

CITY OF MAUPIN

ORDINANCE NO.

AN ORDINANCE ESTABLISHING OPERATIONAL RULES AND REGULATIONS FOR SHORT TERM RENTALS IN THE CITY, ESTABLISHING A PERMITTING PROCEDURE AND A PROCEDURE FOR DEALING WITH VIOLATIONS TO THIS ORDINANCE.

RECITALS:

- A. The City of Maupin finds that:
1. Pursuant to Ordinance _____, single family dwellings may be licensed, by the City for use as “Short Term Rentals” or “Vacation Rentals,” as defined below, within the three Commercial Zones of the City.
 2. Licensing regulations need to consider:
 - a. The data from communities that authorize Short Term Rentals or Vacation Rentals which indicates that regulation needs to address the possible issues and conflicts related to:
 - i. increased problems of excessive noise,
 - ii. spilled garbage,
 - iii. shortages of parking,
 - iv. overcrowded accommodations;
 - v. And general conflicts with normal residential neighborhoods.
 3. The best way to regulate these impacts is to establish, as a part of City licensing:
 - a. Pre-conditions to licensing which structures and regulates operation of these rentals; and
 - b. Implementation of licensing enforcement procedures and operational limitations so as to foster operation of such rentals in a manner which respects and protects the uses in the neighborhoods in which these rentals are located and the City of Maupin in general.
 - c. At all times, working with the licensees in a way that supports the peace, health, safety and livability of residents of, and visitors to, Maupin, Oregon.
 4. It is reasonable and prudent to adopt licensing regulations that are separate from the Maupin Land Use Ordinances.

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF MAUPIN ORDAINS AS FOLLOWS:

1. **Definitions.** For the purpose of this Ordinance, the following definitions shall apply:
 - a. **"Accessory structure or accessory use"** means a structure or use incidental and subordinate to the main use of a property and located on the same lot as the main use.

PAGE 1 OF 8 - ORDINANCE NO. _____ AN ORDINANCE ESTABLISHING OPERATIONAL RULES AND REGULATIONS FOR VACATION RENTALS IN THE CITY, ESTABLISHING A PERMITTING PROCEDURE AND A PROCEDURE FOR DEALING WITH VIOLATIONS TO THIS ORDINANCE.

PAUL F. SUMNER P.C.

ATTORNEY AT LAW

185 S.W. 'B' STREET, P.O. BOX 16, MADRAS, OR 97741

(541) 475-7277 [FAX (541) 475-2857]

- b. **"Contact Person"** means a 24 hour Local (within 10 minutes of the rental dwelling) person or entity who can address governmental and private citizen concerns and may be:
 - i. The owner(s) of the dwelling unit; or
 - ii. The agent of the owner(s), authorized to act for the owner(s) as designated on the license application.
- c. **"Dwelling Unit"** means: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, sanitation and only one cooking area.
- d. **"Licensing Authority"** shall mean Maupin City Manager or other authorized representative of the City of Maupin charged with administering this Ordinance.
- e. **"Single family dwelling"** means a structure of which all habitable portions thereof are connected structurally and comprise one dwelling unit, including but not limited to factory built dwellings, mobile homes and site built dwellings.
- f. **"Two family dwelling"** means a structure of which all habitable portions thereof are connected structurally and comprise two dwelling units including but not limited to factory built dwellings, mobile homes and site built dwellings.
- g. **"Multi-family dwelling"** means a structure of which all habitable portions thereof are connected structurally and comprise three or more dwelling units, including, but not limited to, factory built dwellings, mobile homes and site built dwellings.
- h. **"License"** means a short term rental license issued by Maupin, Oregon and maintained in good standing by the Owner(s) or agent of the Owner(s) in accordance with the provisions of the Maupin City Ordinances and regulations.
- i. **"Owner(s)"** means the person or people, partnership, corporation, association, or other legally recognized person(s) or entity holding title to the dwelling unit in accordance with law.
- j. **"Person"** includes any natural person(s), firm, partnership, association, social or fraternal organization, corporation, business or any other group or combination acting as a unit.
- k. **"Rental Agreement"** means any agreement, whether or not in writing, granting the use of a dwelling unit to a person. Use of a dwelling unit by a recorded owner or other person or persons without monetary consideration shall not be considered to be a rental under this chapter.
- l. **"Rent"** means the authorization of use of a dwelling unit granted to a person(s) in exchange for monetary consideration.
- m. **"Renter"** is a person who rents a short term rental.
- n. **"Short Term Rental"** means the renting of a dwelling unit (including any accessory guest house on the same property) to any person(s) on a day to day basis or for a period of time of up to thirty (30) consecutive nights.
- o. **"Sleeping Area"** is a room or other space within a dwelling unit designed, intended or used for sleeping. Roll out beds, fold out couches, or other temporary sleeping accommodations including tents and recreational vehicles shall not be considered a sleeping area, and may not be used to increase the allowed occupancy of a short term rental as provided in this ordinance

PAGE 2 OF 8 - ORDINANCE NO. AN ORDINANCE ESTABLISHING OPERATIONAL RULES AND REGULATIONS FOR VACATION RENTALS IN THE CITY, ESTABLISHING A PERMITTING PROCEDURE AND A PROCEDURE FOR DEALING WITH VIOLATIONS TO THIS ORDINANCE.

PAUL F. SUMNER P.C.

ATTORNEY AT LAW

185 S.W. 'B' STREET, P.O. BOX 16, MADRAS, OR 97741

(541) 475-7277 [FAX (541) 475-2857]

Determinations as to the number of sleeping areas within a dwelling unit are reserved to the Maupin City Licensing Authority and all determinations are final.

- p. "Vacation Rental," for the purpose of this ordinance shall mean the same as "Short Term Rental" as defined above.

2. Licenses:

- a. It shall be unlawful to rent any dwelling unit as a short term rental without obtaining and maintaining a current license as provided in this Ordinance. All dwelling unit owners shall obtain a license prior to using the dwelling unit as a short term rental.
- b. No license granted under the provisions of this Ordinance shall be assignable. If the dwelling unit is sold or transferred by any means, a new license is required of the subsequent owner(s) who desire(s) to continue a short term rental operation; provided, however, that the Maupin City Council may set a, pro rata, lower fee for the first year. The subsequent owner(s) will be required to fill out a new application and agree in writing to comply with the requirements of this Ordinance and the license authorized herein.

3. Application for License; Fee:

- a. Applications for a license, renewal of a license, or license caused by a change in ownership shall be made upon forms provided by the City of Maupin and filed at the City Manager's Office at City Hall. These applications shall include, but not be limited to the following:
- i. A plot plan, drawn to scale, showing the location of the dwelling unit on the lot with dimensions shown and particularly the off street parking availability shall be shown and dimensions of the parking spaces shown as well.
- b. Every license application, renewal license or license caused by a change in ownership shall be accompanied by application fee(s), which, at the time of passage of this ordinance is \$250 plus actual cost of any additional inspections by City, County, or State Agencies. This application fee is subject to modification as provided in this ordinance.
- c. If approved by the licensing authority, the successful applicant shall pay the annual licensing fee which is \$500/calendar year prorated as of the date of issuance. This is the fee adopted at the time of passage of this ordinance and is subject to change as provided in this ordinance.
- d. Fees provided in this ordinance shall be subject to review annually and may be amended, by resolution of the City Council of the City of Maupin.
- e. Every application shall be processed by the Licensing Authority.
- f. Upon receipt of the completed application, the Licensing Authority will review the application and certify that:
- i. Based on a viewing of the property, the short term rental complies with standards found in this Ordinance and the other relevant Ordinances of the City of Maupin.

PAGE 3 OF 8 - ORDINANCE NO. AN ORDINANCE ESTABLISHING OPERATIONAL RULES AND REGULATIONS FOR VACATION RENTALS IN THE CITY, ESTABLISHING A PERMITTING PROCEDURE AND A PROCEDURE FOR DEALING WITH VIOLATIONS TO THIS ORDINANCE.

PAUL F. SUMNER P.C.

ATTORNEY AT LAW

185 S.W. 'B' STREET, P.O. BOX 16, MADRAS, OR 97741

(541) 475-7277 [FAX (541) 475-2857]

- ii. There has been a proper posting of the contact person information, as provided in this Ordinance.
- iii. The contact person information is being provided to the Wasco County Sheriff, local fire and rescue and the City of Maupin.
- iv. Determine and state on the license the maximum occupancy for the short term rental as defined by this Ordinance.
- v. Receive and review the certified statement of the owner that the owner of the short term rental has met and will continue to comply with the requirements of this Ordinance.

4. **Transient Room Tax Compliance Required.** Notwithstanding any other provision of this, or any other Ordinance of the City of Maupin and as a separate stand-alone requirement and criteria for holding a valid license, the owner shall provide a certified statement that the owner will comply with Maupin and Oregon State Transient Room Taxes. If at any time the licensee cannot demonstrate compliance with Transient Room Taxes, or if the City determines that the owner is not in compliance with the provisions of that Transient Room Taxes, the license shall not be issued, or may be suspended or revoked, or may be denied upon renewal, until such time as the noncompliance is resolved to City's satisfaction. Noncompliance includes, but is not limited to, failure to report, improper reporting, failure to collect or failure to remit required transient room taxes. Any of these actions not timely made is also grounds for revocation and non-renewal of the license for noncompliance.

5. **Licensees subject to Commercial City Sewer and Water Rates.** Premises licensed under the provision of this ordinance and related regulations are subject to the Maupin commercial city sewer and water rates during the period of licensure.

6. **Issuance and Maintenance of License.** Issuance and Maintenance of License is subject to the following:

- a. Authority to issue licenses rests with the Licensing Authority.
- b. An issued license is subject to revocation or refusal to renew the license for failure to meet, maintain or operate the short term dwelling in conformance with the requirements of this and other Ordinances of the City of Maupin.
- c. Within THIRTY (30) days of receipt of a completed application, the payment of required fees, and the determination or adequate certification of compliance with the requirements of this Ordinance, a license shall be issued by the Licensing Authority to the owner which shall be good until the end of the calendar year of issuance.
- d. If an application for a permit or the renewal of a permit is denied, or a permit is revoked, cancelled or not renewed the owner may appeal denial or revocation or non-renewal to the Maupin City Council as provided below.
- e. During the time that a license is revoked, non-renewed or not issued, a short term rental may not operate.

7. **Operating Standards.** All short term rentals shall comply with the following operating

PAGE 4 OF 8 - ORDINANCE NO. AN ORDINANCE ESTABLISHING OPERATIONAL RULES AND REGULATIONS FOR VACATION RENTALS IN THE CITY, ESTABLISHING A PERMITTING PROCEDURE AND A PROCEDURE FOR DEALING WITH VIOLATIONS TO THIS ORDINANCE.

PAUL F. SUMNER P.C.

ATTORNEY AT LAW

185 S.W. 'B' STREET, P.O. BOX 16, MADRAS, OR 97741

(541) 475-7277 [FAX (541) 475-2857]

standards and conditions:

- a. Except as provided herein, single family dwellings conducting a Vacation Rental business must maintain the appearance and operational characteristics of a single family dwelling unit.
- b. **Contact Person(s).** The name and phone number of the contact person(s) shall be posted, provided and updated in the following manner:
 - i. Short term rentals shall maintain a sign, which is conspicuously posted and clearly visible from the primary street(s) adjacent to the property, identifying the property as a short term rental. This sign shall include the current name and 24-hour phone number of the contact person and the occupancy limits of the home.
 - ii. In addition, the owner shall provide the contact person's name and phone number in writing to the local fire chief and the Wasco County Sheriff's Office.
 - iii. Each Vacation Rental shall maintain an, up to date, posting which shows the Property Owners contact information, phone and email address and the telephone number for the contact person.
 - iv. The owner shall update the posted notice and provide a new written notice to the local fire chief and Wasco County Sheriff's Office and the City of Maupin each time there is a change to the name or phone number of the contact person.
 - v. The contact person shall contact a renter by phone or in person or otherwise promptly respond to phone inquiry upon receiving any complaint from a neighbor, the local fire department or the Sheriff's Office concerning the conduct of a renter or other issue impacting the public or the City.
- c. **Quiet Time.** The hours of 10 p.m. to 7 a.m. weekdays and 10 p.m. to 10 a.m. on weekends and holidays are required quiet times. The owner or contact person shall notify every renter, in writing, of the quiet times and that a renter may be subject to sanction and penalties under the law. Failure of the licensee or the Licensee's agents to enforce this quiet time may result in revocation or non-renewal of license. Renters who violate this standard may be issued enforcement mechanisms available for breaches of the peace.
- d. **Outdoor BBQ's.** Outdoor propane BBQ's and outdoor fire pits are permitted, No other outdoor fires are permitted.
- e. **Garbage Service.** The owner shall be required to maintain adequate garbage service, with required secure containers, from the franchised waste disposal service company serving its property. The service must be at a level commensurate with the garbage generated at the dwelling, but no less than weekly service when the short term rental is being rented. Owners shall notify all guests of the garbage services and requirements for the dwelling.

PAGE 5 OF 8 - ORDINANCE NO. AN ORDINANCE ESTABLISHING OPERATIONAL RULES AND REGULATIONS FOR VACATION RENTALS IN THE CITY, ESTABLISHING A PERMITTING PROCEDURE AND A PROCEDURE FOR DEALING WITH VIOLATIONS TO THIS ORDINANCE.

PAUL F. SUMNER P.C.

ATTORNEY AT LAW

185 S.W. 'B' STREET, P.O. BOX 16, MADRAS, OR 97741

(541) 475-7277 [FAX (541) 475-2857]

- f. **Parking.** The owner must provide one (1) parking space for each approved sleeping area in a short term rental, plus one (1) additional parking space per unit. Off street Parking spaces shall measure not less than 9' x 19'. Owners shall provide sufficient off-street parking for Renters who bring trailers, boats or similar oversized vehicles. Renters must be advised that they may only park in the off-street parking unless otherwise specifically authorized by the City License. Parking shall not, under any circumstances, hinder the path of any emergency vehicle. Renters may be cited and fined in the event they park illegally. Repeated violations of prohibited parking by renters of the short term rental may be grounds for revocation or non-renewal of the license.
 - g. **House Number.** A house number, visible from the street, shall be installed and maintained by the Owners.
 - h. **Limits on Occupancy.** The maximum occupancy for a short term rental unit shall be calculated on the basis of an average of Two (2) persons per sleeping area plus an additional two (2) persons. For the purpose of maximum occupancy, those under two (2) years of age shall not be counted. Accessory structures, tents and recreational vehicles and similar sleeping arrangements shall not be used to increase the number of people approved to occupy a short term rental. Notwithstanding the forgoing, no more than TEN (10) persons shall occupy the short term rental unit at any one time.
 - i. **Notices to Renters.** The owner must provide to each renter and post in a prominent location in the dwelling, a list of rules including, but not limited to, rules on required quiet times, fire, barbeques, available garbage service, parking locations and limitations on occupancy.
 - j. **Outdoor Lighting.** Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be shielded or hooded to prohibit glare to impact adjoining properties.
 - k. **Pets and Barking Dogs.** If owner allows dogs on premises, the renter shall maintain control of the dog at all times including preventing excessive barking.
8. **Complaint Procedure.** All complaints will initially proceed through the informal resolution process provided herein. If the complaint is unresolved, then the more formal process shall be utilized as set forth below:
- a. **Step One.** The complaining party shall attempt to communicate with the contact person designated on the license, as is communicated in the notice posted at the short term dwelling. The complainant shall describe the problem and the requested resolution.

PAGE 6 OF 8 - ORDINANCE NO. AN ORDINANCE ESTABLISHING OPERATIONAL RULES AND REGULATIONS FOR VACATION RENTALS IN THE CITY, ESTABLISHING A PERMITTING PROCEDURE AND A PROCEDURE FOR DEALING WITH VIOLATIONS TO THIS ORDINANCE.

PAUL F. SUMNER P.C.

ATTORNEY AT LAW

185 S.W. 'B' STREET, P.O. BOX 16, MADRAS, OR 97741

(541) 475-7277 [FAX (541) 475-2857]

- b. **Step Two.** The contact person shall promptly respond to the complainant and make reasonable efforts to remedy any situation that is out of compliance with the provisions of this Chapter. If that resolves the matter, the complaint process terminates.
 - c. **Step Three.** If the response from the contact person is not satisfactory to the complaining party or the contact person does not believe that the problem violates this or other Maupin City Ordinances or other laws, either party or both parties may next provide a written complaint to the Licensing Authority, with a copy of the written complaint provided to the other party by the complainant. The written complaint shall describe all efforts to resolve the problem. The Licensing Authority shall then attempt to resolve the complaint with parties. The Licensing Authority may use community mediation resources if it determines such resources are available and would help resolve the complaint. If not mutually resolved by the parties, the Licensing Authority shall issue a written determination to both parties to resolve the problem. If the Licensing Authority finds that a violation of this Chapter occurred, the Licensing Authority may undertake enforcement action as authorized in this or other Ordinances of the City of Maupin.
 - d. **Step Four.** Either party may appeal the determination of the Licensing Authority by filing a written appeal to the Maupin City Council, within thirty (30) days of the Licensing Authority's determination. The City Council, or its designee, shall hold an informal hearing on the appeal and issue a formal decision.
 - e. **Complementary Procedure.** This procedure is separate from but complimentary with the procedures used to revoke, cancel or deny renewal of a license.
9. **Denial, Revocation or Nonrenewal of a License; Hearing.**
- a. Owners of short term rental units who hold a valid license under this Ordinance are required to comply with all applicable provisions of this Ordinance and the other Ordinances of the City of Maupin. In addition to the penalties, provided elsewhere for any violation of any provision of the Ordinances of the City of Maupin, failure to comply may subject the owner to revocation or non-renewal of a License as provided for in this section.
 - b. Appeal of denial of a license is also governed under these provisions.
 - c. The following shall be grounds for considering revocation or non-renewal of the license granted and held under this Ordinance:
 - i. One or more violations of this chapter or other provisions of the Maupin City Ordinances related to the same short term rental within one (1) year. Violations include, but are not limited to, complaints identified in this Ordinance which reached step 4 and a final determination was made that the problem as unresolved violating provisions of Maupin Ordinances.
 - ii. Violations may also be determined by the Licensing Authority for noncompliance with the provisions of this Ordinance or other Federal, State or Local law
 - d. A decision of the Licensing Authority may be appealed under the following procedures:
 - i. An appeal of the decision of the licensing authority must be filed with the

PAGE 7 OF 8 - ORDINANCE NO. AN ORDINANCE ESTABLISHING OPERATIONAL RULES AND REGULATIONS FOR VACATION RENTALS IN THE CITY, ESTABLISHING A PERMITTING PROCEDURE AND A PROCEDURE FOR DEALING WITH VIOLATIONS TO THIS ORDINANCE.

PAUL F. SUMNER P.C.

ATTORNEY AT LAW

185 S.W. 'B' STREET, P.O. BOX 16, MADRAS, OR 97741

(541) 475-7277 [FAX (541) 475-2857]

City Recorder within 30 days of the appealed decision, together with a filing fee, which at the time of adoption of this ordinance is \$500 plus actual cost of Contract Planner or Attorney, and which as elsewhere provided is subject to annual review.

- ii. Upon timely filing of an appeal of the administrative decision of the Licensing Authority, the City Council or an authorized representative of the City Council shall conduct a hearing to consider the challenged decision.
- iii. The City Council or its designee shall give thirty (30) days written notice to all relevant parties of the time, date and place of the hearing, that the short term rental permit may be revoked as a result of the hearing and of the allegations and violations upon which revocation will be considered.
- iv. At the hearing, each party shall have an opportunity to be heard and present such witnesses, testimony and other evidence as that party deems relevant to the issues. The procedure will be informal and no cross examination will be allowed. The hearing may be continued at the discretion of the City Council or its designee.
- v. At the conclusion of the hearing process, the City Council or its designee shall consider the evidence and issue a binding decision.

10. **Severability.** Each section, sentence, clause, and phrase hereto is declared severable. If any section, sentence, clause, or phrase of this chapter is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

11. **Repeal of Conflicting Ordinances.** All other ordinances or parts of ordinances that are in conflict herewith are hereby repealed subject however to the right to proceed on any violations or pursue any existing rights or remedies which existed at the time of enactment of this ordinance.

PASSED by the Council this _____ day of _____, 2020.

Ayes: _____, Noes: _____, Absent: _____, Abstain: _____.

Mayor

Attest: _____
Recorder