

ORDINANCE NO. XXXXX _____

**AN ORDINANCE OF THE CITY OF MOSIER
ADOPTING OPERATIONAL RULES AND LICENSURE REQUIREMENTS
FOR SHORT-TERM RENTALS, AND ADDING A NEW CHAPTER TO TITLE 5
OF THE MOSIER MUNICIPAL CODE**

WHEREAS, a short-term rental operation is a business wherein a portion of a residential dwelling unit or an entire residential dwelling unit (such as a single bedroom, an entire house or trailer, or an accessory dwelling unit), may be rented out for transient occupancy for a period of 30 or fewer consecutive calendar days; and

WHEREAS, the Mosier City Council recognizes that the use of residential dwelling units within the City for short-term rentals has increased, and is likely to continue to increase; and

WHEREAS, short-term rental operations are a business providing economic benefits to property owners and the community, and providing much needed short-term accommodations to visitors of Mosier; and

WHEREAS, short-term rental operations affect the character of the City's neighborhoods and the sense of community for long-term residents, and have the potential to affect the number of dwelling units within the City that are available for long-term rental and other uses; and

WHEREAS, the Mosier City Council wishes to balance the community benefits and negative impacts of short-term rental operations, while ensuring the safety of short-term rental operations through operational rules and licensure requirements;

NOW, THEREFORE, THE CITY OF MOSIER ORDAINS AS FOLLOWS:

Section 1: Adoption of Ordinance. An Ordinance establishing operational rules and licensure requirements for short-term rentals is hereby adopted as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 2: Codification. A new Chapter 5.20 of the Mosier Municipal Code is hereby added to and made a part of Title 5 of the Mosier Municipal Code. The new Chapter 5.20 shall contain the Ordinance as adopted herein.

Section 3: Administration. The Short-Term Rental Ordinance shall be administered by the City Manager or the City Manager's designee.

Section 4: Severability. In the event any section, subsection, paragraph, sentence, or phrase of this Ordinance is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the Ordinance shall continue to be effective.

Section 5: Effective Date. This Ordinance shall take effect on the 30th day after the date of adoption.

Read for the first time: _____, 2023.

Read for the second time and adopted on this _____ day of _____, 2023 by the Mosier City Council with the following votes:

Anderson: _____ *Campbell:* _____ *Berry:* _____

Cannon: _____ *Wright:* _____ *Spencer:* _____ *Grater:* _____

By: _____ Title: _____

Attest: By: _____ Title: _____

DRAFT

EXHIBIT A

DRAFT

Chapter 5.20

SHORT-TERM RENTALS

Sections:

- 5.20.010 Title.
- 5.20.020 Purpose.
- 5.20.030 Definitions
- 5.20.040 Applicability.
- 5.20.050 Annual Operating License Required.
- 5.20.060 Operating License Application and Fees
- 5.20.070 Review Criteria
- 5.20.080 Availability of Short-Term Rental Licenses
- 5.20.090 License Renewals
- 5.20.100 Violations
- 5.20.110 Appeals

5.20.010 Title.

The Mosier Municipal Code Chapter 5.20 and the sections and subsections that are hereafter set forth shall be referred to as the “Short-Term Rental Ordinance” or the “STR Ordinance.”

5.20.020 Purpose.

This purpose of this Chapter is to allow for short-term rentals to operate within the City of Mosier and to establish operational rules and a licensing procedure for the same.

5.20.030 Definitions.

The following definitions apply to the terms used within this Chapter.

- A. “Administrator” means the City Manager or the City Manager’s Designee.
- B. “Applicant” means an Owner who applies for a Short-Term Rental Operating License under this Chapter, or an authorized agent of the Owner who has been designated in writing by the Owner to act on the Owner’s behalf for purposes of this Chapter.
- C. “Hosted Homeshare” means a short-term rental operating on the same property where the Owner maintains the Owner’s primary residence. A hosted homeshare may be a portion of the Owner’s primary residence, or attached to the Owner’s primary residence; or it may be a dwelling unit that is detached from the Owner’s primary residence, such as a detached accessory dwelling unit.
- D. “Operate” includes to advertise or offer (through any written, electronic, oral, digital, mobile, or other means), operate, rent, lease, or otherwise make available or allow for the use.

- E. “Owner” means the property owner(s) of record holding legal title to a property within the City of Mosier upon which a short-term rental is located. An owner may be one or more individuals or a business or other legal entity. If the owner is a business entity, all individuals owning any interest in the business entity shall be considered an owner for purposes of this Chapter.
- F. “Short-Term Rental” or “STR” means a house, duplex, multi-plex, apartment, condominium, houseboat, trailer, or other residential dwelling unit where guest bedrooms or the entire residential dwelling unit may be rented for transient occupancy. A short-term rental is either a “vacation home rental” or a “hosted homeshare.”
- G. “Short-Term Rental Operating License” or “STR License” shall mean the annual operating license issued by the City of Mosier under this Chapter.
- H. “Short-Term Rental Property” or “STR Property” shall mean the property upon which an STR operates.
- I. “Transient Occupancy” or “Transient Use” means the right to the use or possession of any space in a transient lodging facility for dwelling, lodging, or sleeping purposes for 30 or fewer consecutive calendar days, for which compensation (rent) is paid by the occupant.
- J. “Transient Lodging” or “Transient Lodging Facility” means:
- (1) A hotel, motel, inn, bed & breakfast, short-term rental, or any other dwelling unit(s) used for transient occupancy;
 - (2) Spaces, on either public or private land, used for overnight parking of recreational vehicles or placement of tents during periods of transient occupancy; and
 - (3) Houses, cabins, condominiums, accessory dwelling units, apartment units or other dwelling units, or portions of any of those dwelling units that are used for transient occupancy.
- K. “Transient Lodging Provider” means a person that furnishes transient lodging.
- L. “Vacation Home Rental” means a short-term rental on a property that is not the Owner’s primary residence.

5.20.040 Applicability.

This Chapter applies to all short-term rental operations within the City of Mosier.

5.20.050 Annual Operating License Required.

Owners must annually apply for an operating license from the City of Mosier under this Chapter (“STR License”). No Owner shall operate a short-term rental on any property within the City of Mosier, nor shall any Owner allow a short-term rental to operate on any property within the City of Mosier, without first obtaining an STR License. Operating an STR within the City of Mosier without an STR License shall be a violation of the Mosier Municipal Code.

5.20.060 Operating License Application and Fees.

- A. Application Period. Applications for an STR License may be submitted at any time of year. Upon receipt, the City will review the application for completeness. However, the City shall only process applications and issue STR Licenses between May 1 and June 31 of each year. Applications that are deemed complete shall be time stamped with the date of receipt. The Administrator shall process completed applications in the order that they are received, according to the timestamp on the application. When STR Licenses are no longer available in the STR Neighborhood of the application for the relevant application year (for Vacation Home Rentals), the Administrator shall stop processing applications for Vacation Home Rental STRs for that STR Neighborhood for the year. Applications for an STR License are only valid for the application year for which it was submitted.
- B. Costs and Fees. The City Council shall establish, by resolution, the costs and fees associated with STR License applications and renewals.
- C. Form of Application. Applications for an STR License and requests for renewal shall be in a form prescribed by the City.
- D. Application Requirements. Every application for an STR License must contain the following information. Incomplete applications will not be processed by the City.
- a. Owner and Applicant information, including full name, residential address, telephone number, and e-mail address of all Owners and applicants of the property or properties associated with the STR application.
 - b. The address and phone number of the short-term rental, and the address of the property upon which the short-term rental operates, if different.
 - c. The listing numbers, webpage addresses, and any other locations where the STR is advertised or may be advertised.
 - d. The maximum number of occupants who may stay at one time in the STR.
 - e. The identification of the STR as either: (i) a vacation home rental; or (ii) a hosted homeshare. See Section 5.20.030 of this Chapter for definitions.
 - f. Proof of primary residence (for a hosted homeshare only). The Applicant must provide at least two of the following items as evidence that the property is the primary residence of the Owner:
 - i. A copy of the Owner's voter registration.
 - ii. A copy of the Owner's Oregon driver's license or other government-issued identification card.
 - iii. A copy of the Owner's federal income tax return from the most recent tax year (for address verification only; financial data should be redacted).
 - g. The name, telephone number, primary address, and e-mail address of a local contact person or company who may be contacted and will be made available to respond to concerns and complaints related to the operation of the STR. The local contact must be located within a 30-minute travel time of the STR and must be available by phone 24 hours a day, seven days a week, for the periods of time when the STR is being leased, rented, or occupied for transient lodging.
 - h. The number and location description or depiction of parking spots that are proposed to be made available for STR occupant use.
 - i. Demonstration of compliance of the STR with all applicable building and fire codes.
 - j. Sufficient evidence that each of the approval criterion for an STR License is met.

- k. For STRs currently in operation at the time of the application, documentation that the state and local transient lodging taxes have been paid in full, as of the date of the application. For STRs not currently in operation, documentation that the Owner is registered to pay local and state transient lodging taxes for the STR associated with the application.
 - l. A statement by the Applicant certifying that the information and materials submitted for the STR License application are true and accurate.
 - m. Signatures on the application of all Owners of the STR Property.
 - n. A statement by the Applicant that acknowledges the Applicant has received and reviewed the City's Good Neighbor Guidelines; that the Good Neighbor Guidelines will be relayed to STR tenants; that STR tenants have agreed to abide by the same; and that the Good Neighbor Guidelines have been posted and will remain in a conspicuous place in the STR at all times of STR operation.
 - o. Such other information as the Administrator may deem reasonable or appropriate to process the application.
- E. Licensee. If approved, the STR License shall be issued to the Applicant, for the property that is proposed for STR use, and may not be issued to any other person or entity. An STR License may not be transferred or assigned to any other person or property other than to the specific person(s) and for the specific property it was issued. An STR License is non-transferable in the event of a sale of the STR property. Only one STR License per Applicant shall be allowed.
- F. Effect of STR License. An STR License shall be valid for 12 consecutive months from the date of issuance and shall expire automatically after such date unless earlier revoked or renewed under the terms of this Chapter.

5.20.070 Review Criteria.

- A. Burden of Proof. The Applicant has the burden of proof to demonstrate that each approval criterion for an STR License is met. The Administrator may verify the evidence submitted by the Applicant and the Applicant shall cooperate in any investigation or request for verification documentation by the Administrator, including providing access to the STR Property for the purpose of verifying the information on the application.
- B. Approval Criteria.
- a. Complete Application. STR applications must include all of the Application Requirements contained in this Chapter; the fees for the application must have been paid in full; and the application must be signed by all Owners of the STR Property.
 - b. Zoning. The STR Property must be in compliance with the Mosier Zoning Ordinance, including Titles 15.02 and 15.04.
 - c. Transient Lodging Tax. The STR Property must be in compliance with the Transient Lodging Tax Ordinance under Mosier Municipal Code 5.10.
 - d. Fire & Safety Inspections. The STR must be in compliance with current fire and building code standards.
 - e. Availability. An STR License must be available for the property requested.
 - f. Eligibility. The STR Property must be eligible for licensure or renewal and must not have been found to be in violation of the Mosier Municipal Code or Zoning Ordinance more than three times or otherwise subject to revocation or non-renewal of an STR License.

5.20.080 Availability of Short-Term Rental Licenses.

- A. Annual Cap on STR Licenses within the City Available for Vacation Home Rentals. The Administrator may issue up to a maximum number of STR Licenses for Vacation Home Rentals each year by STR Neighborhood. See STR Neighborhood Map in Table 5.20.080-1. The maximum number shall be 7% of the housing units that may be made available for Vacation Home Rentals within each STR Neighborhood for the application year. The Administrator shall re-calculate the percentage when the Administrator becomes aware of an increase or decrease in housing units that may be made available for Vacation Home Rentals within an STR Neighborhood.
- B. No Cap on STR Licenses for Hosted Homeshares. There is no upper limit on the number of STR Licenses that the City may issue for Hosted Homeshares.
- C. Existing Vacation Home Rentals. Vacation Home Rentals that are in operation at the time of the effective date of this STR Ordinance may continue, subject to the provisions of MZO 15.04 concerning non-conforming uses and subject also to the applicable amortization period, which is 7 years after the adoption of this Ordinance, after which the STR Property shall come into compliance with the Mosier Zoning Ordinance and this Chapter.

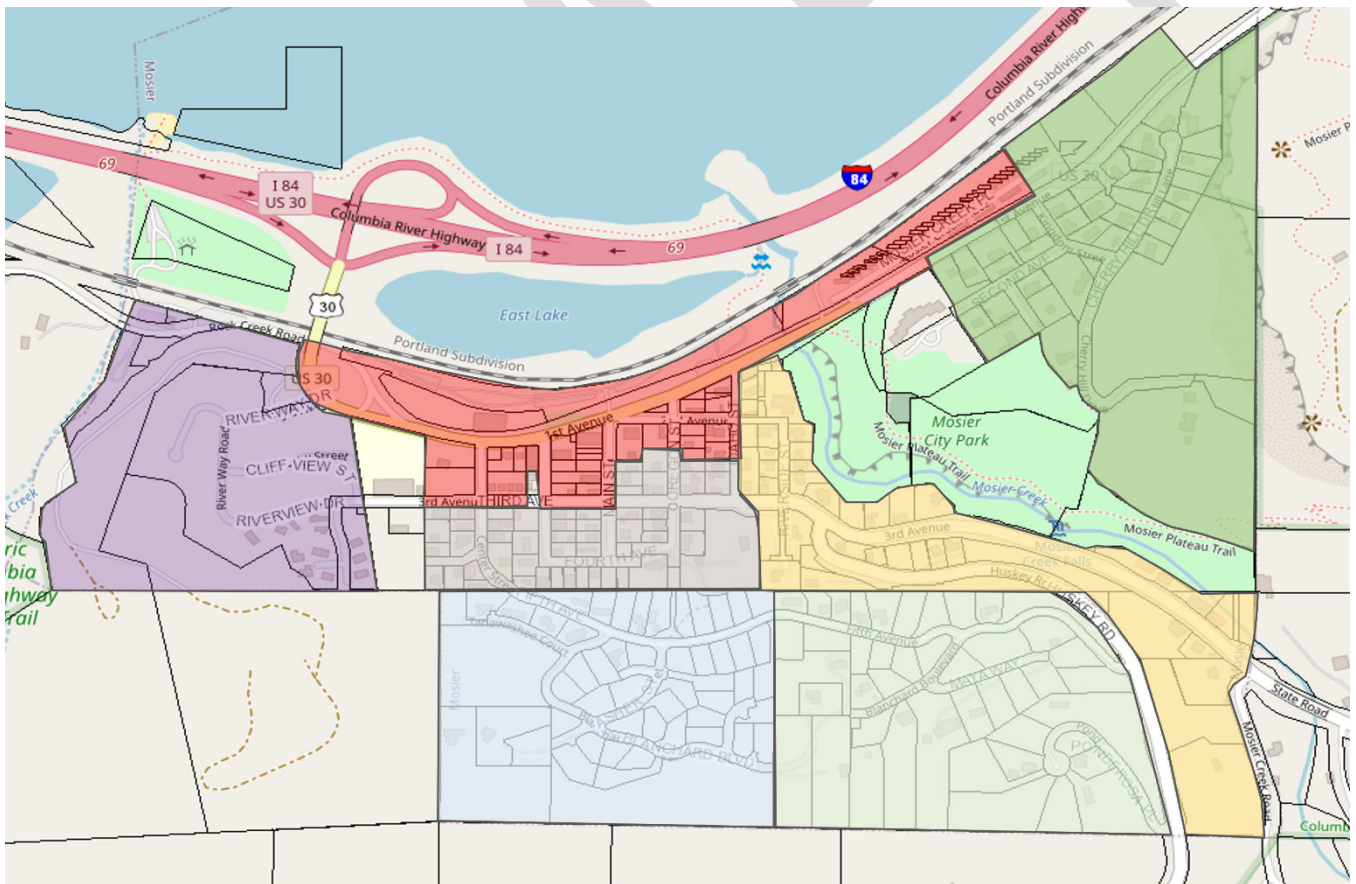


Table 5.20.080-1

5.20.090 License Renewals.

STR Licensees that are in good standing may renew their STR License for an additional, 12-month licensure period during the City's open application period, provided that there has been no lapse or delinquency in payment of local or state transient lodging taxes, and provided that the STR License is subject to renewal.

5.20.100 Violations.

Complaints that an STR operation is out of compliance with this Chapter or any other provision of the Mosier Municipal Code or Zoning Ordinance shall be processed by the Administrator according to the City's standard code enforcement procedure. In addition, the discovery by the City, at any time, of material misrepresentations or false information provided in the STR application or renewal process shall constitute a violation of this Chapter. If the City investigates and the complaint is found to be substantiated by the City as a code violation:

- A. For the first violation: The City shall issue a written notice of violation and a warning to the STR Owner. The Owner shall be subject to all applicable civil penalties for the violation.
- B. For the second violation: The City shall issue a written notice of violation and an additional warning to the STR Owner. The Owner shall be subject to all applicable civil penalties for the violation.
- C. For the third violation: The City shall revoke the STR License for the remainder of the 12-month licensure period. STR Properties or Owners found in violation three times concerning any STR operation shall not be eligible for renewal of an STR License for the subsequent annual licensure period. In addition, the Owner shall be subject to all applicable civil penalties for the violation.
- D. For any violation that the City deems to be a health or safety risk, regardless of the number of violations that have been found: The City may immediately revoke the STR License and the STR operation shall not be eligible for renewal of an STR License until the City finds that the health and safety risks have been mitigated.

5.20.110 Appeals.

Appeals of the Administrator's decision on an application for an STR License, an application for an STR License renewal, or a revocation decision, may be appealed to the Mosier City Council. Appeals must be accompanied by the applicable appeal fee set by the City Council, and must contain a detailed statement of the legal and factual grounds for the appeal; evidence or documentation supporting the grounds on which the appeal is based; a description of the resulting harm to the Applicant; and the requested remedy. Appeals must be filed with the Administrator within 14 days from the date of the decision being appealed. The City Council shall schedule a hearing within 60 days of the appeal. The City Council's decision on the appeal shall be the final decision of the City and is only appealable by writ of review to the Circuit Court.