



# City of Port Orford Workshop By Hybrid Meeting

## MEETING AGENDA

**Subject: Job Descriptions and Council Rules**

**Date: February 7, 2023**

**Time: 4:30 p.m.**

**Purpose of the Meeting: Short-Term Rental**

**In Attendance:**

- \_\_\_\_\_ Pat Cox, Mayor
- \_\_\_\_\_ Tim Pogwizd, President
- \_\_\_\_\_ Perri Rask, Councilor
- \_\_\_\_\_ Ann Vileisis, Councilor
- \_\_\_\_\_ Gary Burns, Councilor
- \_\_\_\_\_ Greg Tidey, Councilor
- \_\_\_\_\_ Brett Webb, Councilor
- \_\_\_\_\_ Jessica Ginsburg, City Admin

**Guests/Others:**

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**Meeting Agenda**

- Call to Order/ Roll Call
- Short Term Rental Discussion With Daniel Kearns and Planning Commission (Pg 3-24)

City Council Workshop with Planning  
Tue, Feb. 7, 2022 4:30 PM - 5:30 PM (PDT)

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ORDINANCE NUMBER \_\_\_\_\_

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD

The Common Council of the City of Port Orford hereby ordains that the following Ordinance \_\_\_\_ be adopted for Short-Term Rental Operating Licenses

ORDINANCE 5.05

SECTIONS:

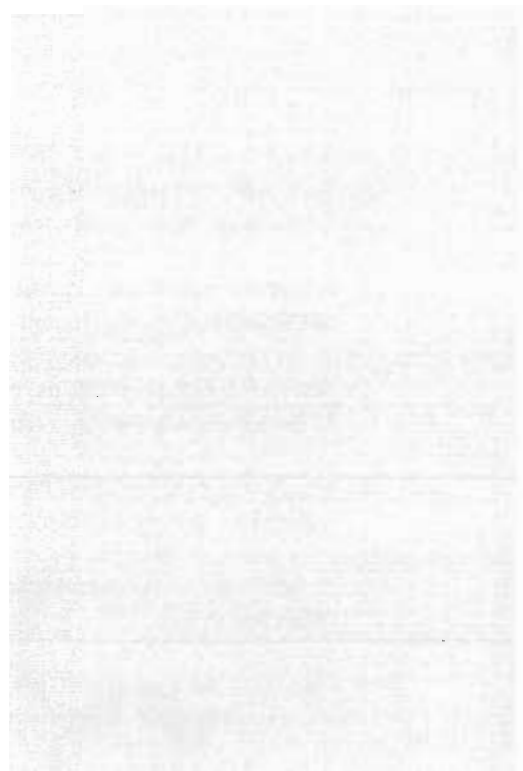
- 05.05.010 Title
- 05.05.020 Purpose
- 05.05.030 Definitions
- 05.05.040 Annual Short-Term Rental Operating License Required
- 05.05.050 Application and Fee
- 05.05.060 Term of Annual License and Transferability
- 05.05.070 Application Required and Burden for Application Approval and License Renewal
- 05.05.080 Operational Requirements and Standards for Short-Term Rentals
- 05.05.090 Additional Operational Requirements
- 05.05.100 Implementation of this Ordinance and Application to Short-Term Rentals Operating License on the Date of its Adoption
- 05.05.110 Violations
- 05.05.120 Penalties
- 05.05.130 Appeals of Short-Term Rental Operating License Determinations
- 05.05.140 Discontinuance of Short-Term Rental Occupancy
- 05.05.150 Remedies Not Exclusive

05.05.010- Title:

The provisions of this ordinance are intended to authorize the licensing and the regulating of short-term rentals in residential dwelling units on all property within the City of Port Orford. There is added to the City of Port Orford Municipal Code Ordinance 5.05 entitled Short-Term Rental Operating License and those sections and subsections set forth below.

05.05.020 - Purpose:

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Short- Term Rental Operating License



This ordinance provides reasonable and necessary regulations for the licensing of short-term rentals of residential dwelling units, the purposes of which are to:

- A. Protect the health, safety, and welfare of short-term and long-term renters, property owners and neighboring property owners throughout the City of Port Orford.
- B. Balance the legitimate livability concerns of residential neighbors with the rights of property owners to use their property as they choose.
- C. Provide visitors to The City of Port Orford with reasonable opportunities and a range of short-term rental and vacation occupancy options.
- D. Provide long-term residential options for those people who want to live and work in the City of Port Orford.
- E. Protect the character of the City's neighborhoods by limiting the number, concentration, and scale of full-time short term rentals in residential zones.

In the adoption of these regulations, the City finds the transient rental of dwelling units has the potential to be incompatible with the residential neighborhoods in which they are situated and to have a damaging impact on the livability of those neighborhoods. Therefore, special regulation of dwelling units used for transient occupancy is necessary to ensure these uses will be compatible with surrounding residential uses and will not materially alter the livability of the neighborhoods in which they are located.

A Short-Term Rental Operating License is revocable permission to operate a short-term rental, but only in accordance with this ordinance. A Short-Term Rental Operating License may be terminated, revoked or not renewed if the standards of this ordinance are not met or the dwelling is sold or otherwise transferred as defined in this ordinance. This ordinance provides an administrative framework for the licensing and operation of short-term rentals and provides a process by which owners can appeal the City's decisions related to short-term rentals.

The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation. Any exceptions allowed by this ordinance shall not exempt the short-

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term rental from any other applicable requirement, regulation or ordinance adopted by the City of Port Orford.

The requirements in this ordinance are not "land use regulations" as defined in ORS 197.015 or 195.300(14). The regulations contained in this ordinance are not intended to, nor do they, implement the City of Port Orford Comprehensive Plan, the Curry County Land Use Ordinance, nor do they implement any of the Statewide Planning Goals.

**Administrative Rules.** The City Administrator will have the authority to establish administrative rules and regulations consistent with the provisions of this ordinance for the purpose of interpreting, clarifying, carrying out, furthering and enforcing the provisions of this ordinance. A copy of such administrative rules and regulations shall be on file in City Hall and shall be posted on the City's website. Any such administrative rules and regulations shall be binding upon any owner, operator or registrant of a short-term rental.

**13.05.030 - Definitions:** The following definitions shall apply to this ordinance, its interpretation, application and enforcement; otherwise, ordinary dictionary definitions shall apply unless the context indicates otherwise.

**Adoption of this Ordinance:** means the date on which this ordinance takes effect after adoption by the Port Orford City Council.

**Applicant(s):** means an owner(s) of a dwelling unit who applies to the City for a Short-Term Rental Operating License.

**Authorized Agent:** is a property management company or other entity or person who has been designated by the applicant or licensee, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purpose of contacting for complaints.

**Bedroom:** means a room intended and permitted to be used for sleeping purposes that has all of the following attributes:

- Light ventilation and heating
- Consists of four walls to the ceiling, at least one of which is located along an exterior wall with a window.

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- A built-in closet
- All sleeping areas used as a bedroom in a short-term rental must be permitted for that use, and no areas may be converted to a bedroom without demonstration of compliance with this ordinance.

**City Administrator:** means the City Administrator or any authorized employee of the City of Port Orford designated by him/her.

**Change of Property Ownership:** means the transfer of title from one person to another.

**Contact Person:** means the owner, or if designated on the license application, the authorized agent of the owner, authorized to act on behalf of the owner of the short-term rental property.

**Daytime:** means between the hours of 7:00 am to 10:00 pm.

**Dwelling Unit:** means a lawfully established single unit that provides complete independent living facilities for one or more people including permanent provisions for living, sleeping, eating, sanitation and one cooking area. Dwelling unit includes a single-family dwelling and factory-built or manufactured dwelling that bears a valid certification of compliance with applicable manufactured dwelling standards. Dwelling unit does not include a recreational vehicle or similar mobile structure, or motorized vehicle designed and built for temporary vacation use.

**Good Cause:** for the purposes of denial, suspension, revocation, impositions of conditions, renewal and reinstatement of a Short-Term Rental Operating License means (1) the applicant, owner or contact person has failed to comply with any of the terms, conditions, or provisions of this ordinance or any relevant provision of the Port Orford Municipal Code, State law or any other rule or regulation promulgated thereunder; (2) the Applicant, Owner, or Contact Person has failed to comply with any special conditions placed upon the Short-Term Rental Operating License; or (3) the short-term rental has been operating in a manner that adversely affects the public health or welfare of the safety of the immediate neighborhood in which the short-term rental is located.

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**Good Neighbor Policy:** means a policy furnished by the City of Port Orford that summarizes general rules of conduct, consideration and respect, and includes without limitation provisions of this ordinance applicable to or expected of guests occupying the short-term rental.

**Hosted Home Share:** means the transient rental of a portion of a dwelling while the homeowner is present. For the purpose of this title, "present" means the homeowner is staying in the dwelling overnight.

Commented [JG1]: Take out if we are not keeping Hosted Home Shares

**Licensee:** means the owner(s) of a dwelling unit who holds a Short-Term Rental Operating License.

**Non-Transient Rental:** means to rent a dwelling unit or room(s) for compensation on a month to month basis, or for a period longer than 30 days.

**Overnight:** means between 10:00pm to 7:00am the following day. Overnight includes the term "Quiet Hours."

**Owner(s):** means the natural person(s) or legal entity that owns and holds legal or equitable title to the property. If the owner is a business entity such as partnership, corporation, limited liability company, limited partnership, limited liability partnership or similar entity, all persons who have an interest in that business entity may be considered an owner.

**Renter:** means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant."

**Short-Term Rental or STR:** means the transient rental of a dwelling unit for a period of 30 or fewer nights but does not include a bed and breakfast enterprise, hotel, motel and RV parks. Short-term rental includes advertising, offering, operating, renting, or otherwise making available or allowing any other person to make a dwelling unit available for occupancy or use a dwelling unit for a rental period of 30 or fewer nights. Short-term rental use is a type of "vacation occupancy" as defined in ORS 90.100.

**Short-Term Rental Operating License:** means the regulatory license required and described in this ordinance. It will be referred to as an "operating license."

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**Transfer:** means the additional or substitution of owners not included on the original license application whether or not there is consideration. If multiple owners exist on a license, individual owners may be removed from that license without constituting a transfer.

**Transient Rental:** means to rent a dwelling unit or room(s) for compensation on less than a month to month basis.

**Vacation Home Rental:** means the transient rental of an entire dwelling unit.

**05.05.040 –Annual Short-Term Rental Operating License Required.**

No owner of property within the City of Port Orford City limits may advertise, offer, operate, rent or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a Short-Term Rental Operating License. Advertise or offer includes through any media, whether written, electronic, web-based, digital, mobile or any other form of communication.

- A. **License Must Be Obtained.** A Short-Term Rental Operating License shall be obtained and renewed as prescribed in this ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. The permission to operate a short-term rental in the City of Port Orford that is embodied in a license may be revoked for failure to obtain, renew or maintain registration, to operate a short-term rental in accordance with all requirements of the license, or otherwise comply with the requirements of this ordinance. It is a violation of this ordinance to operate a short-term rental without a valid license.
- B. **No Nonconforming Status Conferred.** The fact that an owner of property or other entity may hold a license on the date of adoption of this ordinance, does not confer a property right status under ORS 215.130 to continue operation of a short-term rental. Operation, advertisement or offering a dwelling unit for short-term rental use, in all cases, requires a valid license.

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C. **Cap on Number of Short-Term Rental Operating Licences in Effect for The City of Port Orford.** The City has established a limit of forty (40) on the number of Short-Term Rental Operating Licenses that can be in effect at any one time for defined residential areas 1-R and 2-R. If at the time of license application for a new or renewed short-term rental license, there is not room within the applicable residential area cap to accommodate the new or renewed license, the application will be denied, but the applicant will be placed on a waiting list in order of rejection/non-renewal and will be contacted by the City Administrator as soon as there is room within (under) the applicable residential area cap to accommodate the new/renewed short-term rental license. No similar limitation on issuance of licenses anywhere else in the City.

D. **Density Limitation on Short-Term Rental Operating License in the City of Port Orford.** The City will not issue or renew a short-term rental license if, at the time of application, there is a valid and licensed short-term rental operating on a property within 300 feet (closest property boundary to closest property boundary) of the applicant’s property. Any applicant for a new or renewed short-term rental license that is barred due to this provision will be placed on a waiting list in order of rejection/non-renewal and will be contacted as soon as the property is no longer within 300 feet of another active short-term rental license.

Commented [JG2]: Would we want to have this in the residential zone only?

**05.05.050- Application and Fee.**

A. **Application Required.** Applications for a Short-Term Rental Operating License shall be on forms provided by the City, demonstrating the applicant meets the standards required by this ordinance. The applicant or authorized agent shall certify the following information be true and correct:

1. **Owner/Applicant Information.** Applicant’s name, permanent residence address, telephone number, and the short-term rental address and telephone number.
2. **Proof of Residential Use (for hosted home shares within the R1 and R2 zones only).** The residential use of a dwelling unit shall be established through its continued use as the primary residence of the property owner. The applicant shall provide at

Commented [JG3]: Is this worth regulating? Do we have any currently? Owner is always home so any issues they can stop it right away.

least two of the following items as evidence that the dwelling is the primary residence of the owner:

- i. A copy of voter registration.
  - ii. A copy of an Oregon Driver's License or Identification Card.
  - iii. A copy of federal income tax return from previous tax year (page 1 only financial data should be redacted).
3. *Representative Information.* The applicant shall provide the name, working telephone number, address and email of a local representative (which can be a person or company) who can be contacted concerning use of the property or complaints related to the short-term rental property. For the purposes of this requirement, local means the representative's address is within a 30 minute travel time of the subject property where the short-term rental is located.
4. *Site plan and floor plan.* The site plan shall be a scale drawing, which can be hand-drawn, showing property boundaries. Building footprint, location and dimensions of parking spaces. Including dated photo(s) of interior and exterior parking spaces. The floor plan shall show in rough dimensions the locations and dimensions of all bedrooms in the dwelling unit or single-family dwelling.
5. *Proof of Liability Insurance.*
6. *Proof of Transient Lodging Tax Registration.* Evidence of transient lodging tax registration with the City for short-term rental.
7. *Good Neighbor Guidelines.* Acknowledgment of receipt and review of a copy of the City's Good Neighbor Guidelines. In addition, evidence that the City's Good Neighbor Guidelines had been effectively relayed to short-term rental tenants, by incorporating it into the rental contract, including it in the rental booklet, posting it online, providing it in a conspicuous place in the dwelling unit, or a similar method.
8. *Listing Number.* If they advertise, the listing numbers, or website addresses of where the short-term rental advertises (such as the VRBO/Airbnb/rental website number, accounts number, URL, ect.)

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9. *A completed safety checklist.*

10. *Proof of Garbage Service.*

11. *Such other information as the City Administrator or designee deems reasonably necessary to administer this ordinance.*

B. ***Incomplete Application.*** If a license application does not include all required materials and documentation, the application will be considered incomplete and the City will notify the applicant, in writing, explaining the deficiencies. If the applicant provides the missing required information within 21 calendar days of notice, the application will be reviewed. If the applicant does not provide the required information, the application will be deemed withdrawn and the City may refund all or a portion of the application fee.

C. ***License Fee.*** The fee for application for a Short-Term Tental Operating License or license renewal shall be as established by resolution of the City Council, but shall not be less than the following amounts:

1. Initial application fee of not less than \$400.
2. An annual renewal fee of not less than \$300.
3. A fee of not less than \$75 per bedroom.
4. An addition of a bedroom to an existing short-term rental license shall be subject to a license alteration fee of not less than \$50.

**05.05.060- Term of Annual License and Transferability**

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A. **Term.** A Short-Term Rental Operating License is valid for one year (12 months) and shall automatically expire if not renewed on or before June 30<sup>th</sup>. The license may be renewed annually by the licensee or authorized agent when all applicable standards of this ordinance are met. If an authorized agent changes during the operating license period, the licensee shall notify the City in writing of the change 14 days prior to the date the change takes effect, except when the failure to do so is beyond the licensee’s control.

B. **Transferability.** The Short-Term Rental Operating License shall be issued in the name of the licensee(s) and is not transferable.

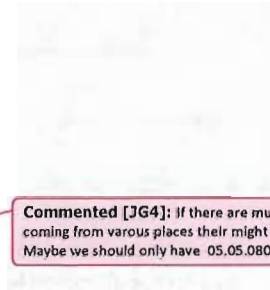
05.05.070- Application Required and Burden for Application Approval and License Renewal

A. **License Must be Obtained.** Applications for Short-Term Rental Operating License shall be on forms provided by the City, demonstrating the application meets the standards required by this ordinance.

B. **Burden of Proof.** The applicant has the burden of proof to demonstrate compliance with each applicable criterion for initial approval or annual renewal of the Short-Term Rental License. The approval criteria also operate as continuing code compliance obligations of the owner/contact person. For the initial application renewal every three years

C. **Responsibility.** The applicant shall certify that all information provided is correct and truthful. It is the applicants responsibility to assure that the short-term rental is and remains in compliance with all applicable codes.

D. **Off Street Parking in 1-R and 2-R Zones only.** No more than one (1) vehicle per bedroom shall be allowed for each short-term rental. One (1) additional parking space may be allowed for daytime guests. On-street parking is prohibited. If a garage is used to meet the parking requirement a photo of the interior of the garage shall be submitted at the time of application and license renewal to show the garage is available and large enough for vehicle parking.



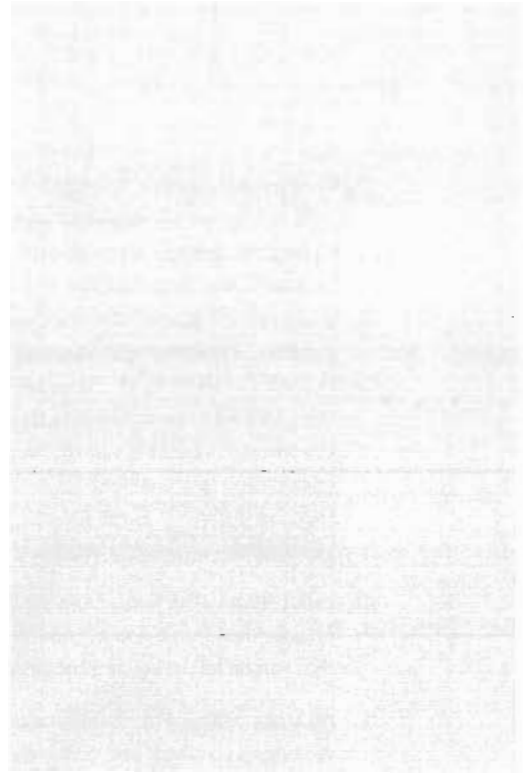
Commented [JG4]: If there are multiple friends or families coming from various places their might be 6 cars for 6 people? Maybe we should only have 05.05.080 (B)?

- E. **Transient Lodging Tax Compliance.** The property owner shall be in compliance with the City of Port Orford Transient Lodging Tax Ordinance 3.08.
- F. Compliance with all penalties and fines due to the City of Port Orford Municipal Court.
- G. **Renewal Standards.** The Short-Term Rental Operating License shall be issued in the name of the licensee (s) and is not transferable. Short-Term Rental Operating Licenses will be renewed by the licensee annually.
- H. The City will review an application for a Short-Term Rental Operating License renewal and issue a renewal provided all the standards in this ordinance continue to be met. If not met, the City will not renew the Short-Term Rental Operating License and the property shall not be used as a short-term rental. A decision on a Short-Term Rental Operating License application or renewal maybe appealed to the City of Port Orford City Council.

**05.05.080- Operational Requirements and Standards for Short-Term Rentals.** To qualify to obtain or retain a Short-Term Rental Operating License, the contact person and short-term rental must comply with the following operational requirements and standards. Failure to comply could be grounds for denial, non-renewal or revocation of a Short-Term Rental Operating License.

- A. **Maximum Occupancy.** The maximum overnight occupancy for a short-term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons. For example, a two-bedroom short-term rental is permitted a maximum overnight occupancy of six (6) people. The contact person may allow up to two (2) minor children age 2-12, to occupy the short-term rental in addition to the maximum number of occupants. Minors up to age 2 do not count towards maximum occupancy.
- B. **Off-Street Parking Spaces Required for 1-R and 2-R Only.** One (1) off-street vehicle space is required per bedroom in accordance with section 05.05.070 of this ordinance. All of the required notices and placards required by this ordinance shall require the renters to park on-site and not park on the street, even if on-street parking is otherwise available.

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**C. Contact Information.** The applicant or authorized agent has provided information sufficient to verify a qualified person will be available to be contacted about use of the short-term rental during and after business hours. The licensee or representative shall be available to be contacted by telephone to ensure a response to the short-term rental address at all hours (24 hours a day, 7 days a week). Response must be within 30 minutes. The designated representative may be changed from time to time throughout the term of the license. To do so, the license information shall be revised with the City at least 14 days prior to the date the change takes effect, except when the failure to do so is beyond the licensee's control. In an emergency or absence, contact forwarding information to a qualified person may be provided for the licensee or representative. **In the case of Hosted Home Shares, the contact person shall be the permanent resident who will be hosting the transient accommodations.**

Commented [JG5]: If we take out hosted homeshare this will need to be removed also.

- D. **Quiet Hours.** The hours from 10:00 p.m. to 7:00 a.m. are quiet hours, and there shall be no amplified music and no loud singing, talking, or other audible noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property.
- E. **No Unpermitted Improvements or Bedrooms.** All electrical, structural, plumbing, venting, mechanical and other improvements made to a registered short-term rental shall be fully permitted and all work completed by a licensed and duly qualified contractor.
- F. **Notice to Neighbors.** For short-term rentals, the licensee or authorized agent shall either; (a) provide an annual mailing or otherwise distribute by hand, a flier to neighbors within a 300 foot radius of the short-term rental property address containing the operating license number and owner or representative contact information, or (b) post a small place card or sign as specified by the City on the property in proximity to the adjacent street advising neighbors and tenants of the same information where it can be seen from the public right-of-way.
1. The purpose of this notice is so adjacent property owners and residents can contact a responsible person to report and request resolution of problems associated with the operation of the short-term rental. If the permanent contact information changes during the license period, the new information must be mailed or distributed again, or changed on the place card or sign.

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**G. Health and Safety.**

1. **Responsibility.** It is the licensee's responsibility to assure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.
2. **Fire and Emergency Safety.** A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) shall be required with each annual Short-Term Rental Operating License application and renewal. The licensee shall be responsible for completing the fire safety checklist and ensuring continued compliance. Verification with the application or renewal by the City shall be required prior to issuance of a license.
  - i. At least one (1) functioning fire extinguisher shall be located in the kitchen of the short-term rental dwelling unit. Extinguisher must be visible and accessible to renters at all times.
  - ii. All electrical outlets and lights switches have face plates.
  - iii. Electrical panels shall be unobscured and have all circuits labeled.
  - iv. Every bedroom shall have a smoke detector that is interconnected with a smoke detector in an adjacent hallway, common area, or in the immediate area of the bedroom.
  - v. A carbon monoxide detector/alarm device shall be placed within 15 feet of each bedroom door.
  - vi. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties as per the Port Orford Municipal Code Chapter 15.17 Outdoor Lighting Code.
3. **Solid Waste Collection** – Minimum service requirements. During all months the dwelling unit is available for transient accommodation. Short-term rentals shall have weekly solid waste collection service with assisted pick-up provided by the solid waste provider, if available. For the purposes of this section, assisted pick-up means the collection driver retrieves the cart from the driveway, rolls it out for service, and then places it back in its original location.

- H. **Mandatory Postings.** The Short-Term Rental Operating License issued by the City (or a copy thereof) shall be displayed in a prominent location within the interior of the dwelling adjacent to the front door. The license will contain the following information:

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Short- Term Rental Operating License

1. Number or other identifying mark unique to the short-term rental operating license which indicates the license is issued by the City of Port Orford with the date of expiration;
  2. The name of the licensee or representative and a telephone number where the licensee or representative may be contacted;
  3. The number of approved parking spaces for 1-R and 2-R only;
  4. The maximum occupancy permitted for the short-term rental;
  5. Tsunami Evacuation Map at every exit;
  6. Day of week of trash pickup;
  7. The property address.
- I. The licensee shall be in compliance with the Transient Lodging Tax pursuant to City of Port Orford Municipal Code Ordinance 5.09, and subject to the Tax Administrator's authority under that ordinance.
- J. **No Recreational Vehicle.** No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including recreational vehicles is permitted in conjunction with a short-term rental.
- K. **Good Neighbor Policy and Guidelines.** The property owner and contact person shall acknowledge the City's Good Neighbor Policy, shall post them in every short-term rental, and provide copies to all short-term rental renters:

**Good Neighbor Policy:**

Commitment to Community: We share our Expectations of Conduct with guests in multiple ways: on our website, at time of booking, and upon arrival. These are enforceable standards required by the local jurisdictions. This is good information for residents, too!

- **Neighbors & Noise** The neighborhood general quiet hours are from 10pm-7am.
- **Parking** Parked vehicles may not block driveways, bike lanes or emergency vehicle access lanes; Obstructed access means delays, and delays could cost someone's life. Park Smart.

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Short- Term Rental Operating License



- **Speed Limits** Be mindful of posted speed limits. If you're not sure, slow down.
- **Garbage** All garbage will be put in the provided secure containers, and will be picked up once a week.
- **RVs** Occupied trailers and tents are not allowed on the premises at any time.
- **Pets** Leash you pet, unless you are in a clearly defined off leash area. Also, clean up after them.
- **Fires** Fires are only allowed in designated areas, and should never be left unattended.
- **Drones** Be mindful of where you are flying, and respectful of private property and wildlife. (State Parks?)

**05.05.090- Additional operational requirements**

A. **Advertising and License Number.** The licensee or authorized agent shall put the annual Short-Term Rental Operating License number on all advertisements for the specific property, if legally possible.

B. **Complaints.**

1. **Response to Complaints.** The licensee or representative shall respond to neighborhood questions, concerns, or complaints within thirty (30) minutes. Unresolved complaints shall result in an immediate violation of this ordinance.
2. **Record of Response.** The licensee or representative shall maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed reasonable to document the interaction. This record can then be must available for City inspection upon request to investigate a complaint.

C. **Specific Prohibitions.** The following activities are prohibited on the premises of a short-term rental during periods of transient rental:

1. Events in 1-R and 2-R. Examples of events include, but are not limited to, company retreats, weddings, rehearsal dinners, organizational meetings, family reunions, anniversary or birthday parties etc.

Commented [JG6]: Have Dispatch's number as the contact and then dispatch contacts the City for a record of the complaints and the City contacts the representative.

- 2. Unattended barking dogs.
- 3. Activities that exceed noise limitations during quiet hours set in this ordinance.

**05.05.100- Implementation of this Ordinance and Application to Short-Term Rentals Operating Licenses on the Date of its Adoption.** All new/initial Short-Term Rental Licenses issued after the date this ordinance is adopted shall implement and comply with all provisions in this ordinance. This section shall govern the implementation and applicability of this ordinance to short-term rentals that are lawfully established, registered and operating on the date of adoption of this ordinance (Lawful Pre-Existing Short-Term Rentals)

- A. **Lawful Pre-Existing Short-Term Rentals** To qualify as a Lawful Pre-Existing Short-Term Rental, the property owner must be able to demonstrate the following with credible evidence to the satisfaction of the City Administrator.
  - 1. The short-term rental has a license during the 12 months preceding adoption of this ordinance.
  - 2. Proof the short-term rental has been rented during the 12 months preceding adoption of this ordinance for a verifiable number of nights.
  - 3. The short-term rental owner paid the Transient Lodging Tax during the 12 months preceding the adoption of this ordinance for a verifiable number of nights.
- B. **Deferred Compliance with Some STR Requirements for Rentals of Lawful Pre-existing Short-Term Rentals.** Lawful Pre-existing Short-Term Rentals, as defined in this section, shall be subject to and comply with all of the operational requirements in this ordinance except for the following:

- 1. *New application or renewal precluded due to the subarea Cap.* The residential area caps limitation in Section 05.05.040 ( C ) shall not apply to the first 5 registration renewals for Lawful Pre-Existing Short-Term Rentals following adoption of this ordinance. Property owners must still renew their registration annually but will not be denied due to the residential area cap during the first 5 renewals.
- 2. *New application or renewal precluded due to a 300-foot density limit.* The 300-foot minimum separation density requirement in Section 05.05.040 (D) shall not apply to the first 5 registration renewals for a Lawful Pre-Existing Short-Term Rental following adoption of this ordinance. Registrants must still renew their

**Commented [JG7]:** Do we want these to be preceding this Ordinance or give the operators 1 year to have a short term renter if they have not .

**Commented [JG8]:** Do we want to add in Residential Zones only?

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registration annually but will not be denied due to there being an active registered short-term rental property within 300 feet of the applicant's property.

- C. **Compensation for Reasonable Investment in a Dwelling Unit as a Short-Term Rental.**  
When the operation of a short-term rental must be curtailed or eliminated as a result of this ordinance.
1. The 5-year deferred compliance (amortization period) provided for in this section for Lawful Pre-existing Short-Term Rentals shall be deemed just compensation for any reasonable investment that the property owners may have made in the dwelling unit for its use as a short-term rental that cannot otherwise be recouped, through use of the dwelling unit for long-term residential tenancy. In the event that an owner deems the amortization period provided for herein to be insufficient compensation to recoup his or her reasonable investment in the property's actual use as a lawful short-term rental (*i.e.*, hosted homeshare or vacation home rental) or imposition of these regulations results in a demonstrable reduction in the property's fair market value, such a property owner shall apply for additional compensation from the City pursuant to this section.
  2. To seek additional compensation, the property owner shall submit a written claim for additional compensation with the City Administrator within 90 days after the adoption of this ordinance. In such claim, the property owner shall provide documentation of the owner's reasonable investments in the property exclusively for its use as a transient rental that exceed the value that can be recouped from continued transient rental use of the property for the amortization period and which cannot be put to any other economically viable use of the property. The property owner's burden of proof requires credible evidence that this ordinance caused a reduction in fair market value of the property as a lawful short-term transient rental as compared to use of the property for long-term tenancy that cannot be recouped by the amortization period provided in this section. For purposes of this section, "credible evidence" means a professional real estate appraisal of the property's value with and without the regulations in this ordinance, less the rental value derived from the 5-year amortization period for herein. If the property owner is able to demonstrate that application of this ordinance resulted in a loss in property value that cannot be recouped through the amortization period provided for herein, the City Administrator may provide additional compensation in a form and amount of the Port Orford City Council's choosing based upon the evidence.

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3. The property owner may appeal any such final determination pursuant to Section 05.05.140.

**05.05.110- Violations**

In addition to complaints related to nuisance and noise and other violations of the City of Port Orford Municipal Code, the following conduct also constitutes a violation of this ordinance and is a civil infraction:

- A. The discovery of material misstatements or providing of false information in the application or renewal process.
- B. Representing a dwelling unit as available for occupancy or rent as a short-term rental where the owner does not hold a valid operating license issued under this ordinance, or making a short-term rental available for use, occupancy or rent without first obtaining a valid operating license.
- C. Advertising or renting a short-term rental in a manner that does not comply with the standards of this Ordinance.
- D. Failure to comply with the substantive or operational standards in sections 050.050.080, 050.050.090, 050.050.100 or any conditions attached to a particular short-term rental license.

**05.05.120- Penalties**

- A. In addition to the fines and revocation procedures described below, any person or owner who uses, or allows the use of, or advertises, property in violation of this ordinance is subject to the enforcement authority of the City Administrator.
- B. Each twenty-four (24) hour period in which a dwelling unit is used, or advertised, in violation of this ordinance or any other ordinance of the City of Port Orford Municipal Code shall be considered a separate occurrence for calculation of the following fines:
  1. The first occurrence of one or more violation(s) will incur a warning or other fine amount otherwise specified in City of Port Orford Municipal Code, whichever is greater.
  2. A second occurrence of one or more violation(s) within a 12-month period is subject to a \$250 fine or other fine amount otherwise specified in City of Port Orford Municipal Code, whichever is greater.

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- 3. A third occurrence and all subsequent occurrences of violation(s) within a 12-month period is subject to a \$500 fine or other fine amount otherwise specified in City of Port Orford Municipal Code, whichever is greater.

C. **Revocation & Suspension.** The following actions are grounds for immediate revocation or suspension of a Short-Term Rental Operating License and cessation of use of the dwellings unit for short-term tenancy:

- 1. Failure to renew a Short-Term Rental Operating License as set forth in City of Port Orford Municipal Code 05.10.060 while continuing to operate a short-term rental.
- 2. The receipt by the City of 3 or more unresolved complaints about the short-term rental within a 12-month period alleging violations of the requirements of this Ordinance.
- 3. The discovery of material misstatements or providing of false information in the application or renewal process is grounds for immediate revocation of the Short-Term Rental Operating License.
- 4. Such other violations of this ordinance of sufficient severity in the reasonable judgment of the City Administrator, so as to provide reasonable grounds for immediate revocation of the Short-Term Rental Operating License.

D. **Notice of Decision/Appeal.** If the property owner is fined or a Short-Term Rental Operating License is revoked as provided in this section, the City Administrator shall send written notice to the property owner stating the basis for the decision. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The property owner may appeal the City Administrator’s decision under the procedures set forth in City of Port Orford Municipal Code Ordinance 05.05.130. Upon receipt of an appeal, the City Administrator shall stay the decision until the appeal has been finally determined by the Port Orford City Council.

**05.05.130- Appeals of Short-Term Rental Operating License Determinations.** Any decisions by the City approving, denying, or revoking a Short-Term Rental Operating License may be challenged, only pursuant to this section. This includes a decision by the City Administrator made pursuant to Section 050.050.100 regarding a Lawful Pre-Existing Short-Term Rental.

A. **Filing Requirements – Notice.** The property owner or authorized agent may appeal a Short-Term Rental Operating License decision to approve, deny or revoke an operating license under City of Port Orford Municipal Code 05.05.100.

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- B. **Authority to Decide Appeal.** The Port Orford City Council shall be responsible for deciding all appeals under this ordinance.
- C. **Time for Filing.** A property owner is required to file a written notice of appeal including a written description of the legal basis for the appeal no later than 14 calendar days after the license application, renewal or other determination being appealed was issued. This requirement is jurisdictional and late filings shall not be accepted.
- D. **Fee for Appeal.** The Port Orford City Council may establish by resolution a fee for filing an appeal, which shall be a jurisdictional requirement.
- E. **Procedures.** The City Administrator may establish administrative procedures to implement the appeal process provided in this section, including any required forms. The Port Orford City Council may adopt procedures for hearings not in conflict with this section, including but not limited to time limitations on oral testimony and limitations on written argument.
- F. **Hearing.** Within 35 days of receiving the notice of appeal, the City Administrator shall schedule a hearing on the appeal before the Port Orford City Council. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant. The Port Orford City Council may direct the City Attorney to draft findings of fact and interpretations of code or law to be considered at a later meeting.
- G. **Standard of Review and Decision.** The Port Orford City Council shall determine whether the City's decision was based on a preponderance of the evidence. A decision of the Port Orford City Council shall be based on the evidence received, in writing and signed by the chair, no later than 30 days after the close of the hearing. The Port Orford City Council may determine not to fine, suspend or revoke the license. If the Port Orford City Council upholds the decision to revoke the Short-Term Rental Operating License, the City Administrator shall order the licensee to discontinue the use of the property as a short-term rental. If the Port Orford City Council reverses the decision to suspend or revoke the operating license, the property owner shall continue to use the property as a short-term rental.
- H. **Finality.** The Port Orford City Council's decision shall be final on the date of mailing the decision to the appellant. The Port Orford City Council's decision is the final decision of the City and is appealable only by writ of review to Circuit Court.

**05.05.140- Discontinuance of Short-Term Rental Occupancy.**

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- A. **After Revocation.** After a Short-Term Rental Operating License has been revoked, the dwelling unit may not be used or occupied as a short-term rental unless a subsequent license is granted, and the licensee whose license has been revoked shall not be eligible to reapply for a short-term rental license for the same property for a period of two years.
- B. **After Expiration.** If a Short-Term Rental Operating License expires, the dwelling unit may not be used or occupied as a short-term rental until such time as a subsequent license has been granted for that property.

**05.05.150- Remedies Not Exclusive**

The remedies provided in this ordinance are in addition to, and not in lieu of, all other legal remedies, criminal and civil, which may be pursued by the City to address any violation of this code, the Development Code, or other public nuisance.

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this \_\_\_<sup>th</sup> day of \_\_\_ 1 and effective the \_\_\_<sup>th</sup> day of \_\_\_ by the following vote:

DATED :

Passed or Failed by the following Roll Call Vote

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Passed \_\_\_\_\_ Failed \_\_\_\_\_

\_\_\_\_\_  
Mayor Pat Cox

ATTEST:

\_\_\_\_\_  
Jessica Ginsburg, City Recorder

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