposes outlined in this section shall be publishable for use by the public and other entities to address Short-Term Rental complaints and other issues.

e. Garbage Storage and Removal. During periods of Rental, the Owner shall provide adequate covered and properly secured garbage containers in conformance with all related guidelines established by the City. Before the original license issuance and the annual license renewal, the Owner shall provide the City with evidence that the Dwelling Unit receives side yard or walk-up garbage service from the local franchised garbage hauler. Garbage shall be removed a minimum of one (1) time per week, unless the Short-Term Rental is not being rented. Information providing directions to community recycling facilities shall also be provided in the Dwelling Unit. The Owner or Local Agent shall notify guests that all garbage must be kept in the secured containers provided for that purpose.

f. Emergency Information. The Owner shall provide in the Dwelling Unit information and equipment to assist renters in dealing with natural disasters, power outages and other emergencies. The minimum information and equipment to be provided in the short-term rental shall be as

determined by resolution of the City Council.

g. Payment of Transient Lodging Tax. Proper reporting and payment of transient lodging taxes due to the City under Transient Lodging Tax Ordinance 16-03 shall be made by the last day of the month following the preceding calendar quarter (or by the last day of the month following the preceding month if mandated by the Tax Administrator). Late tax reports or payments are subject to a minimum fine, plus interest and penalties as set out in Transient Lodging Tax Ordinance 16-03, even if there was zero Rent to report. Failure to submit timely reports and make timely payment of Short-Term Rental taxes due may result in revocation of the Owner's Short-Term Rental License. This provision applies to all Persons responsible for transient lodging tax reporting and payment for a given Short-Term Rental.

h. Occupancy Capacity. The maximum allowable overnight occupancy for each Short-Term Rental Dwelling Unit shall be calculated on the basis of two (2) people per Sleeping Room plus an additional four (4) people.

The maximum allowable overnight occupancy of a Short-Term Rental shall be determined at the time a Short-Term Rental License is issued or renewed and shall be posted in a conspicuous location within the Short-Term Rental. That capacity shall not be increased by construction of any addition to the structure covered by the license or by construction of any other structure located on the property. Exceeding the posted overnight occupancy at any time for sleeping purposes is prohibited.

No sleeping area that fails to satisfy the requirements of a Sleeping Room may be used by any Person, or made available by any Owner, for sleeping, and such noncompliant areas shall be equipped with a door that remains locked at all times when the Dwelling Unit is being used as a Short-Term Rental. Such a non-compliant sleeping area shall not be included in the maximum occupancy calculation for the Short-Term Rental. The Owner or the Owner's agent shall notify every renter, in writing or electronically, that the non-compliant sleeping area may not be used for sleeping.

i. Outdoor Lighting. To minimize light pollution, glare, light trespass and to protect the dark skies:

1. Outdoor light fixtures shall be fully shielded by opaque side and top covers or frosted glass and the bulb pointed in a downward direction so that light does not radiate from the sides or top of the fixture.
2. Bulbs shall be "warm" rather than daylight, and either amber or lower emission LED (less than 3000k).
3. Lights shall be turned off when not in use and shall not be left on for more than 12 hours. As an alternative, porch lights may be fitted with motion detectors.
4. Security (flood) lights shall be on motion detectors and must not shine on adjacent houses.

j. Proof of Liability Insurance. Before the original license issuance and the annual license renewal, the Owner shall provide the City with proof of liability insurance coverage on the Short-Term Rental property. This liability insurance coverage shall remain active and in effect during the entire time that the property is licensed as a Short-Term Rental.

k. Noise. No person shall create, permit, or continue unreasonable noise. The hours of 10:00 p.m. until 7:00 a.m. the next day is a required quiet time and there shall be no noise exceeding 55 dBA. Noise levels shall be measured from the public rights-of way where the alleged offense is occurring. Despite the requirements under this Section 4(k), (1) properties located within C-1 and LC zones are limited to no more than 70 dBA during the hours of 10 p.m. to 12 a.m., and (2) sanitation and refuse collection are exempt from the requirements of Section 4(k).

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to violate any of the standards outlined in this section.

Section 5. License Renewals and Re-inspections

a. Renewal Fee. All Short-Term Rental Licenses shall be renewed annually for the period of August 1 of the current year to July 31 of the following year provided all requirements in this Ordinance and Transient Lodging Tax Ordinance No.16-03 continue to be met. If the Owner is out of compliance with the provisions of this Ordinance or any other City Ordinance, regulation or requirement, 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 any City Ordinance or Transient Lodging Taxes related to the subject property are outstanding.

Failure to pay the required license renewal fee, determined by resolution of the City Council, or to submit any form or document required for renewal by the annual August 1 due date shall result in the assessment of a late fee as determined by resolution of the City Council. Failure to pay the required license renewal fee or to submit any form or document required for renewal within thirty (30) days following the annual

August 1 due date shall be considered abandonment of the Short-Term Rental License and the license shall expire.

b. Periodic Re-inspection. Every Short-Term Rental License shall be subject to re-inspection of the Dwelling Unit by the City Building Official or designee at the City's discretion, but no less than every three (3) years. The purpose of this inspection will be to determine the conformance of the Dwelling Unit with the State of Oregon Residential Specialty Code regulations which may be directly related to potential safety issues, and with all other standards required by the City. The City reserves the right to modify inspection requirements to ensure compliance with any standards required by the City. The City shall notify the Owner of required re-inspections at least six (6) months prior to the renewal date of the Short-Term Rental License. The Owner shall pay a fee as determined by resolution of the City Council and arrange for a re-inspection by the City Building Official or designee and must correct any identified deficiencies. In any case where a property subject to an inspection is not approved by the City, the City shall allow thirty (30) days for minor repairs or sixty (60) days for major repairs, at the completion of which the Owner or Local Agent must contact the City of Manzanita for a follow-up inspection. An additional inspection fee may apply. All follow-up inspections due to failed items on the City-published inspection list will be subject to additional inspection fees. Failure to arrange for the re-inspection and complete correction of all identified deficiencies by the annual August 1 renewal due date for the Short-Term Rental License shall be considered abandonment of the Short-Term Rental License and the license shall expire.

c. The Owner of a Short-Term Rental shall be required to schedule and pass a Short-Term Rental inspection when there has been a fire, flood or other event that has caused substantial damage to the structure or when there has been an addition or substantial modification to the structure holding the Dwelling Unit.

d. Upon notification that a licensed Short-Term Rental is noncompliant with a City Ordinance, law, regulation, or there is a health and safety concern, a re-inspection shall be conducted by the City Building Official or designee.

Section 6. Violations and Penalties.

a. Each day in which a property is used in violation of any part of this Ordinance shall be considered a separate violation.

b. Revocation of license. In addition to the penalties specified in this Ordinance, the City may determine that an appropriate penalty is the revocation of the Short-Term Rental License. The City Council shall hold a hearing on a proposed revocation of a Short-Term Rental License. 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 license; attach conditions to the existing license; or revoke the license. Should a license be revoked, the Owner may re-apply for a new license one (1) year after the date of revocation. 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.

1. Violating any provision in this Ordinance, as well as non-compliance with any term or condition of a Short-Term Rental License, violating Manzanita Ordinance 16-03, or violating any City or State law, may result in revocation of a license, denial of an application to renew a license, and enforcement and penalties as outlined in this Ordinance and in Manzanita Ordinance 15-01. Licenses that are terminated for non-renewal, non-payment, expiration or abandonment shall not be considered a revocation of a license.

2. In the sole discretion of the City Building Official, where a Building Code or Ordinance violation exists at a Short-Term Rental that presents an immediate Serious Fire or Life Safety Risk, the City Building Official may immediately revoke the Short-Term Rental License as an emergency revocation. The City Building Official shall provide written documentation (in layman's terms) of the violation and reason for revocation prior to leaving the inspection site.

3. Upon an emergency revocation, the Short-Term Rental shall not be rented or used as a Short-Term Rental.

4. At any time following the emergency revocation of a Short-Term Rental License pursuant to this subsection, the City Building Official may reinstate the license upon a re-inspection by the City Building Official verifying that the subject Building Code or Ordinance violation has been corrected.

c. Compliance. Three (3) or more violations of this Ordinance related to the same Short-Term Rental within one (1) year or if there have been three (3) or more violations of other City Ordinances related to the same Short-Term Rental within one (1) year, may result in revocation of the license or the denial of an application to renew a license. Violations include but are not limited to non-

compliance with the requirements of this Ordinance. Failure to comply with Transient Lodging Tax Ordinance 16-03 shall (1) result in an immediate violation and (2) provide grounds for immediate revocation of the Owner's Short-Term Rental License.

Section 7. Severability. The separate provisions of this Ordinance are hereby declared to be independent from one another; and if any cause, sentence, paragraph, section or part of this Ordinance shall for any reason be adjudged invalid by any court of competent jurisdiction, all remaining parts shall remain in full force and effect.

ORDINANCE NO. 10-03

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.

ORDINANCE NO. 21-04

PASSED FIRST READING by the Council this 7th day of April, 2021.

PASSED SECOND READING by the Council this 5th day of May, 2021.

APPROVED by the Mayor this 5th day of May, 2021.