



## SHORT-TERM RENTAL STATEMENT OF UNDERSTANDING

### **At least one owner of record must initial to certify their understanding of each of the following:**

\_\_\_\_\_ It is the short-term rental owners' responsibility to know, understand and comply with all City Ordinances regardless of whether or not they contract with an agency.

\_\_\_\_\_ All citations for violations of any City Ordinance, including 10-03 regulating short-term rentals and 16-03 governing transient lodging taxes, will be issued to the property owner(s)/short-term rental license holder(s) regardless of who caused the violation to occur.

\_\_\_\_\_ It is illegal to rent or advertise a property for rent on a short-term basis without a current City license and that doing so is a Class A Civil Infraction with a combined maximum civil penalty of \$2000 per violation with each day in violation considered a separate violation.

\_\_\_\_\_ Any and all advertisement for the short-term rental of any property must include the license number issued by the City of Manzanita and shall appear as "MCA#" followed by the City-issued license number. (The purpose of this regulation is to assist City staff in differentiating between legal and illegal vacation rentals, especially on the internet, so that illegal rentals can be prosecuted.)

\_\_\_\_\_ A 9% City Transient Lodging Tax must be collected and submitted to the City each quarter as required and laid out in Ordinance 16-03. The tax must be collected on all "Rent" even if the Rent or other consideration received is related to stays by friends or family arranged for outside of an agency. (See definition of "Rent" below.)

\_\_\_\_\_ All Tax accrued or paid during an Occupancy that spans multiple calendar quarters shall be treated, for tax remittance purposes, as if collected on the last day of that Occupancy.

\_\_\_\_\_ Once an STR license has been issued, a tax return must be submitted to the City each quarter by the due date whether or not any rent or taxes have been collected. The minimum delinquency penalty is \$100.

\_\_\_\_\_ If a license holder uses an agency and additionally rents the property to friends, family, co-workers, or via their own advertisements, etc., the license holder must also collect the 9% tax as required in Ordinance 16-03 and submit it along with a Quarterly Tax Report form by the reporting due date every quarter even when there is no reportable rent or taxes owed.

\_\_\_\_\_ The short-term rental owner, agent, and lodging intermediaries are jointly and severally responsible for the collection and remittal of Transient Lodging Taxes. If an agent or lodging intermediary that an owner chose to contract with or advertise through neglects to collect and/or remit the correct amount of Taxes due from any reservation, the owner will be held responsible for the payment of those Taxes along with any delinquency penalties assessed.

\_\_\_\_\_ Ordinance 16-03 defines "Rent" as: The full consideration charged, whether or not received by the Transient Lodging Tax Collector, for the Occupancy of Transient Lodging valued in money or in goods, labor, credits, property, or other consideration valued in money, without any deduction." Except as otherwise provided in Ordinance 16-03, "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 or Transient Lodging Intermediary for the Occupancy of the Transient Lodging, the payment of which is not optional and not refundable.”

\_\_\_\_\_ Recordkeeping. Every Transient Lodging Tax Collector shall, on a current and ongoing basis, keep guest records, accounting records of room sales, records of Transient Lodging Tax collected and remitted to the City of Manzanita, and a record of all fees retained by Transient Lodging Tax Collector pursuant to this Ordinance. All records shall be retained by the Transient Lodging Tax Collector for a minimum period of three years and six months after the record is created.

\_\_\_\_\_ Examination of Records – Investigations. The Tax Administrator or its agent may examine all records of a Transient Lodging Tax Collector relating to receipt of Rent and Transient Lodging Tax and remittance of Tax during normal business hours and may obtain copies of the records to audit returns.

\_\_\_\_\_ It is the property owners’ responsibility to comply with County and State regulations governing short-term rentals and transient lodging taxes. (Tillamook County and the State of Oregon also require registration of short-term rentals and the collection and submittal of additional transient lodging taxes.)

\_\_\_\_\_ A short-term rental license may be issued only for a single dwelling unit on a single property or for a single legal dwelling unit within a duplex on a single property.

\_\_\_\_\_ Any Person may have beneficial interest in only one short-term rental property in Manzanita.

\_\_\_\_\_ The maximum allowable overnight occupancy for each Short-Term Rental Dwelling Unit shall be calculated on the basis of two (2) people per Sleeping Room plus an additional four (4) people. The maximum allowable overnight occupancy of a Short-Term Rental shall be determined at the time a Short-Term Rental License is issued or renewed and shall be posted in a conspicuous location within the Short-Term Rental. That capacity shall not be increased by construction of any addition to the structure covered by the license or by construction of any other structure located on the property. Exceeding the posted overnight occupancy at any time for sleeping purposes is prohibited.

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

\_\_\_\_\_ The Owner or the Owner’s agent shall notify every renter, in writing or electronically, that the non-compliant sleeping area may not be used for sleeping.

\_\_\_\_\_ 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.

\_\_\_\_\_ If a property holding a short-term rental license is listed for sale, the owner must limit its future reservations to no more than 45 days out, and any and all pending reservations on or after the date of the recording of the deed must be cancelled.

\_\_\_\_\_ Neither short-term rental licenses nor any reservations are transferable to a new owner upon sale of a property which held a short-term rental license. The Short-Term Rental License is issued to the Owner and does not transfer with the sale or conveyance of the property.

\_\_\_\_\_ All Short-Term Rental License holders must report to the City any change of Ownership of their Short-Term Rental, in whatever form, before the conveyance deed is recorded. If the Owner is an entity, then any transfer of fifty percent or more of all ownership interest in the Owner will also constitute a change of Ownership of the Short-Term Rental. The transfer of the property from (1) a natural Person(s) to a Trust serving the same natural Person(s) or to a family member pursuant to a Trust or (2) the transfer of Ownership pursuant to a will or bequest upon the death of the Owner is not deemed to be a transfer of Ownership for purposes of this Ordinance.

\_\_\_\_\_ A Short-Term Rental License Certificate shall be surrendered immediately to the City upon sale of the property or cessation of use as a Short-Term Rental at the address named on the license.

\_\_\_\_\_ It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to not immediately surrender a Short-Term Rental License Certificate to the City upon sale of the property or cessation of use as a Short-Term Rental at the address named on the license. Per Ordinance 15-01, Class C civil infractions have a maximum civil penalty of \$500.00.

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

\_\_\_\_\_ The Owner or Local Agent shall be available to accept and immediately respond to complaints and other issues on a 24-hour basis at all times and be able to access the Short-Term Rental. Once a complaint or issue is reported, the Owner or Local Agent shall immediately make direct contact with the renter or appropriate entity by phone to resolve the reported problem. If the problem cannot be resolved or an immediate resolution is not achieved by phone, the Owner or Local Agent shall make an in-person visit to the Short-Term Rental to rectify the situation within 20-minutes.

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

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

\_\_\_\_\_ The contact information of all Owners and Local Agents shall be kept current with the City of Manzanita at all times.

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

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

\_\_\_\_\_ 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.

\_\_\_\_\_ Nothing may be planted, placed or stored in the public rights-of-way. These properties are owned by the City and must be available for the public to use for additional parking where it is safe to do so. Most private properties do not extend to the edge of the road. (For reference, most water meters are in the public rights-of-way and not on private property.)

\_\_\_\_\_ Every Short-Term Rental License shall be subject to re-inspection of the Dwelling Unit by the City Building Official or designee at the City's discretion, but no less than every three (3) years. The purpose of this inspection will be to determine the conformance of the Dwelling Unit with the State of Oregon Residential Specialty Code regulations which may be directly related to potential safety issues, and with all other standards required by the City.

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

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

\_\_\_\_\_ The Owner or Local Agent Rental agency 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.

\_\_\_\_\_ 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. 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.

\_\_\_\_\_ Before the original license issuance and the annual license renewal, the Owner shall provide the City with evidence that the Dwelling Unit receives side yard /or walk-up garbage service from the local franchised garbage hauler.

\_\_\_\_\_ 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.

\_\_\_\_\_ 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.

\_\_\_\_\_ 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.

**STR Property Address:** \_\_\_\_\_

**At least one owner of record must sign below.**

**By my signature I acknowledge my understanding of all information included in this document:**

Printed Name

Signature

Date

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