

CITY OF
MANZANITA



COUNCIL PACKET

CITY OF MANZANITA
CITY COUNCIL SPECIAL WORKSHOP

Wednesday, August 4, 2021

03:00 PM Pacific Time

<https://us02web.zoom.us/j/85156692974>

Meeting ID: 851 5669 2974

Passcode: 828750

+1 253 215 8782 US (Tacoma)

The purpose of this special workshop is for discussion on Mass Care supplies, resuming in person meetings, reopening of City Hall, and meeting time change proposal.
No final decisions will be made.

AGENDA

Wednesday August 4, 2021

07:00 PM Pacific Time

<https://us02web.zoom.us/j/89052046991>

Meeting ID: 890 5204 6991

Passcode: 579030

+1 253 215 8782 US (Tacoma)

- I CALL MEETING TO ORDER – 7:00 P.M.**

- II. CONSENT AGENDA**
 - A. APPROVAL OF MINUTES**
 - B. APPROVAL OF BILLS FOR PAYMENT**

- III. PUBLIC COMMENTS AND COMMUNICATIONS**

- IV. NEW BUSINESS**
 - A. MASS CARE UPDATE**
Linda Kozlowski, Council President

 - B. MUTTZANITA EVENT PERMIT**
Leila Aman, City Manager

 - C. CERT EVENT PERMIT**
Leila Aman, City Manager

D. ORDINANCE NO. 21-06 AMENDING SECTIONS 1 THROUGH 6 OF AND ADDING SECTION 7 TO ORDINANCE NO. 10-03 RELATING TO RULES AND REGULATIONS FOR SHORT TERM RENTALS (FIRST READING)
Leila Aman, City Manager

E. ORDINANCE NO. 21-07 AMENDING SECTION 4 OF ORDINANCE NO. 94-6 RELATING TO UNNECESSARY NOISE AND PRESSCRIBING GERNERAL OFFENSES (FIRST READING)
Leila Aman, City Manager

F. COUNCIL MEETING TIME CHANGE PROPOSAL
Mike Scott, Mayor

G. RESUMING IN PERSON MEETINGS
Mike Scott, Mayor

V. OLD BUSINESS ITEMS

A. CITY HALL CONSTRUCTION PROJECT – Update
Leila Aman, City Manager

VI. CITY MANAGER’S REPORT

VIII. ADJOURNMENT

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Notices are posted on:
City’s website www.ci.manzanita.or.us,
City of Manzanita’s Facebook page.
Post Office, City Hall (old & temp),
Visitor Center & 5th Street Restroom bulletin boards

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ASSISTANT CITY MANAGER KRISTIN GRASSETH

RE: CONSENT AGENDA FOR AUGUST 4, 2021, COUNCIL MEETING

DATE: JULY 21, 2021

RECOMMENDED ACTION:

Motion to adopt the Consent Agenda.

BACKGROUND INFORMATION

On the Consent Agenda are routine and presumably non-controversial business items that can be adopted by a single motion as recommended above. If the Mayor or any Councilor or a member of the audience wishes to remove an item from the Consent Agenda, it should be discussed individually on the regular agenda. Any item so removed from the Consent Agenda should be discussed after consideration of the Consent Agenda.

By adopting the Consent Agenda, you will be approving the following motions:

- A. Motion to approve the minutes of the City Council Meeting of July 7, 2021, and the City Council workshop of July 7, 2021.
- B. Motion to approve payment of bills and all subsequent bills subject to approval by the Mayor or Council President and City Manager.

CITY OF MANZANITA
July 7, 2021
CITY COUNCIL SPECIAL WORKSHOP

CALL MEETING TO ORDER: The meeting was called to order by Mayor Scott at 3:00 pm July 9, 2021 via Zoom.

ROLL: Members present were: Mike Scott, Linda Kozlowski, Steve Nuttall, Jerry Spegman, and Hans Tonjes. Staff Present: Leila Aman, Nina Aiello, Erik Harth, Dan Weitzel, and Judy Wilson.

PRESENTATION ON PROPOSED EMERGENCY OPERATIONS CENTER:

Chief Beswick with Nehalem Bay Fire and Rescue gave a presentation on the role of an Emergency Operations Center (EOC) in our community. He provided information on the necessity of an EOC and the important services an EOC would provide, such as information and resource management, planning and communication. An EOC also provides a central location for management operations to coordinate efforts such as shelters and points of distribution. Chief Beswick also discussed what an EOC facility should include, such as security, backup power, communication capabilities, workstations, emergency documents, supplies, and food/water supplies for at least 72 hours.

EVCNB committee member Lee Hiltenbrand gave a presentation on mass care in the event of an emergency. Hiltenbrand provided information on this critical function, which would provide a wide range of support services when citizens or visitors are unable to care for their basic needs. Mass care provides a critical disaster response that begins and ends at the community level. Hiltenbrand recommends that the City adopt a strategy which would provide basic care to our community and visitors in the event of a major catastrophe.

Mayor Scott adjourned the meeting at 4:31 pm

MINUTES APPROVED THIS
4th Day of August, 2021

Michael Scott, Mayor

Attest:

Leila Aman, City Manager

CITY OF MANZANITA
July 7, 2021
CITY COUNCIL MEETING

CALL MEETING TO ORDER: The meeting was called to order July 7, 2021 at 7:00 p.m. via Zoom by Mayor Mike Scott.

ROLL: Members present were: Mayor Mike Scott, Linda Kozlowski, Steve Nuttall, Jerry Spegman, and Hans Tonjes. Staff present: City Manager Leila Aman, Finance & Administrative Specialist Nina Aiello, Building Official Scott Gebhart, and Licensing & Ordinance Specialist Judy Wilson.

AUDIENCE INTRODUCTION: There were 57 people in attendance

CONSENT AGENDA:

- A. APPROVAL OF MINUTES – June 9, 2021 City Council Workshop, June 9, 2021 City Council Meeting, and June 23, 2021 Special City Council Budget Hearing.
- B. APPROVAL OF BILLS FOR PAYMENT

A motion was made by Tonjes, seconded by Kozlowski, to approve the consent that includes approval of the June 9, 2021 City Council Workshop, June 9 2021 City Council Meeting, and June 23, 2021 Special City Council Budget Hearing; approve payment of bills and all subsequent bills subject to approval by the Mayor or Council President and City Manager.

PUBLIC HEARING:

A. Approval of an Oregon Liquor Control Commission Application for a new Liquor License for Offshore Grill – New Application – City Manager Leila Aman presented the new application for OLCC application for Offshore Grill.

A motion was made by Kozlowski, seconded by Tonjes, to approve the OLCC application for Offshore Grill. Motion passed unanimously.

NEW BUSINESS:

A. Emergency Operations Center (EOC) and Mass Care Discussion – Council President Linda Kozlowski, Council – Nehalem Bay Fire & Rescue Chief Beswick gave a presentation on the important service that an Emergency Operations Center would provide in our community. Beswick provided information on what an EOC is and what would be necessary for it to successfully function in an emergency. EVCNB committee member Lee Hiltenbrand gave a presentation on what Mass Care means in the context of an emergency. Hiltenbrand recommended that the City adopt a strategy which would provide mass care to our community and visitors in the event of a major catastrophe.

B. Rescinding State of Emergency and lifting COVID restrictions – Mayor Mike Scott – In response to the state lifting COVID-19 restrictions, Mayor Scott recommended that the City rescind Resolution 20-24 Declaring a local State of Emergency and lifting all COVID restrictions within the City of Manzanita.

A motion was made by Nuttall, seconded by Kozlowski, to approve Resolution 21-05, a Resolution rescinding Resolution 20-04 declaring a local State of Emergency, mandating the wearing of face covers on Laneda Ave, capping indoor social get togethers and ratifying actions in response to the State of Emergency. Motion passed unanimously.

C. Special Event Permit for EVCNB neighborhood meeting – City Manager Leila Aman – Aman presented the Special Event Permit requested by EVCNB to hold Coordinated neighborhood meetings. There will be a total of nine meetings between July-December 2021. The events will be used to provide training in emergency preparedness.

A motion was made by Kozlowski, seconded by Tonjes, to approve the Special Event Permit on behalf of EVCNB. Motion passed unanimously.

D. Dorcas contract agreement contract approval – Public Works Director Dan Weitzel – Weitzel stated that our current contract with OTAK for engineering on the Dorcas project would be ending. North Coast Civil Design owner Kyle Ayers presented a proposal to take over the project in place of OTAK. Council will review proposal with the City attorney before approval.

OLD BUSINESS:

A. Manzanita Farmers Market permit change– City Manager Leila Aman – Aman presented a proposal on behalf of the Manzanita Farmers Market to amend the current special event permit to include live music.

A motion was made by Kozlowski, seconded by Nuttall, to approve the amended Special Event Permit on behalf of the Manzanita Farmers Market. Motion passed unanimously.

B. STR Ordinance implementation – City Manager Leila Aman – Aman provided an update on Ordinance 10-03 an Ordinance establishing rules and regulations relating to Short-Term Rentals. Aman stated that because the Ordinance was not posted within the proper timeline and questions still remain on how to implement the changes, it will be repealed and replaced at the August 4, 2021 Council meeting.

C. City Hall construction project – City Manager Leila Aman – Aman provided an update on the status of the new City Hall project, with a presentation that clearly stated project milestones by phase.

CITY MANAGER’S REPORT –

A. City Manager Leila Aman – Aman stated that City Administration is currently working on a plan to reopen to the public.

Miscellaneous:

1. The City of Manzanita will hold Municipal Court on July 16, 2021 at 1:30 pm. Due to COVID-19 restrictions court continues to remain closed to the public.
2. There will be a Planning Commission meeting July 19, 2021 at 4:00 pm via zoom.
3. There will be a Short-Term Rental Ordinance Oversight Workgroup Meeting July 18, 2021 at 1:00 via zoom.

PUBLIC COMMENTS & COMMUNICATIONS: A letter was read on behalf of Will Stone regarding the petition he submitted at the May 5, 2021 City Council meeting. The petition, signed by 260 Manzanita residents, calls for the City to reevaluate the existing structure at Underhill Plaza to determine if it should be remodeled instead of rebuilt. 11 members of the community commented on the petition.

Mayor Scott adjourned the meeting at 9:37 p.m.

**MINUTES APPROVED THIS
4th Day of August, 2021**

Michael Scott, Mayor

Attest:

Leila Aman, City Manager

BILLS FOR APPROVAL OF PAYMENT

From 07/01/2021 - 07/31/2021

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	ROADS	Visitors Cnt	WATER
AM WATERWORKS (ANNUAL SUBSCRIPTION)	\$377.00								\$377.00
ATLANTIS AUTOGLASS (AUTOGLASS)	\$180.00								\$180.00
CHARTER (INTERNET SERVICE)	\$569.91	\$214.98	\$124.98					\$104.97	\$124.98
CHAVES (COURT SOFTWARE SUB)	\$714.82				\$714.82				
CIS TRUST (PROPERTY/LIABILITY INSURANCE)	\$50,227.06	\$2,386.72	\$7,262.34			\$1,846.34	\$1,918.10		\$36,813.56
CITY OF NEHALEM (POLICE CITATION REMITTANCE)	\$196.00				\$196.00				
CITY OF WHEELER (POLICE CITATION REMITTANCE)	\$1,103.00				\$1,103.00				
COUNTRY MEDIA (AD POSTING)	\$306.90	\$306.90							
DATA CENTER (WATER BILLING)	\$798.31								\$798.31
DAN HAAG (VISITORS CNTR COORDINATOR)	\$3,750.00							\$3,750.00	
DMV (DRIVING RECORDS)	\$2.10				\$2.10				
FERGUSON (PLUMBING SUPPLIES)	\$11,094.09								\$11,094.09
HDR ENGINEERING (WATER STORAGE TANK STUDY)	\$22,515.73								\$22,515.73
LEAGUE OF OR CITIES (ANNUAL SUBSCRIPTION)	\$574.05	\$574.05							

BILLS FOR APPROVAL OF PAYMENT

From 07/01/2021 - 07/31/2021

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	ROADS	Visitors Cnt	WATER
LANE COUNCIL OF GVTS (YEARLY SUBSCRIPTION & SUPPORT)	\$943.83	\$615.00		\$328.83					
LARRY BLAKE (JUDICIAL SERVICES)	\$400.00				\$400.00				
LES SCHWAB (VEHICLE TIRES)	\$662.11								\$662.11
LIBERTY PCS (ANNUAL SUBSCRIPTION)	\$69.00	\$34.50							\$34.50
MILLER NASH / GRAHAM & DUNN (CITY ATTORNEY)	\$2,812.00	\$2,812.00							
MUNI REVS (STR CENSUS MONITORING)	\$2,330.00	\$2,330.00							
NAPA AUTO PARTS (AUTO SUPPLIES)	\$46.00								\$46.00
NEHALEM BAY READY MIX (BUILDING MATERIALS)	\$200.26								\$200.26
NEHALEM BAYWASTE WATER (WASTEWATER SERVICE)	\$243.00					\$81.00			\$162.00
NEHALEM LUMBER (BUILDING MATERIALS)	\$26.91								\$26.91
ONE CALL (STATE LOCATE FEES)	\$27.60								\$27.60
ONE ELEVEN (ITSERVICES)	\$5,040.00	\$2,772.00		\$252.00	\$151.20			\$1,008.00	\$856.80
ONE ELEVEN (IT EQUIPMENT)	\$4,345.00			\$4,345.00					

BILLS FOR APPROVAL OF PAYMENT

From 07/01/2021 - 07/31/2021

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	ROADS	Visitors Cnt	WATER
OR CITY MNGMT ASSOC (ANNUAL SUBSCRIPTION)	\$222.74	\$222.74							
OR DEPT OF REV PAYABLE (POLICE CITATION REMITTANCE)	\$740.00				\$740.00				
OTAK (ENGINEERING SERVICES)	\$3,900.00						\$3,900.00		
PACE (ENGINEERING SERVICES)	\$99.50								\$99.50
PAC OFFICE AUTOMATION (COPY/POSTAGE SERVICE)	\$399.39	\$283.56	\$19.93	\$13.70	\$27.40				\$54.80
PACIFIC ALARM SYSTEMS (ALARM SYSTEMS)	\$336.00								\$336.00
RHYNO NETWORKS (IT SERVICES)	\$374.60	\$216.00	\$66.00						\$92.60
RTI (PHONE SERVICE)	\$471.95	\$82.08	\$101.10	\$27.38	\$14.49				\$246.90
SAIF (WORKERS COMP INSURANCE)	\$2,484.20	\$30.78	\$861.95		\$3.45	\$71.54	\$305.42		\$1,211.06
SHELDON OIL CO. (FUEL)	\$597.14		\$389.22	\$20.80		\$9.35	\$46.77		\$131.00
SOIL SOLUTIONS (ENVIRONMENTAL SERVICES)	\$6,672.00	\$6,672.00							
STAPLES (OFFICE SUPPLIES)	\$225.99	\$225.99							
STATE OF OREGON (QUARTERLY BUILDING REMITTANCE)	\$13,175.13			\$13,175.13					
STEP FORWARD ACTIVITES (DOG STATION SUPPLIES)	\$2,308.15					\$2,308.15			

BILLS FOR APPROVAL OF PAYMENT

From 07/01/2021 - 07/31/2021

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	ROADS	Visitors Cnt	WATER
SUBURBAN PROPANE (PROPANE)	\$117.67	\$117.67							
TILLAMOOK CO PAYABLE (POLICE CITATION REMITTANCE)	\$240.00				\$240.00				
TILLAMOOK PUD (ELECTRIC SERVICE)	\$3,249.51	\$170.55	\$109.30	\$60.35	\$3.06	\$80.00	\$609.00	\$91.92	\$2,125.33
TRAFFIC SAFETY & SUPPLY (EQUIPMENT)	\$1,075.00						\$1,075.00		
US BANK (WATER BOND FEE)	\$700.00								\$700.00
US BANK (CITY VISA)	\$2,341.32	\$389.65							\$1,951.67
USPS (PO BOX RENEWAL)	\$150.00	\$150.00							
VERIZON (CELL & DESK PHONE SERVICE)	\$1,390.37	\$448.56	\$333.70	\$89.99				\$64.99	\$453.13
TOTALS	\$150,825.34	\$21,055.73	\$9,268.52	\$18,313.18	\$3,595.52	\$4,396.38	\$7,854.29	\$5,019.88	\$81,321.84

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ASSISTANT CITY MANAGER KRISTIN GRASSETH

RE: REGULAR COUNCIL MEETING OF AUGUST 4, 2021

DATE: July 29, 2021

Enclosed are the agenda and supplemental materials for your next regular Council meeting. The following is some additional information:

CONSENT AGENDA

Please see the attached memorandum on this item.

NEW BUSINESS

Mass Care Update: Council President, Linda Kozlowski

Muttzanita Event Permit: City Manager, Leila Aman
Please see attached materials.

CERT Event Permit: City Manager, Leila Aman
Please see attached materials.

Ordinance 21-06 Amending Sections 1 Through 6 of and Adding Section 7 to Ordinance No. 10-03 Relating to Rules and Regulations for Short Term Rentals: City Manager, Leila Aman

Recommended Action: Move to read "an Ordinance 21-06 amending sections 1 through 6 and adding section 7 to Ordinance No. 10-03 relating to rules and regulations for short term rentals" by title only for its first reading and to tentatively approve said Ordinance as of its first reading.

Ordinance 21-07 Amending Section 4 of Ordinance No. 94-6 Relating to Unnecessary Noise and Prescribing General Offenses: City Manager Leila Aman.

Recommended Action: Move to read "an Ordinance No. 21-07 amending section 4 of Ordinance No. 94-6 relating to unnecessary noise and prescribing general offenses" by title only for its first reading and to tentatively approve said Ordinance as of its first reading.

Council Meeting Time Change Proposal: Mayor, Mike Scott

Resuming In Person Meetings: Mayor, Mike Scott

OLD BUSINESS

City Hall Construction Project Update: City Manager, Leila Aman

CITY MANAGER'S REPORT

MISCELLANEOUS

ADJOURNMENT



City of Manzanita Application for Special Event Permit

Date of request: _____, _____

Person making request: _____

Mailing address: _____

Phone number: _____ Cel number: _____

Organization (if applicable): _____

Type of event: _____

Date(s): _____ to _____ Hours: _____ to _____

Location: _____

(check which apply) Public Event: Private Event: Charitable: Profit:

Non-profit: Public Property Used: Private Property Used:

Estimated attendance: _____

Police, Fire or Medical support available or needed? Yes: No:

Restrooms Available: Yes: No: Handicap Accessible: Yes: No:

Alcohol Served/Sold/Consumed: Yes: No: Type: _____

Live Entertainment: Yes: No: Type: _____

Describe Event Support Staff: _____

Describe Parking Conditions: _____

Briefly Describe Nature of Event (attach map if needed for clarification or if requested)



CITY OF MANZANITA

P.O. Box 129, Manzanita, OR 97130-0129
Phone (503) 368-5343 | Fax (503) 368-4145 | TTY Dial 711
ci.manzanita.or.us

SPECIAL EVENT PERMIT

2021-05

APPLICANT:

Meghan Ruona
Four Paws on the Beach
P.O. Box 781
Manzanita, OR 97130

503-708-6047

Representing Muttzanita

EVENT:

Muttzanita Festival Pet Parade

Saturday, September 11, 2021, 10:00 am to 1:00 pm

First Street between Laneda Avenue and the northern edge of the Visitor Center parking slots.

For parade – Laneda Avenue between 2nd Avenue and Ocean Road

At its August 4, 2021, meeting, the Manzanita City Council APPROVED this Special Event Permit subject to the following conditions:

1. For the Pet Parade only - Laneda Avenue will be closed between 2nd street and Ocean Road no earlier than 10:00 am and no later than 11:15 am. Organizers must provide at least one person in a reflective vest at each point of street closure during the entire period of closure to direct traffic and answer questions.
2. Organizers must provide advance notice to motorists that the street will be closed to traffic during the event. Any cars left within the closed street after closure must be allowed to leave the closed street area. In the event of an emergency, emergency service personnel and apparatus must be allowed to get through.
3. Organizers must make advance arrangements with the Public Works Department for any traffic cones or barricades needed and may be required to acquire similar equipment from other sources.
4. Organizers shall be responsible for cleaning up trash after the event. Any markings on the street or sidewalk must be washed off within one day.
5. Organizers must provide before September 11, 2021, the required certificate of insurance to the City for general liability and property damage coverage for this event in a minimum coverage amount of

The City of Manzanita is an Equal Opportunity Provider and Employer.

\$2,000,000. The City of Manzanita must be listed as an additional named insured on this policy.

6. **This permit is for September 11, 2021, only**, and City Council approval will be required for subsequent events.

Leila Aman, City Manager
August 4, 2021



City of Manzanita
Application for Special Event Permit

Date of request: July 28, 2021

Person making request: Jo Cooper

Mailing address: PO Box 264 Nehalem, OR 97131

Phone number: 503 368 6249 Cel number: 503 801 1986

Organization (if applicable): CERT of Nehalem Bay

Type of event: Training

Date(s): Aug 21 to Aug 21 Hours: 8 am to 4 p.m.

Location: City Plaza/Underhill Plaza

(check which apply) Public Event: [] Private Event: [x] Charitable: [] Profit: []
Non-profit: [] Public Property Used: [x] Private Property Used: []

Estimated attendance: _____

Police, Fire or Medical support available or needed? Yes: [] No: [x]

Restrooms Available: Yes [] No: [x] Handicap Accessible: Yes [] No: []

Alcohol Served/Sold/Consumed: Yes: [] No: [x] Type: _____

Live Entertainment: Yes: [] No: [x] Type: _____

Describe Event Support Staff: Volunteer CERT Members

Describe Parking Conditions: Will be using gravel parking area

Briefly Describe Nature of Event (attach map if needed for clarification or if requested)

Community Emergency Response Team training. Final for our new trainees.

RECEIVED

JUL 28 2021

CITY OF MANZANITA



CITY OF MANZANITA

P.O. Box 129, Manzanita, OR 97130-0129
Phone (503) 368-5343 | Fax (503) 368-4145 | TTY Dial 711
ci.manzanita.or.us

SPECIAL EVENT PERMIT

2021-06

APPLICANT:

Jo Cooper
EVCNB - CERT
P.O. Box 264
Nehalem, OR 97131

503- 368-6249

EVENT:

Final training exercise for new CERT recruits. This will be held August 21st at City Plaza from 8 am to 4 pm.

*By accepting this permit and these terms you hereby agree to hold harmless the City Manzanita.

At the August 4, 2021, meeting, the Manzanita City Council APPROVED this Special Event Permit subject to the following conditions:

1. Organizers must provide a certificate of insurance to the City for general liability and property damage coverage for this event in a minimum coverage amount of \$1,000,000. The City of Manzanita must be listed as an additional named insured on this policy. This certificate must be submitted to the City prior to August 21, 2021
2. Organizers must make advance arrangements with the Public Works Department for any traffic cones or barricades needed and may be required to acquire similar equipment from other sources. Organizers are responsible for picking up and returning any materials to the Public Works Department.
3. Organizers shall be responsible for cleaning up trash or any debris related to the event immediately following the event. Any markings on the street or other City property must be washed off within one day.
4. This permit is for August 21, 2021, only, and City Council approval will be required for subsequent events or changes to this permit.

Leila Aman, City Manager/Recorder
August 4, 2021

Language proposed as deleted is shown as ~~crossed-out~~.

Language proposed as added is shown as underlined.

Language added or changed since April council meeting is shown in yellow highlight.

Language added or changed since posting on July 28, 2021 shown in blue highlight

ORDINANCE NO. 21-06

AN ORDINANCE REPEALING AND REPLACING ORDINANCE 21-05 AND AMENDING SECTIONS 1 THROUGH 6 OF AND ADDING SECTION 7 TO ORDINANCE NO. 10-03 RELATING TO RULES AND REGULATIONS FOR SHORT TERM RENTALS

WHEREAS, Ordinance No. 10-03 established 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, the City Council determines that it is the public interest to establish additional standards and to clarify the existing rules and regulations to make them more understandable and enforceable; now, therefore,

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

SECTION 1: Ordinance 21-05 is hereby repealed and replaced with Ordinance 21-06.

SECTION 1-2. Sections 1 through 6 inclusive of Ordinance No. 10-03 are hereby amended to read 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. [Added by Ord. No. 16-05, 12/7/16]

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

Dwelling Unit. Means the definition provided in Section 1.030 of Manzanita Zoning Ordinance 95-4, as amended.

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 Contact Person Agent. ~~The owner, a rental agency, security agency, or other agent of the owner authorized to act for the owner.~~ 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. [Amended by Ord. No. 16-05, 12/7/16].

Language proposed as deleted is shown as ~~crossed-out~~.

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Language added or changed since posting on July 28, 2021 shown in blue highlight

Owner. ~~The Any Person who owns, alone or jointly, has title to or an ownership interest in the any Dwelling Unit used as or proposed 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. [Added by Ord. No. 16-05, 12/7/16]

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. [Amended by Ord. No. 16-05, 12/7/16]

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. [Added by Ord. No. 16-05, 12/7/16]

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.ed²

“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. [Amended by Ord. No. 16-05, 12/7/16]

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 ~~local contact~~ Person(s), the maximum allowable number of overnight occupants, the license number, the expiration date of the license,

Language proposed as deleted is shown as ~~crossed-out~~.

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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 (MCA) number 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. [Added by Ord. No. 16-05, 12/7/16]

b. Advertising. All advertising soliciting business for a Short-Term Rental shall include the license number issued by the City of Manzanita to the Rental 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. [Added by Ord. No. 16-05, 12/7/16]”

“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. [Amended by Ord. No. 16-05, 12/7/16]

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 ~~health and safety~~ Short-Term Rental inspection ~~and one follow-up 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 ~~an additional~~ a separate fee. A Short-Term Rental applicant must have the initial Short-Term Rental inspection completed and all deficiencies corrected

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within ~~six~~ three months of the application submittal date. Failure to complete the Short-Term Rental inspection process within ~~six~~ three months of the application submittal date shall result in the expiration of the application. [Amended by Ord. No. 16-05, 12/7/16]

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 not to be a transfer of Ownership for purposes of this Ordinance. [Amended by Ord. No. 16-05, 12/7/16]

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 the State of Oregon Residential Specialty Code regulations related to potential safety issues, and with all other standards required by the City.~~ with this ordinance and all other standards required by the City. Applicants must correct any identified deficiencies ~~and a final safety inspection must be passed before a short term rental license is issued.~~ 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 ~~original~~ 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. [Amended by Ord. No. 16-05, 12/7/16]

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

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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. [Amended by Ord. No. 16-05, 12/7/16]

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. [Amended by Ord. No. 16-05, 12/7/16]

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. [Added by Ord. No. 16-05, 12/7/16]"

“Section 4. Standards. ~~A Short-Term Rental shall be operated to meet the following 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 Rental agency may 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 applicable Rental agency, if any, or other local contact Person 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 MCA for the Dwelling Unit as described in Section 2(b) of this Ordinance. [Amended by Ord. No. 16-05, 12/7/16]

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c. Parking. All Short-Term Rental properties must provide off-street parking spaces for a minimum of two (2) vehicles. The maximum number of vehicles allowed off-street at each home shall be the number of bedrooms, plus one. 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. Off-street parking shall be used if physically available. If a sufficient number of off-street parking spaces are not available for the authorized number of vehicles for overnight parking, then on-street parking shall be limited to one (1) vehicle.

Trailers for boats and all-terrain vehicles may be allowed but shall not exceed the allowable 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.

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 and that renters may be cited and fined if this requirement is not satisfied. The maximum number of parking spaces shall be conveyed to each renter before the visit.

No Overnight occupancy or sleeping in a parked vehicle, including recreational vehicles, is not permitted. within the Manzanita city limits. [Amended by Ord. No. 16-05, 12/7/16]

~~d. — Local Contact Person. The owner shall post as required in Section 2(a) and keep on file with the City the name and telephone number of a local contact Person(s) who shall be responsible for responding to questions or concerns regarding the operation of the short term rental. This information must be kept current. Any change in local contact Person must be reported to the City at least 14 days prior to the date the change takes effect. A new Short Term Rental Local Contact Person Registration form must be completed and submitted to the City, and the re-issued City license must be posted as required in Section 2(a) before the property may be again rented. The local contact Person must be available to accept and immediately respond to telephone calls on a 24 hour basis at all times that the short term rental is rented and occupied. At all other times, the local contact Person shall respond within 24 hours. The local contact Person must have a key to the rental unit and be able to respond physically within thirty (30) minutes to address issues at the dwelling unit or must have arranged for another Person to perform the same duties within the same timeframe. The name and phone number of this alternative contact Person must be kept on file with the City and be listed as a secondary local contact Person on the Short Term Rental License Certificate. The requirement for identifying a local contact Person applies to each Person or entity making arrangements for renting a given short term rental.~~

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.

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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. [Amended by Ord. No. 16-05, 12/7/16]

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 and 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. [Amended by Ord. No. 16-05, 12/7/16]

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 ~~and/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. [Amended by Ord. No. 16-05, 12/7/16]

h. Occupancy Capacity. The maximum allowable overnight occupancy for each Short-Term Rental Dwelling Unit shall be calculated on the basis of two (2) ~~persons~~ people per Sleeping Room plus an additional four (4) ~~persons~~ people. ~~For this purpose, a sleeping room is defined as 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.~~

The maximum allowable overnight occupancy of a Short-Term Rental shall be determined at the time a

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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. [Amended by Ord. No. 16-05, 12/7/16]

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 pm until 7:00 am 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 LC and C-1 zones are limited to no more than 70 dBA during the hours of 10 pm to 12am, and (2) sanitation and refuse collection are exempt from the requirements of Section 4(k). All Short-Term Rentals shall also comply with City Noise Ordinance 94-6.

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to violate any of the standards outlined in this section. [Amended by Ord. No. 16-05, 12/7/16]”

“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

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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 \$25 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 ~~of~~ following the annual August 1 due date shall be considered abandonment of the Short-Term Rental License and the license shall ~~be subject to revocation by the City Council~~ expire. [Amended by Ord. No. 16-05, 12/7/16]

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 ~~five (5)~~ 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 call 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 ~~be subject to revocation by the City Council~~ expire.

~~Alternatively, an Owner may comply with this requirement of periodic re-inspection by utilizing a building inspector currently certified by the State of Oregon as an Oregon Residential Specialty Code inspector or other provider approved in advance by the City. The City reserves the right to modify such re-inspection requirements and procedures.~~ [Amended by Ord. No. 16-05, 12/7/16]

c. The Owner of a Short-Term Rental shall be required to schedule and pass a ~~new health and safety~~ 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. [Added by Ord. No. 16-05, 12/7/16]

d. ~~The City may perform random health and safety inspections of a Short-Term Rental Dwelling Unit (1) upon receipt of safety related complaints or (2) to verify that the required emergency information and current Short-Term Rental License listing accurate contact information are posted in Short-Term Rentals as required in this Ordinance~~

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

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the City Building Official or designee. [Added by Ord. No. 16-05, 12/7/16]"

“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. [Added by Ord. No. 16-05, 12/7/16]

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 23. The following is hereby added to and made a part of Ordinance No. 10-03:

“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

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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. 16-05

PASSED FIRST READING by the Council this 9th day of November, 2016.

PASSED SECOND READING by the Council this 7th day of December, 2016.

APPROVED by the Mayor this 7th day of December, 2016.

ORDINANCE NO. 21-06

PASSED FIRST READING by the Council this 4th day of August, 2021.

PASSED SECOND READING by the Council this 8th day of September, 2021.

APPROVED by the Mayor this 8th day of September, 2021.

Michael Scott, Mayor

ATTEST:

Leila Aman City Manager/Recorder

To Manzanita City Manager, Leila Aman,

I am writing to ask reconsideration of some items included in the draft Ordinance NO. 21-06. There are burdens that these changes put on the owner and local agents with questionable purpose.

SECTION 4, Item b: Identification Sign.

Retain the language that Owner MAY have a sign visible from the street. Signs are marketing. As the owner I should be able to determine the type and source of advertising that I use. The information that you require on the sign is provided in the license application. The city has a data base of this information and can make it accessible to the public on-line.

SECTION 4, Item d: Owner and Local Agent Responsibilities.

Retain the language in the current Ordinance. Requiring the owner or local agent to live within 10 miles is arbitrary. It appears that the city through this section of the ordinance is trying to ensure more timely response to complaints. I offer that the city has the information on who the first source of contact is to be, as indicated on the license form. In the event you have a complaint that is not addressed or results in repeated complaints, or where the city determines that contact information is not viable, the city should use its' authority to outline corrective action needed, or to pull the license, or not renew the license. Seek to resolve the issues that you have with specific rental units rather than sweeping the entire rental community into overly prescriptive procedures.

Remediation of the complaint is between the owner/agent and the complainant. If the complaint is not resolved the city can give a warning to the owner that their license can be terminated, and the city can spell out the remediation needed to retain the license. Or, it can advise the complainant that there is no merit in the issue.

The same holds for 20-minute response time. Timeliness is predicated on the issue. Example: A tree falling on a house in a typhoon with city wide power outages is something else entirely different than a barking dog (a phone call to the dog owner), or a car parked in the wrong place (a phone call to the owner), or someone making noise (telephone contact with owner/agent).

SECTION 4, Item j: Proof of Liability Insurance.

Why does the City propose to require proof of liability insurance? What is the purpose of this?

SECTION 5, Item b: Periodic Re-inspection.

Retain the existing 5-year inspection period. A change from 5 years to 3 years adds cost to the owner for the fee, adds time to the owner/agent to be present for the inspection and loss of revenue for day reserved for the inspection, cost to the city to manage and monitor nearly twice the workload of managing inspections. If state specifications change the city can notify Owners of the change and that compliance with the issue will be covered in the 5-year inspection.

I appreciate your consideration,

Deb Helgerson
548 3rd St N
Manzanita, OR 97068
503.704.3427
MCA: 1351

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ORDINANCE NO. 21-06

AN ORDINANCE REPEALING AND REPLACING ORDINANCE 21-05 AND AMENDING SECTIONS 1 THROUGH 6 OF AND ADDING SECTION 7 TO ORDINANCE NO. 10-03 RELATING TO RULES AND REGULATIONS FOR SHORT TERM RENTALS

WHEREAS, Ordinance No. 10-03 established 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, the City Council determines that it is the public interest to establish additional standards and to clarify the existing rules and regulations to make them more understandable and enforceable; now, therefore,

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

SECTION 1: Ordinance 21-05 is hereby repealed and replaced with Ordinance 21-06.

SECTION 1-2. Sections 1 through 6 inclusive of Ordinance No. 10-03 are hereby amended to read 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. [Added by Ord. No. 16-05, 12/7/16]

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

Dwelling Unit. Means the definition provided in Section 1.030 of Manzanita Zoning Ordinance 95-4, as amended.

~~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 Contact Person Agent. ~~The owner, a rental agency, security agency, or other agent of the owner authorized to act for the owner.~~ 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. [Amended by Ord. No. 16-05, 12/7/16].

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Owner. ~~The Any Person who owns, alone or jointly, has title to or an ownership interest in the any Dwelling Unit used as or proposed 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. [Added by Ord. No. 16-05, 12/7/16]

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. [Amended by Ord. No. 16-05, 12/7/16]

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. [Added by Ord. No. 16-05, 12/7/16]

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.ed²

“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. [Amended by Ord. No. 16-05, 12/7/16]

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 ~~local contact~~ Person(s), the maximum allowable number of overnight occupants, the license number, the expiration date of the license,

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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 (MCA) number 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. [Added by Ord. No. 16-05, 12/7/16]

b. Advertising. All advertising soliciting business for a Short-Term Rental shall include the license number issued by the City of Manzanita to the ~~Rental~~ 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. [Added by Ord. No. 16-05, 12/7/16]"

"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. [Amended by Ord. No. 16-05, 12/7/16]

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 ~~health and safety~~ Short-Term Rental inspection ~~and one follow-up 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 ~~an additional~~ a separate fee. A Short-Term Rental applicant must have the initial Short-Term Rental inspection completed and all deficiencies corrected

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within ~~six~~ three months of the application submittal date. Failure to complete the Short-Term Rental inspection process within ~~six~~ three months of the application submittal date shall result in the expiration of the application. [Amended by Ord. No. 16-05, 12/7/16]

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 not to be a transfer of Ownership for purposes of this Ordinance. [Amended by Ord. No. 16-05, 12/7/16]

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 the State of Oregon Residential Specialty Code regulations related to potential safety issues, and with all other standards required by the City.~~ with this ordinance and all other standards required by the City. Applicants must correct any identified deficiencies ~~and a final safety inspection must be passed before a short term rental license is issued.~~ 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 original 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. [Amended by Ord. No. 16-05, 12/7/16]

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

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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. [Amended by Ord. No. 16-05, 12/7/16]

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. [Amended by Ord. No. 16-05, 12/7/16]

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. [Added by Ord. No. 16-05, 12/7/16]"

“Section 4. Standards. ~~A Short-Term Rental shall be operated to meet the following 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 Rental agency ~~may~~ 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 applicable Rental agency, if any, or other local contact Person~~ 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~~ MCA for the Dwelling Unit as described in Section 2(b) of this Ordinance. [Amended by Ord. No. 16-05, 12/7/16]

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c. Parking. All Short-Term Rental properties must provide off-street parking spaces for a minimum of two (2) vehicles. The maximum number of vehicles allowed off-street at each home shall be the number of bedrooms, plus one. 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. Off-street parking shall be used if physically available. If a sufficient number of off-street parking spaces are not available for the authorized number of vehicles for overnight parking, then on-street parking shall be limited to one (1) vehicle.

Trailers for boats and all-terrain vehicles may be allowed but shall not exceed the allowable 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.

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 and that renters may be cited and fined if this requirement is not satisfied. The maximum number of parking spaces shall be conveyed to each renter before the visit.

~~No~~ Overnight occupancy or sleeping in a parked vehicle, including recreational vehicles, is not permitted. within the Manzanita city limits. [Amended by Ord. No. 16-05, 12/7/16]

~~d. — Local Contact Person. The owner shall post as required in Section 2(a) and keep on file with the City the name and telephone number of a local contact Person(s) who shall be responsible for responding to questions or concerns regarding the operation of the short term rental. This information must be kept current. Any change in local contact Person must be reported to the City at least 14 days prior to the date the change takes effect. A new Short Term Rental Local Contact Person Registration form must be completed and submitted to the City, and the re-issued City license must be posted as required in Section 2(a) before the property may be again rented. The local contact Person must be available to accept and immediately respond to telephone calls on a 24 hour basis at all times that the short term rental is rented and occupied. At all other times, the local contact Person shall respond within 24 hours. The local contact Person must have a key to the rental unit and be able to respond physically within thirty (30) minutes to address issues at the dwelling unit or must have arranged for another Person to perform the same duties within the same timeframe. The name and phone number of this alternative contact Person must be kept on file with the City and be listed as a secondary local contact Person on the Short Term Rental License Certificate. The requirement for identifying a local contact Person applies to each Person or entity making arrangements for renting a given short term rental.~~

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.

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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. [Amended by Ord. No. 16-05, 12/7/16]

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 and 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. [Amended by Ord. No. 16-05, 12/7/16]

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 ~~and/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. [Amended by Ord. No. 16-05, 12/7/16]

h. Occupancy Capacity. The maximum allowable overnight occupancy for each Short-Term Rental Dwelling Unit shall be calculated on the basis of two (2) ~~persons~~ people per Sleeping Room plus an additional four (4) ~~persons~~ people. ~~For this purpose, a sleeping room is defined as 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.~~

The maximum allowable overnight occupancy of a Short-Term Rental shall be determined at the time a

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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. [Amended by Ord. No. 16-05, 12/7/16]

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 pm until 7:00 am 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 LC and C-1 zones are limited to no more than 70 dBA during the hours of 10 pm to 12am, and (2) sanitation and refuse collection are exempt from the requirements of Section 4(k). All Short-Term Rentals shall also comply with City Noise Ordinance 94-6.

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to violate any of the standards outlined in this section. [Amended by Ord. No. 16-05, 12/7/16]”

“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

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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 \$25 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 ~~of~~ following the annual August 1 due date shall be considered abandonment of the Short-Term Rental License and the license shall ~~be subject to revocation by the City Council~~ expire. [Amended by Ord. No. 16-05, 12/7/16]

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 ~~five (5)~~ 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 call 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 ~~be subject to revocation by the City Council~~ expire.

~~Alternatively, an Owner may comply with this requirement of periodic re-inspection by utilizing a building inspector currently certified by the State of Oregon as an Oregon Residential Specialty Code inspector or other provider approved in advance by the City. The City reserves the right to modify such re-inspection requirements and procedures.~~ [Amended by Ord. No. 16-05, 12/7/16]

c. The Owner of a Short-Term Rental shall be required to schedule and pass a ~~new health and safety~~ 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. [Added by Ord. No. 16-05, 12/7/16]

d. ~~The City may perform random health and safety inspections of a Short-Term Rental Dwelling Unit (1) upon receipt of safety related complaints or (2) to verify that the required emergency information and current Short-Term Rental License listing accurate contact information are posted in Short-Term Rentals as required in this Ordinance~~

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

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the City Building Official or designee. [Added by Ord. No. 16-05, 12/7/16]"

“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. [Added by Ord. No. 16-05, 12/7/16]

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 23. The following is hereby added to and made a part of Ordinance No. 10-03:

“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

Language proposed as deleted is shown as ~~crossed-out~~.

Language proposed as added is shown as underlined.

Language added or changed since April council meeting is shown in yellow highlight.

Language added or changed since posting on July 28, 2021 shown in blue highlight

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. 16-05

PASSED FIRST READING by the Council this 9th day of November, 2016.

PASSED SECOND READING by the Council this 7th day of December, 2016.

APPROVED by the Mayor this 7th day of December, 2016.

ORDINANCE NO. 21-06

PASSED FIRST READING by the Council this 4th day of August, 2021.

PASSED SECOND READING by the Council this 8th day of September, 2021.

APPROVED by the Mayor this 8th day of September, 2021.

Michael Scott, Mayor

ATTEST:

Leila Aman City Manager/Recorder

ORDINANCE NO. 21-07

**AN ORDINANCE AMENDING SECTION 104 OF ORDINANCE NO. 94-6
RELATING TO UNECESSARY NOISE AND PRESSCRIBING GENERAL
OFFENSES**

WHEREAS, Ordinance No. 94-6 established rules and regulations relating to general nuisances within the within the City; and,

WHEREAS, the City Council determines that it is the public interest to establish additional standards that limit excessive noise at certain times throughout the City; now, therefore,

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 10 of Ordinance No. 94-6 are hereby amended to read as follows:

**AN ORDINANCE PRESCRIBING GENERAL OFFENSES; PROVIDING PENALTIES;
REPEALING ORDINANCE NO. 52; AND DECLARING AN EMERGENCY**

ORDINANCE NO. 94-6

Section 4. Unnecessary Noise. No person shall create, assist in creating, permit, continue, or permit the continuance of unreasonable noise in the city. The following enumerations of violations of this section are not exclusive but are illustrative of some unreasonable noises:

- (1) The keeping of any animal which by frequent or loud continued noise shall disturb the comfort and repose of any person in the vicinity.
- (2) Using an engine, thing or device out of repair, so loaded, or operated in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- (3) The sounding of any horn or signal device on any automobile, motorcycle, streetcar, or other vehicle on any street or public place of the city, except as a necessary warning of danger to property or person.
- (4) The use of any mechanical device operated by compressed air, steam, or otherwise, unless the noise created thereby is effectively muffled.
- (5) The erection, including excavation, demolition, alteration, or repair of any building, other than between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the City Council.
- (6) The use of any gong or siren upon any vehicle other than police, fire, or emergency vehicle.
- (7) The operation of any gasoline engine without having the same equipped with and using thereupon a muffler.
- (8) The use of a "muffler cutout" on any motor vehicle upon any street.
- (9) The use or operation of any automatic or electric piano, phonograph, radio, loudspeaker, or any sound-amplifying device so loudly that it disturbs persons in the

vicinity thereof or in such manner as renders the same a public nuisance; provided, however, that upon application to the City Council, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches, or general entertainment. (Sections 5 to 10 reserved for expansion)

- (10) The hours of 10:00 pm until 7:00 am the next day is a required quiet time and there shall be no noise exceeding 55 dBA during those hours outside LC and C-1 zones. Properties located within C and C-1 zones are limited to no more than 70 dBA until 12:00am and then 55 dBA until 7:00am.
- a. Sanitation and refuse collection are exempt from the requirements if this section.
 - b. Emergency response vehicles and responders including utility work are exempt from this section.
 - c. Noise levels shall be measured from the public rights-of way near to where the alleged offense is occurring.
 - d. Sound measuring device must be either a Type 1 or Type II, as defined by American National Standard Specification for Sound Level Meters (ANSI S1.4-1971)

ORDINANCE NO. 21-07

**AN ORDINANCE AMENDING SECTION 14 OF ORDINANCE NO. 94-6
RELATING TO UNECESSARY NOISE AND PRESCRIBING GENERAL
OFFENSES**

WHEREAS, Ordinance No. 94-6 established rules and regulations relating to general nuisances within the within the City; and,

WHEREAS, the City Council determines that it is the public interest to establish additional standards that limit excessive noise at certain times throughout the City; now, therefore,

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 10 of Ordinance No. 94-6 are hereby amended to read as follows:

**AN ORDINANCE PRESCRIBING GENERAL OFFENSES; PROVIDING PENALTIES;
REPEALING ORDINANCE NO. 52; AND DECLARING AN EMERGENCY**

ORDINANCE NO. 94-6

Section 4. Unnecessary Noise. No person shall create, assist in creating, permit, continue, or permit the continuance of unreasonable noise in the city. The following enumerations of violations of this section are not exclusive but are illustrative of some unreasonable noises:

- (1) The keeping of any animal which by frequent or loud continued noise shall disturb the comfort and repose of any person in the vicinity.
- (2) Using an engine, thing or device out of repair, so loaded, or operated in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- (3) The sounding of any horn or signal device on any automobile, motorcycle, streetcar, or other vehicle on any street or public place of the city, except as a necessary warning of danger to property or person.
- (4) The use of any mechanical device operated by compressed air, steam, or otherwise, unless the noise created thereby is effectively muffled.
- (5) The erection, including excavation, demolition, alteration, or repair of any building, other than between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the City Council.
- (6) The use of any gong or siren upon any vehicle other than police, fire, or emergency vehicle.
- (7) The operation of any gasoline engine without having the same equipped with and using thereupon a muffler.
- (8) The use of a "muffler cutout" on any motor vehicle upon any street.
- (9) The use or operation of any automatic or electric piano, phonograph, radio, loudspeaker, or any sound-amplifying device so loudly that it disturbs persons in the

vicinity thereof or in such manner as renders the same a public nuisance; provided, however, that upon application to the City Council, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches, or general entertainment. (~~Sections 5 to 10 reserved for expansion~~)

- (10) The hours of 10:00 pm until 7:00 am the next day is a required quiet time and there shall be no noise exceeding 55 dBA during those hours outside LC and C-1 zones. Properties located within C and C-1 zones are limited to no more than 70 dBA until 12:00am and then 55 dBA until 7:00am.
- a. Sanitation and refuse collection are exempt from the requirements if this section.
 - b. Emergency response vehicles and responders including utility work are exempt from this section.
 - c. Noise levels shall be measured from the public rights-of way near to where the alleged offense is occurring.
 - d. Sound measuring device must be either a Type 1 or Type II, as defined by American National Standard Specification for Sound Level Meters (ANSI S1.4-1971)

Enrolled
House Bill 2560

Sponsored by Representative MEEK, Senator STEINER HAYWARD; Representatives DEXTER, GRAYBER, MARSH, MCLAIN, REARDON, REYNOLDS, SALINAS, SCHOUTEN, SMITH WARNER, SOLLMAN, VALDERRAMA, WILDE, WILLIAMS, Senator MANNING JR (Presession filed.)

CHAPTER

AN ACT

Relating to expanding remote participation of public in self-government through use of technology; amending ORS 192.670.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 192.670 is amended to read:

192.670. (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where, or at least one electronic means by which, the public can listen to the communication at the time it occurs. A place provided may be a place where no member of the governing body of the public body is present.

(3) All meetings held by a governing body of a public body, excluding executive sessions, must provide to members of the general public, to the extent reasonably possible, an opportunity to:

(a) Access and attend the meeting by telephone, video or other electronic or virtual means;

(b) If in-person oral testimony is allowed, submit during the meeting oral testimony by telephone, video or other electronic or virtual means; and

(c) If in-person written testimony is allowed, submit written testimony, including by electronic mail or other electronic means, so that the governing body is able to consider the submitted testimony in a timely manner.

(4) The provisions of subsection (3) of this section:

(a) Apply to hearings under ORS 197.763, 215.402 to 215.438 and 215.700 to 215.780 regardless of whether a governing body or governing body's designee, including a hearings officer, conducts the hearing; and

(b) Do not apply to contested case hearings under ORS chapter 183.

Passed by House April 10, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 27, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

.....
Shemia Fagan, Secretary of State