



TITLE

This Ordinance shall be referred to as the "Gearhart Vacation Rental Ordinance."

GEARHART VOTERS' PURPOSE AND INTENT

The voters of the City of Gearhart approve this measure in order to maintain the quality of life in our city. We believe that vacation rental housing is good for our economy. Gearhart has always been a community of vacation homeowners and permanent residents, who have always worked together to make Gearhart a special place. It is the intent of the voters to assure that the interests of vacation homeowners and permanent residents remain in a sustainable balance that is good for the community, that every property owner's rights are fairly protected and that no property owner is economically harmed by excessive rules and regulations.

RULES FOR SHORT TERM VACATION RENTALS

1. The terms of this Ordinance apply to use of a dwelling unit for periods of one day to 30 consecutive days during a calendar year in exchange for money; this use is referred to as a "Vacation Rental." Any rental to the same tenant for a period exceeding 30 consecutive days is not covered by this Ordinance.
2. Any dwelling unit used as a Vacation Rental shall obtain a permit from the City of Gearhart acknowledging usage as a Vacation Rental.
3. Vacation Rental homeowners must have a person available by telephone 24 hours a day to respond to neighbor complaints. The City must require Vacation Rental homeowners to provide telephone contact information to the City as part of the permitting process.
4. There shall be a \$600 permit fee on Vacation Rentals, for the initial issuance of a Vacation Rental permit and for renewal of Vacation Rental permits each calendar year. The \$600 permit fee will be placed into a Special Fund for City Fire and Police uses. Vacation Rental permits must be renewed annually or otherwise the permit will expire.
5. The City shall provide notice of permits for Vacation Rental use to all homeowners within 200 feet of the Vacation Rental.
6. All Vacation Rental permits shall be in force for the dwelling units to which they were issued. The Vacation Rental permit will continue for the dwelling unit, regardless of ownership.

Any dwelling unit to which a Vacation Rental permit has been issued for use in a calendar year shall have the right to renew the Vacation Rental permit for the following year.

7. The City shall send timely notice of annual renewal payments due pursuant to paragraph 4 of this Measure. Payment of the \$600 annual renewal fee for Vacation Rental permits shall be a requirement for a homeowner to maintain a valid permit for such use. No permit shall be cancelled, unless the City has provided at least two advance notices of intent to cancel to the homeowner at the homeowner's contact information on the permit, giving the homeowner a period of not less than 30 days to make the late payment.

8. The maximum Occupancy for a dwelling unit which is a Vacation Rental shall be two persons 12 years old or older for each bedroom, plus three additional persons 12 years old or older. For example, a Vacation Rental with three bedrooms would have a maximum occupancy of 9 persons 12 years old or older. Determination of the maximum occupancy of a dwelling unit does not include children under 12 years old.

9. A Tsunami Evacuation Map approved by the City shall be displayed in an easy-to-see location in each home that has a Vacation Rental permit.

10. Each property owner with a Vacation Rental permit must pay for and have a safety inspection of the permitted dwelling unit by any licensed home inspector of their choice every five years, beginning in the first year of issuance of the permit. Results of any safety-related deficiencies in the dwelling unit must be reported to the City of Gearhart by the owner of the dwelling unit. Any safety-related deficiencies must be corrected within six (6) months of the inspection. If not corrected upon re-inspection by the licensed home inspector, the Vacation Rental permit may be revoked.

11. Subject to the provisions in paragraph 12 of this Measure, property owners with a Vacation Rental permit must comply with all Gearhart City ordinances that apply generally to all residential dwelling units, which includes but is not limited to any Gearhart City ordinances that apply generally to all residential dwelling units and which may regulate noise, parking/off-street parking, residential appearance, garbage service, septic sewer capacity inspections, and cesspool prohibitions. A notice outlining City regulations regarding noise, garbage, septic and parking will be distributed by the City to property owners with Vacation Rental permits to post in their homes as notice to their guests.

12. Any amendment to this ordinance, any new ordinance, regulation, fee or requirement applicable only to property owners with a Vacation Rental permit, and not to all property owners in Gearhart, must be approved by the voters. If there is any question about the meaning or intent of any provision in this Ordinance, it shall be interpreted and applied in a manner that is most consistent with the Gearhart Voters' Purpose and Intent as set forth in this Ordinance.

13. This Ordinance shall be incorporated as an Ordinance in the City Code of the City of Gearhart, Oregon. This Ordinance repeals and replaces in full City Ordinance No. 901, codified at Gearhart City Code sections 7.010, 7.020, 7.030, and the definition of "Vacation

Rental Dwelling” in Gearhart City Code section 1.050. That ordinance was passed by the City Council and was never approved by the voters.

14. This Ordinance shall govern the issuance of all Vacation Rental permits for use that begins on or after January 1, 2018.

15. If any provision of this Ordinance shall be determined to be unlawful by a court, such provision shall be deemed to be severable from the other provisions of this Ordinance, which shall remain in full force and effect.