

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING THE ASTORIA CITY CODE CONCERNING VACATION RENTAL LICENSE AND ENFORCEMENT.

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1: The City of Astoria adopts the following provisions dealing with Vacation Rental Licenses:

1. Purpose.

The provisions contained in this Ordinance are intended to authorize and regulate all new and existing vacation rentals and to provide for the orderly use and regulation of such rentals to preserve the health, safety and welfare of the community. This use shall not adversely affect the character of adjacent properties. These standards and procedures are in addition to City ordinances and Federal, State, and County laws and regulations.

2. Definitions.

LODGING UNIT includes any individual accommodation meeting the requirements of the Vacation Rentals ordinance that can be rented separately, including facilities known by their advertising and/or management platform names, or other such transient lodging identification.

QUIET HOURS: The hours of 11:00 p.m. until 7:00 a.m. shall be considered quiet hours. During this time period, excess noise beyond the reasonable use of a dwelling during this time period is prohibited.

VACATION RENTAL means any structure or portion of any structure offered for dwelling, lodging, or sleeping purposes for 30 days or less, is not occupied by an owner or manager at the same time as the renters and does not meet the definition of lodging places per ACC Section 8.700. Vacation Rental shall include any structure or portion of structure built and/or used as a residential dwelling converted to transient lodging units; and/or any existing commercial structure or portion of commercial structure converted to transient lodging units and/or any new structure constructed for transient lodging units, of five lodging units or less. Any portion of the structure that can be rented individually shall be considered its own *lodging unit*.

3. Applicability.

- A. The provisions of this ordinance apply to all existing and new vacation rentals⁰ within the City of Astoria.
- B. An existing vacation rental that obtained City approval prior to December 7, 2022, as a vacation rental, or other transient lodging classification meeting the current definition of vacation rental, and/or is operating as a lawful nonconforming use but is not in compliance with the standards of this ordinance may remain operational as a nonconforming vacation rental if compliance with the following standards is met:
 - 1. The vacation rental shall comply with the fire life safety requirements described in ACC Section 8.746;
 - 2. The owner has a valid Occupational Tax (business license) from the City of Astoria and is current with all Transient Room Tax obligations;
 - 3. The owner obtains a Vacation Rental License within three (3) months of the effective date of this ordinance.

4. License Required.

- A. A Vacation Rental License shall be required for the operation of all new and existing Vacation Rentals. It is unlawful for any person to operate a vacation rental without having first obtained a Vacation Rental License from the City for the current operating year. Licenses required by this chapter shall be in addition to all other licenses and permits required by City ordinance, or State law.
- B. Each individual lodging unit within a vacation rental facility shall carry its own license.
- C. Licenses are valid for a period not to exceed one year, from the date the license is issued or renewed to December 31 of the same year of the license.
- D. License fees are applicable for each separate lodging unit pursuant to the City's Fee Schedule.
- E. If a license lapses, the fee for a new Vacation Rental License is applicable.
- F. Licenses granted by this chapter are non-transferable to another location. In the event of new ownership, a new license must be obtained meeting all of the requirements of this chapter.
- G. An owner may reapply for a Vacation Rental License, which has been denied after a period of six (6) months from the effective date of the denial.
- H. An owner may apply for a Vacation Rental License after a license or the right to apply for a license has been revoked after a period of one (1) year from the effective date of the revocation, except as otherwise noted.
- I. A License shall in no way be a substitute nor eliminate the need to conform with all other Federal, State, County, and municipal laws, rules, and regulations.

5. Licenses Available.

The number of licenses available to be issued each year for vacation rentals is limited to a maximum of 50.

6. License Application Requirements

- A. New and Renewal Applications. An owner shall apply for a Vacation Rental License on the form provided by the City, along with the appropriate filing fee, and shall provide the following information:
1. The names, addresses, emails, and telephone numbers for all owners.
 2. The name, address, email, and telephone number of a designated contact person who shall be responsible and authorized to respond to complaints in accordance with Section 7 concerning the use of the vacation rental.
 3. Proof of registration with the City Transient Room Tax Administrator pursuant to AC 8.045.6 along with proof that all applicable Transient Room Taxes have been paid.
 4. The applicant received City approval for vacation rental as a permitted outright use, a conditional use, or the vacation rental is documented as a non-conforming use.
 5. Proof of an Occupational Tax (business license) application with the City of Astoria.
 6. The applicant shall provide listing details for any proposed Transient Lodging Facility Intermediary, third party platforms. The license ID number of the Vacation Rental used by the Transient Lodging Facility Intermediary shall be included.
 7. The applicant shall provide and maintain up-to-date owner, agent, contact, Transient Lodging Facility Intermediary, and third-party platform information upon license renewal or if any information changes during the licensing period.
 8. A scaled site plan drawing including dimensions and location of the structure and approved parking plan as per Article 7 of the Astoria Development Code.
 9. A scaled floor plan of the lodging unit showing the location of the sleeping rooms to be used indicating the location and size of egress windows.
 10. An inspection report prepared by the City Building Official or qualified third-party inspector within thirty (30) days of the vacation rental license application submission certifying compliance with the Standards of AC 8.746.
- B. License Renewal Provisions. Except as provided below, the holder of a vacation rental license is entitled to renewal upon submission of a proper renewal application and fee. The City shall review every request to renew a vacation rental license in accordance with the following:
1. Applications for license renewal shall be submitted on a form provided by the City with the appropriate filing fee.
 2. License renewal requests may be submitted up to sixty (60) days prior to expiration of the previous license. A renewal may be approved prior to expiration of the previous license.
 3. The City shall make an appropriate investigation of the applicant's compliance with the requirements of this chapter prior to approving the renewal application.
 4. The City may deny a request for renewal per AC 8.747.

7. Standards.

- A. An inspection report shall be submitted by the owner on the form provided by the City. The inspection fee shall be the responsibility of the owner. The inspection report shall be prepared by the City Building Official or qualified third-party inspector within thirty (30) days of the vacation rental license application certifying compliance with the following standards:
1. One functioning smoke detector in each sleeping room, with a minimum of two functioning smoke detectors in the unit and one functioning fire extinguisher at each exit.
 2. Working carbon monoxide detector present on each floor with CO producing device, including a garage, if applicable.
 3. Exterior doors shall be operational. All passageways to exterior doors shall be clear and unobstructed.
 4. Electrical systems shall be serviceable with no visible defects or unsafe conditions.
 5. All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.
 6. Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window, unless otherwise approved by the Building Official.
 7. An evacuation plan shall be posted near the primary egress of each sleeping room.
 8. Identify the number of sleeping rooms within the facility and each unit specifically.
 9. Identify the number of parking spaces on the property that meet the standards of Article 7 in the Development Code.
- B. The vacation rental and all sleeping rooms shall remain in compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code.
- C. The owner shall maintain compliance with the fire life safety requirements of ACC Section 8.746.
- D. The owner shall comply with all City regulations affecting the operation of the facility including but not limited to the following:
1. All signs shall conform to the sign requirements for the zone as specified in the Astoria Development Code Article 8.
 2. The owner of a vacation rental shall maintain an Occupational Tax (business license) from the City of Astoria, and all other City or State licenses or permits related to the operation of the facility.
 3. The owner shall maintain registration with the Finance Department and pay the Transient Room Tax as required in ACC Section 8.045.
- E. The owner shall adhere to the following parking requirements:
1. The owner shall notify every renter in writing of the required off-street parking and other parking spaces available to serve the vacation rental guest.
 2. Parking shall not, under any circumstances, hinder the path of any emergency vehicle.

3. Renters may be cited and fined under existing State and/or City law in the event they park illegally.
 4. Provide off-street parking as specified in Article 7 of the Astoria Development Code.
- F. The owner shall include the City Vacation Rental License number on all advertising and with all Transient Lodging Facility Intermediaries.
- G. The owner may not, or allow anyone else to advertise, offer, or represent for use, occupancy or rent, a vacation rental without a valid license.
- H. Unnecessary noise per AC 5.025 shall be prohibited at all times. Quiet hours per AC 8.741 shall be observed by all occupants and enforced by the license holder. The owner or designated contact person shall notify every renter, in writing, of the quiet times. Renters and/or the owners who allow a violation to this standard may be issued a citation and be subject to a fine pursuant to AC 1.010 and 8.748.
- I. The owner or owner's representative agent shall attempt to contact a renter by phone, text, email and/or other method within one hour of receiving a complaint concerning Quiet Time, and within twelve hours of receiving any other complaint concerning the conduct of a renter.
- J. The current Vacation Rental License shall be prominently displayed inside and near the front entrance of the vacation rental facility during the valid period of the license.
- K. The owner shall prominently display inside and near the front entrance of the vacation rental the following information.
1. The name, address, email, and phone number of the owner and owner's representative.
 2. The maximum occupancy for the vacation rental unit;
 3. Site map identifying the location of parking spaces available and maximum number of vehicles allowed;
 4. A map showing the property boundaries;
 5. Standards for required Quiet Hours.
 6. The tsunami evacuation route map;
 7. Emergency Contact information regarding power outages, wildfires, landslides, emergencies, and police matters;
 8. Location of Emergency Exits.
 9. Content of the notice shall be reviewed and approved by the City prior to posting.

8. License Denial, Suspension, or Revocation.

- A. A license application may be denied or a license issued pursuant to this chapter may be suspended or revoked by the City Manager, or designee if:
1. The licensee fails to comply with any of the applicable requirements of this chapter;
 2. The licensed activity is being conducted in a manner that presents an immediate danger to property or public health, safety or welfare;
 3. Violation of any State law or City ordinance by the applicant or violation of any State law or City ordinance by a renter while at a vacation rental.

4. The licensee is doing business in violation of any applicable Federal, State, or local law or regulation;
 5. The licensee is convicted of any crime, if the conviction has a bearing on the applicant's fitness to engage in the licensed activity;
 6. The licensee provides or has provided false or misleading material information or has failed to disclose a material fact on the application for the license or in connection with the licensed activity;
 7. The licensee has been assessed a civil penalty in connection with the licensed activity and fails to pay the penalty within the time required.
- B. The City Manager shall provide written notice of suspension or revocation to the licensee. The written notice shall state the basis for suspension or revocation of the license and shall inform the licensee of the right to appeal as set forth in AC 1.070.
 - C. Suspension of a license shall take effect immediately upon written notice of the suspension being personally delivered to the licensee, or upon being delivered to the licensee's address as stated on the licensee's application for the license, and shall remain in effect until the reason for the suspension has been cured, the license has been revoked, or the license is re-stated after a hearing as provided in AC 1.070.
 - D. The determination that a violation exists shall result in immediate suspension of the license. If the violation(s) are not cured within thirty (30) calendar days; or, if a plan to cure violation(s) has not been submitted and approved by the City within thirty (30) calendar days, the license will be revoked, effectively immediately.
 - E. A licensee who has had their license revoked may apply for a new license in the manner provided by this chapter after one year from the date of revocation. A licensee who has had their license revoked two times shall be ineligible to apply for a new license.

9. Private Complaint and Enforcement Procedures.

- A. The complaining party shall first attempt to communicate with the contact person designated on the license and describe the problem.
- B. If the complaint is regarding an emergency or police matter, the proper authorities shall be contacted.
- C. If the initial contact does not resolve the complaint within 48 hours, the complaining party may lodge a complaint with the City by submitting a written complaint including the time, date and nature of the alleged violation. If photos or videos are available, those shall be included with the complaint form to document the violation.
- D. Following receipt of a written complaint, the City may investigate and determine whether a violation of this chapter has occurred. The property owner or owner's representative shall allow the City to inspect any records related to the vacation rental unit or facility upon request of the City.
- E. If the alleged complaint is not confirmed by the City, is determined not to have occurred, or the complaint has been resolved, the complaint shall be logged, the result noted, and the case file shall be closed. Notices of warning or violation shall not be issued for complaints that are not confirmed.
- F. If the City determines a violation exists, the Vacation Rental property shall be subject to fines to include suspension as provided in Section 8 above.

G. Operations shall cease until the violation is resolved except as provided in Section 8 above.

H. Civil Enforcement.

1. It shall be unlawful for a licensee to engage in a licensed activity, or to allow or permit the licensee's employees or agents to engage in the licensed activity, in violation of any applicable standard in the chapter, or of any license issued pursuant to this chapter.
2. A violation of any portion of the Vacation Rental License Ordinance is an infraction punishable by a fine of \$1,000. Each day that a violation continues shall constitute a separate violation.
3. It shall be unlawful for a licensee to knowingly engage in a licensed activity, or to allow the licensee's employees or agents to engage in a licensed activity, when the license has been suspended or revoked pursuant to this chapter.
4. Civil penalty. Any person who fails to comply with the requirements of the Vacation Rentals ordinance or the terms of a license issued hereunder, who undertakes an activity regulated by this chapter without first obtaining a license, or who fails to comply with a cease and desist or suspension order issued pursuant to this chapter shall be subject to a civil penalty not to exceed \$1,000.00 per violation. Each violation of a separate provision of this code constitutes a separate offense, and each day that a violation of this code is committed or permitted to continue constitutes a separate offense in accordance with AC 1.010.
5. Civil penalties against agents. Any person who acts as the agent of, or otherwise assists a person who engages in an activity which would be subject to a civil penalty, may likewise be subject to a civil penalty.
6. Abatement. Any building or structure established, operated, or maintained contrary to this chapter is a public nuisance and may be abated as provided in AC 5.706-5.728.
7. Appeals. Any person aggrieved by any enforcement action made by the City Manager pursuant to this section, may appeal the decision as provided in AC 5.714.
8. Proceedings by City Attorney. The City Attorney, upon request of the City Manager, may institute any legal proceedings in circuit court necessary to enforce the provisions of this chapter. Proceedings may include, but are not limited to, injunctions to prohibit the continuance of the licensed activity, and any use or occupation of any building or structure used in violation of this chapter.
9. Remedies are not exclusive. The remedies provided in this chapter are cumulative and not mutually exclusive and are in addition to any other rights, remedies, and penalties available under any other provision of law.

Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF _____, 2024.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2024.

ATTEST:

Sean Fitzpatrick, Mayor

Scott Spence, City Manager

ROLL CALL ON ADOPTION:

YEA

NAY

ABSENT

Commissioner

Davis

Brownson

Adams

Hilton

Mayor Fitzpatrick