

ORDINANCE NO. 256-B

AN ORDINANCE ADDING A NEW CHAPTER 123 TO TITLE XII OF THE DUNES CITY CODE OF ORDINANCES ENTITLED "SHORT-TERM RENTALS", AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City of Dunes City, through its City Council, is responsible for enacting ordinances for the effective and efficient operation of the City of Dunes City for the benefit of its residents; and

WHEREAS, the Dunes City Council finds that the characteristics, operations, and potential impacts of Short-Term Rentals operating in the City necessitate (a) The establishment of reasonable regulations for such operations, and (b) A permit requirement for such rentals; and

WHEREAS, Dunes City desires to adopt reasonable regulations on Short-Term Rentals to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the City's citizens.

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

Section 1. A new Chapter 123 shall be added to Title XII of the Dunes City Code of Ordinances to read as found in Exhibit A attached hereto and incorporated by reference herein.

Section 2. EFFECTIVE DATE. This Ordinance shall take effect on the 30th day after its adoption.

Section 3. SEVERABILITY. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, or superseded by State or federal legislation, rules, regulations or decisions, the remainder of this Ordinance shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance, and each remaining section, subsection, sentence, clause, phrase, term, provision, condition, covenant, and portion of this Ordinance shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or State laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision shall be read to be preempted only to the extent required by law. In the event such federal or State law, rule or regulation is subsequently repealed, rescinded, amended, or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect and shall thereafter be binding, without the requirement of further action on the part of the City.

Section 4. OTHER REMEDIES. Nothing in this Ordinance shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Ordinance. Non-exclusive remedies for enforcement are all those available under State and County laws including seizure of property, civil and criminal penalties.

Section 5. CAPTIONS. The captions to sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this Ordinance.

Section 6. SCRIVENER'S ERRORS. Any scrivener's errors in this Ordinance may be corrected by Resolution of the City Council.

Passed at the first reading in regular meeting of the City Council of Dunes City, Oregon, on the 18th day of May, 2022.

Ayes: 5 Nays: _____ Abstain: _____ Absent: _____ Vacant: 1

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon on this 18th day of May, 2022.

Ayes: 5 Nays: _____ Abstain: _____ Absent: _____ Vacant: 1

ADOPTED BY THE DUNES CITY COUNCIL THIS 18th DAY OF May, 2022.

Sheldon Meyer
Sheldon Meyer, Council President

ATTEST:

Jamie Mills
Jamie Mills, City Recorder

EXHIBIT A

Chapter 123

Short-Term Rentals

§ 123.001 APPLICABILITY

The provisions of this Chapter 123 apply to all Short-Term Rentals operating in the City limits.

§ 123.002 PURPOSE

The purpose of this Chapter 123 is to provide an administrative framework and registration requirement for Short-Term Rentals operating in the City limits.

§ 123.003 DEFINITIONS

For purposes of this Chapter, the following terms and phrases have the meanings assigned to them below:

Applicant(s) means the person applying for a permit to operate a Short-Term Rental in the City.

Authorized Agent means a property management company, other entity or person designated by the owner, in writing, to act on the owner's behalf.

Bedroom shall mean any space in a dwelling that contains a closet and at least one bed or other sleeping structure.

City means the City of Dunes City, Oregon.

City Council or *Council* means the City's elected legislative body.

City Administrator means the City's City Administrator or his or her designee(s).

Code means the Dunes City Code of Ordinances.

Dwelling Unit(s) means a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the *Uniform Building Code*, for not more than one family.

Immediate Family is defined as spouse, registered domestic partner, parents, children, children of the spouse/registered domestic partner, siblings, grandparents, grandchildren, parents of the spouse/registered domestic partner, and other close relatives who reside in the owner's household.

Permit or *Operating Permit* means the permit required to operate a Short-Term Rental under this Chapter 123.

Permittee(s) means the owner who has received a permit under this Chapter 123.

Owner(s) means the natural person or legal entity that owns and holds legal and/or equitable title to the subject property. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership, or similar entity, each person who owns an interest in that business entity is considered an owner. For purposes of filing applications and/or other documentation with the City under this Chapter 123, *Owner* includes the authorized agent.

Person means any natural person, corporation, limited liability company, partnership, limited liability partnership, joint venture, firm, association, trust, incorporated organization, and/or any other entity, whether acting in an individual, fiduciary or other capacity.

Personal Delivery or Personal Service means delivering legal documents or other information by handing such documents directly to the person named in the document.

Short-Term Rental(s) means a dwelling unit used by any person or group of persons entitled to occupy the dwelling unit for rent for a period of less than Thirty (30) consecutive days at any time during a permit term, and includes, without limitation, existing Short-Term Rentals and owner-occupied Short-Term Rentals, including bed and breakfasts, recreational vehicle parks where recreational vehicles are provided, resorts, hotels, motels, and a dwelling unit or units that are rented out as transient lodging using a platform of any kind provided in any manner by a transient lodging intermediary. Shifting between a greater than Thirty (30) day rental period and a less than Thirty (30) day rental period during the same permit term does not affect the permit terms and requirements contained in this Chapter 123. Short-Term Rentals does not mean a property that serves as a primary residence for the owners for Six (6) or more months a year that is rented out to others during the remaining months.

Short-Term Rental(s) does not mean recreational vehicle parks where only parking is provided to RV owners or campgrounds.

Short-Term Rental Facilitators means any natural person, corporation, limited liability company, partnership, limited liability partnership, joint venture, firm, association, trust, incorporated organization, and/or any other entity, whether acting in an individual, fiduciary or other capacity, providing short-term rental services, advertising, and/or rental management services to a short-term rental property owner for a fee.

Short-Term Rental Operating Permit or Permit(s) means permission granted by the City under this Chapter 123 to operate, manage and/or otherwise make available for rent a Short-Term Rental.

Transfer means any change of ownership of a property approved to operate as a Short-Term Rental under this Chapter 123, whether or not there is consideration provided, and including the transfer to heirs of the permittee by reason of death of the permittee(s), however, *Transfer* does not include the following: (a) Upon the death of the owner, a change in ownership where title is held in survivorship with a spouse or domestic partner; (b) a transfer to a trust which benefits only the decedent's spouse, child(ren), or registered domestic partner for the lifetime of the spouse, child(ren), or registered domestic partner; (c) The transfer of ownership of the real property to or between the members of a limited liability company or partnership when the transfer involves the same owner(s); and/or (d) The transfer to a trustee, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, if at least one owner is living at the time of transfer and retains at least a Twenty-Five percent (25%) interest in the entity.

§ 123.004 PERMIT REQUIRED; HOLD HARMLESS

A. No person may establish, maintain, operate, advertise, offer, rent, manage, and/or otherwise make available and/or allow any other person to make available for occupancy and/or use, a Short-Term Rental within the City without first obtaining an approved permit to do business as a short-term rental with the City and paying all applicable permit fees in accordance with this Chapter 123. For purposes of this Section 123.004, *Advertise* or *Offer* includes, without limitation, through any media, whether written, broadcasted, posted, electronic, web-based, digital, mobile, or otherwise.

B. The issuance of a Short-Term Rental permit shall not be construed to constitute a permit to engage in any activity prohibited by law or as a waiver of any other regulatory requirement imposed by the City or by federal, State, or local law. The permit shall not indicate an endorsement of any business or business activity. The holder of a Short-Term Rental permit shall hold the City harmless from any injury to any person or property related to the use of the permit holder's property as a Short-Term Rental.

§ 123.005 PERMIT; FEES

A. *Permit.* Permit forms will be available at Dunes City Hall. The Permit and supporting documents must be filed with the City Administrator and, in addition to any other information requested by the City Administrator, including, without limitation, information necessary to satisfy applicable criteria under this Section 123.005, must contain the following information along with a certification that the submitted information is true and correct:

1. *Owner Information.* Owner name(s), permanent residence address(es), permanent residence telephone number(s), an email contact, and the Short-Term Rental address and telephone number. The application must also include the name(s), mailing address(es), and telephone number(s) of each person holding an ownership interest in the property, or holding an ownership interest in the entity that owns the property.

2. *Local Representative Information.* If the owner does not permanently reside within the Dunes City urban growth boundary and/or is not locally available during the time when the property is being rented, the owner must provide the name, telephone number, and email address of a representative (which can be a person or a company) who may be contacted concerning use of the property (e.g., complaints) related to the Short-Term Rental. The authorized agent may be the designated representative for purposes of this provision. The telephone number of the local representative shall be operative 24 hours a day, seven days a week, including holidays while the property is occupied for rent to address concerns or complaints pertaining to, but not limited to: unreasonable use of the Short-Term Rental property, unreasonable noise or disturbance, disorderly or unlawful conduct, overcrowding of the Short-Term Rental property, or any other requirement or limit set forth in this Chapter 123 or in the Dunes City Code of Ordinances. The local representative shall be a permanent resident within the Dunes City urban growth boundary, or an individual or staff of a business that manages rental of real property who is available to the public within thirty (30) minutes by motor vehicle to the proposed Short-Term Rental and staffed with at least one (1) person to be available at all times the property is occupied for rent. Any owner who permanently resides within the Dunes City

urban growth boundary may be the local representative, provided the owner meets all applicable requirements of this Chapter.

The designated representative may be changed from time to time upon written notice to the City within Fourteen (14) days of the change. In an emergency or absence, contact information for a second qualified person may be provided.

3. Acknowledgement that City may maintain a list of active Short-Term Rentals, including, without limitation, the owner and/or representative's name and telephone number, publicly available upon request.

4. *Septic Expanded Use Approval.* When a Short-Term Rental with over-night occupancy expectations of ten (10) or more persons in a dwelling with a 1,000 gallon or less septic tank capacity applies for a permit with the City, the applicant must provide a copy of an approved On-Site Wastewater Authorization Notice from the Lane County Sanitarian for the change in use of the septic system from single-family residential property to a Short-Term Rental.

5. *Applicable Homeowner's Association (HOA) Rules and Regulations.* When the property contemplated to be utilized as a Short-Term Rental in a subdivision or neighborhood that has a Homeowners Association with adopted Covenants, Conditions and Restrictions (CC&Rs), a copy of the current HOA CC&Rs must accompany the permit application.

6. *Additional Information.* Such other information as the City Administrator deems necessary to administer this Chapter 123.

B. Timing. Subject to the provisions of this Chapter 123, a permit must be filed with the City in accordance with the following timelines, as applicable:

1. *Existing Short-Term Rentals.* A complete permit application form and fee for each existing Short-Term Rental must be received by the City on or before any occupancy of any such Short-Term Rental scheduled to take place on or after July 1, 2022.

2. *New Short-Term Rentals.* For a property seeking a permit to operate a Short-Term Rental that would result in the permit being filed after the effective date of this Chapter 123, the owner and/or authorized agent must submit a complete application for a permit and fee at least Thirty (30) days prior to listing the property for rent as a Short-Term Rental.

C. Incomplete Permit. If, after a preliminary review, the City Administrator determines that a permit is incomplete, the City will notify the applicant, in writing or by electronic mail, of the deficiencies. If the applicant provides the missing required information within Twenty (20) days of the date of the City's notice, the application will be considered timely submitted. If the applicant does not provide the required information, the application will be deemed withdrawn.

D. Permit Fee. Each permit application must be accompanied by all applicable fee(s). The permit fee will be in an amount set from time to time by Resolution of the City Council. No portion of the fee is refundable if the Short-Term Rental is discontinued for any reason.

§ 123.006 PERMIT DURATION

A Short-Term Rental Permit will continue for a period of two (2) years beginning on July 1 of the first year of issuance and ending on July 30th of the second year of issuance, unless otherwise denied, suspended or revoked as provided in this Chapter 123.

§ 123.007 TERMINATION

Subject to the provisions of this Chapter 123, a permit terminates automatically upon the expiration of Thirty (30) days following the transfer of the property to a new owner as defined in Subsection 123.003 herein. The ability to operate a Short-Term Rental in the City will be deemed discontinued, abandoned and forfeited for failure to obtain a valid permit to operate as provided in this Chapter 123.

§ 123.008 RENEWAL OF SHORT-TERM RENTAL PERMIT

Prior to the expiration of any term of an existing Short-Term Rental Permit, a new Permit and supporting documents, together with appropriate filing fees, must be filed and approved by the City as set forth in §123.005 of this Chapter.

§ 123.009 ACTIONS REQUIRED BY CITY STAFF

Notice to Neighbors. The City will notify property owners within a 300-foot radius of the Short-Term Rental property address containing contact information for the owner and/or representative. The purpose of this notice is to inform adjacent property owners and residents of contact information to report and/or request resolution of problems associated with the operation of the subject Short-Term Rental. If the permanent contact information changes during the permit period, the new information must again be mailed or distributed. Expenses incurred by the City to do any mailing will be invoiced to and reimbursed by the property owner within Thirty (30) days of the receipt of invoice. Failure to pay the bill in a timely manner will result in revocation of the permit.

§ 123.010 ACTIONS REQUIRED BY PROPERTY OWNER

A. The property owner must post the following information in a prominent location of the Short-Term Rental dwelling:

1. The name of the owner or local representative and a telephone number where the owner or local representative may be contacted at all times;
2. The telephone number and website address of Siuslaw Valley Fire and Rescue, and the Lane County Sheriff's Office;
3. That parking on the right-of-way of Dunes City roadways is not allowed.
4. The maximum occupancy permitted for the Short-Term Rental;
5. The solid waste collection day, pickup location, and requirement to place all garbage and recyclables in approved containers;

6. Required Dunes City quiet hours pursuant to the Dunes City Code Chapter 91, are between 7:00 p.m. and 7:00 a.m.; and

7. A notice that states: “Woahink and Siltcoos Lakes serve as drinking water supplies to this facility. Please protect lake water quality as if it is your own drinking water supply – because it is.” Such notices are available, for a fee, from Dunes City.

§ 123.011 NO PENDING ACTIONS OR VIOLATIONS

As of the date the application for permit is submitted to the City, the owner of a Short-Term Rental must not have received a notice of violation issued by the City, or any civil citation, regarding compliance with the Short-Term Rental or subject property with any federal, State, and/or local law, rule, regulations, and/or ordinance, including, without limitation, any provision of the Dunes City Code of Ordinances. A Voluntary Assurance of Compliance, Negotiated Compliance Agreement, or Deferred Sentence Agreement will satisfy the requirement that there be no pending actions or violations. The owner must be in compliance with any State, County, or City taxing laws, Code, ordinance or regulations, and subject to the tax administrator’s authority under those provisions.

§ 123.012 ADVERTISING

No advertising mechanism, including “vacation rental” signs are allowed on the outside of the property.

§ 123.013 TRANSFERABILITY

Notwithstanding anything contained in this Chapter 123 to the contrary, the permit is issued in the name of the property owner and is not transferable. The permit will terminate and be deemed void upon the transfer of the property approved as a Short-Term Rental to another person or entity. Notwithstanding the immediately preceding sentence, the permit for an existing Short-Term Rental will not be terminated and/or deemed void if the new owner submits a complete permit application within Thirty (30) days of the transfer date of the property (recording of the deed evidencing such change of ownership) as required under Section 123.005.

§ 123.014 OPERATING REQUIREMENTS

Except as otherwise expressly provided under this Chapter 123, each Short-Term Rental is subject to and must be operated in accordance with the following operating regulations, in addition to all other applicable federal, State, and/or local laws regulations, and/or ordinances:

A. Compliance with Applicable Laws. The Short-Term Rental must at all times be operated in compliance with applicable Oregon laws and regulations, including, without limitation, this Chapter 123; all land use/development, building, and fire codes; and all other federal, State and local laws, regulations, and ordinances, including, without limitation, the payment of all fines, fees and taxes due and owing to the City.

B. Additional Permits Required. Each person desiring to operate two (2) or more Short-Term Rentals in the City limits must have a current City business license as set forth under Chapter 120 of this Code of Ordinances.

C. Insurance. Each owner of a Short-Term Rental must obtain and maintain general liability insurance in an amount sufficient to cover all claims for personal injury and property damage, in the aggregate, or as otherwise prescribed by Resolution of the City Council. A homeowner's insurance policy or endorsement that provides coverage for Short-Term Rentals by paying guests and has the minimum levels contained in this Section 123.014 may satisfy this requirement. Any insurance policy must cover the actions of the tenants or invitees of the Short-Term Rental.

D. Response to Complaints. The owner and/or representative must respond to neighborhood questions, concerns, and/or complaints in a timely manner depending on the circumstances and in compliance with this Section 123.014.

1. *Complaints.* The owner and/or representative must maintain a record of complaints and actions taken in response to each complaint, as applicable, in an electronic or written manner deemed reasonable to document the interaction. Such record must then be made available for inspection by the City within Forty-Eight (48) hours after request from the City Administrator.

2. *City Authority.* Certain types of complaints are subject to the City's regulatory authority under other sections of the Code, including, without limitation, complaints under Chapters 36, 91, 130, and 141 of the Code. Nothing contained in this Chapter 123 is intended or will be construed to require the owner, agent, and/or representative act as a peace officer or Code Enforcement Officer or put themselves in an at-risk situation. However, reasonable initial inquiries or complaints related to noise disturbances, occupancy or parking must first be made by the complainant(s) directly to the owner or representative. In addition, complaints specifically related to Dunes City Short-Term Rental Regulations, or the condition, operation, and/or conduct of the Short-Term Rental occupants, should first be made to the owner or representative by the complaining party. If there is a failure to respond or a clearly inadequate response by the owner or representative, a complaint may be submitted on a form provided by the City and City will respond and/or investigate. The City will first seek voluntary compliance or resolution, but if the City finds substantial evidence supporting further action given the complaint(s), the Code Enforcement Officer may issue a warning under this Section 123.014. If, at any time, the City has received two (2) or more complaints against the same Short-Term Rental, the Code Enforcement Officer may elect to enforce all or some of the violations as a nuisance pursuant to Chapter 36 of the Dunes City Code of Ordinances and/or make recommendation for the revocation of the property owner's permit to operate the property as a Short-Term Rental Property.

3. *Records.* Subject to applicable law, including, without limitation, Oregon Public Records Law, the City may provide the owner and/or representative information contained in a complaint.

4. *Grounds for Warning.* Repeated failure of the owner or representative to timely and reasonably respond to a complaint(s) relayed by City staff is grounds for the City Administrator to enter an Order denying further short-term rental occupancy of a property and possible assessment of penalty and/or fine.

5. *Administrative Rules.* The City Council may establish administrative rules and regulations consistent with the provisions of this Chapter for purposes of interpreting, clarifying, carrying out, furthering, and/or enforcing the provisions of this Chapter 123, including, without limitation, Dunes City Short-Term Rental Regulations. A copy of such administrative rules and regulations will be on file in the office of the City Administrator and be posted on the City's website.

§ 123.015 REVOCATION PROCEDURE; VIOLATIONS; PENALTIES

A. Grounds for Denial, Suspension, or Revocation. The City Administrator may deny, suspend, or revoke a permit to operate a property as a Short-Term Vacation Rental for any of the following:

1. Failure to comply with this Chapter 123 and all other laws, rules, ordinances or regulations of the City;
2. Submitting falsified information to the City, including, without limitation, providing material misstatements and/or falsified information in the initial registration;
3. Noncompliance with any other City ordinances or regulations or violations of federal, State, and/or local laws, regulations, and/or ordinances including, without limitation, transient room tax laws;
4. Repeatedly failing to respond, and adequately resolve complaints for violations of the Dunes City Short-Term Rental Regulations or Dunes City Nuisance Codes; and/or
5. Such other violations of this Chapter 123 and/or the Dunes City Short-Term Rental Regulations of sufficient severity, in the reasonable judgment of the City Administrator, so as to provide reasonable grounds for revocation of the registration.

B. Notice. The City Administrator will provide written notice of any permit denial, suspension, or revocation and reasons therefore to the applicant or registrant by first-class mail at least Ten (10) calendar days prior to the effective date of the denial, revocation, or suspension.

C. Appeal. A decision to deny, suspend, or revoke a permit may be appealed by personally delivering a written notice of appeal to the City Administrator, together with the appropriate fees for filing the same, on or before the effective date of the denial, suspension, or revocation. The City Administrator's decision to revoke or suspend is stayed pending appeal. The City Administrator will transmit the Notice of Appeal, together with the file of the appealed matter, to the City Council, after which transmission the City Council will fix a time and place of hearing of the appeal. The City Council will give the appellant not less than Ten (10) days' prior written notice of the time and place of hearing of the appealed matter. The City Council will determine whether the City Administrator's decision was based on a preponderance of the evidence for factual matters and noncompliance with applicable law for legal matters. A decision of the City Council will be reduced to writing and will be based upon the evidence received and arguments presented. The City Council may amend, rescind, or affirm the appealed decision. The City Council's decision will be final on the date of mailing the decision to the appellant. The City Council's decision is the final decision of the City and is appealable only by writ of

review to the Lane County Circuit Court. The City Council may establish by Resolution from time to time a fee for filing an appeal, which will be jurisdictional.

D. Violations; Infractions. Violation of or failure to comply with any provision of this Chapter 123 is punishable upon entry of Order by a fine of not less than \$250.00 and not to exceed \$1,000.00. Each violation and each day that a violation persists constitutes a separate offense. The City will be entitled to collect from any owner violating or otherwise failing to comply with this Chapter 123 the City's reasonable attorney fees and other fees, costs, and expenses incurred by the City to enforce this Chapter 123. Owners and local representatives are jointly and severally liable for such offenses. The following conduct also constitutes a violation of this Chapter 123 and is a civil infraction:

1. Representing a dwelling unit as available for occupancy or rent as a Short-Term Rental where the owner does not hold an approved permit issued under this Chapter 123, or making a Short-Term Rental available for use, occupancy, and/or rent without first obtaining an approved permit; and/or

2. Advertising for rent and/or renting a Short-Term Rental in a manner that does not comply with the standards of this Chapter 123.

E. Remedies Not Exclusive. The remedies provided in this Section 123.015 are not exclusive and will not prevent the City from exercising any other rights and/or remedies available under law, nor will provisions of this Chapter prohibit or restrict the City or other appropriate prosecutor(s) from pursuing any charges under City Ordinances.

F. Hardship Exemption. Prior to City initiating revocation proceedings a permittee may seek a temporary hardship exemption to any circumstance that may be grounds for revocation or suspension of the permit. To apply for such hardship, the applicant must complete the form prescribed by the City and submit proof, acceptable to the City, that: (a) A medical condition of the owner, domestic partner or immediate family member jeopardizes the ability to comply with this Chapter 123; (b) The death of the spouse domestic partner, or immediate family member jeopardizes the ability of the owner to comply with this Chapter 123; or (c) Structural integrity of the Short-Term Rental deems it uninhabitable for tenants and is not self-imposed. The City may, in the City's sole discretion, approve or deny a request for a temporary hardship exemption. The City may attach a time limit to this hardship exemption, provided, however, such limit will not exceed One Hundred Eighty (180) days. A one-time extension may be approved upon request if one of the conditions contained in this Section 123.015(F) still applies.

§ 123.016 PUBLIC NUISANCE DECLARED

Operation of any Short-Term Rental within the City's incorporated limits in violation of this Chapter 123 is hereby declared a public nuisance and may be abated pursuant to all available remedies as set forth in Chapter 36 of the Dunes City Code of Ordinances.

§ 123.017 INDEMNIFICATION

By accepting a permit pursuant to this Chapter 123, the owner(s) and authorized agent(s), on a joint and several basis, indemnify and hold harmless City and City's officers, employees, volunteers, agents,

insurers, and self-insurance pool for, from and against all injuries, claims, demands, actions, suits, damages, liabilities, costs, and/or expenses of any kind whatsoever, including, without limitation, attorney fees and costs arising out of or resulting from, in any manner, the operation of the Short-Term Rental, including, without limitation, any bodily injury, personal injury, sickness, disease, death, property loss or damage, and/or any other loss.

§ 123.018 DISCONTINUANCE OF SHORT-TERM RENTAL OCCUPANCY

After a permit has been revoked, suspended, terminated, expired or otherwise cancelled, the property may not be used or occupied as a Short-Term Rental unless and until a new permit is issued in accordance with this Chapter 123; provided, however, an owner whose permit has been revoked will not be eligible to reapply for a Short-Term Rental permit for the same property for a period of Twelve (12) months from the date of revocation.

§ 123.019 PROHIBITION OF TRANSIENT USE

The transient use or Short-Term Rental of residential or commercial property by any owner representative, responsible tenant, person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who uses, arranges, or negotiates for the use of residential property for remuneration is prohibited, except as otherwise expressly permitted by this Chapter 123, and for which a Short-Term Rental Permit is issued in accordance with this Chapter 123. The Short-Term Rental of residential property without a permit is a violation of this Chapter 123 and enforced pursuant to Chapter 36 of the Dunes City Code of Ordinances.

§ 123.020 DENSITY, OCCUPANCY, PARKING, AND USE LIMITS

A. *Density Limit.* Only one Short-Term Rental permit shall be permitted per parcel, unless located on a parcel of land zoned and operated as a commercial property;

B. *Occupancy Limit.* The maximum number of overnight occupants (aged 18 years or older) allowed within a Short-Term Rental unit shall be limited to Two (2) persons per bedroom, as the term “bedroom” is defined in this Chapter 123, plus Two (2) additional persons per Short-Term Rental unit. The maximum number of daytime (non-overnight) occupants shall be One and One-half (1 ½) times the maximum number of occupants allowed to stay overnight at the Short-Term Rental, provided, however, at no time shall the total number of occupants, including both overnight and non-overnight occupants, exceed a total of Twenty-Five (25). The City has sole discretion to determine the final occupancy limit.

C. *Vehicle Parking Limit.* On-street parking is prohibited in the Dunes City limits. Sufficient off-street parking must be provided for One-half (1/2) the total maximum occupancy limit of the Short-Term Rental. Such parking shall be in a clearly paved or graveled area and must ensure a Fifty (50) foot set back from any surface water source and must not be placed on top of an existing septic drainage field or proposed replacement drainage field.

D. *Weddings and Small Gatherings.* Private events, such as weddings, funerals small parties are permitted at any Short-Term Rental, provided, however, that adequate off-street and off-neighboring property parking is available and total attendees does not exceed the maximum identified in Section 123.020 B & C above. If such parking is not available for all attendees, other parking arrangements

must be made. If such event is anticipated to have greater than the maximum number of attendees, a separate Special Event Permit must be obtained from the City.

E. *Auctions and Commercial Functions.* Auctions and commercial functions, except private retreats for groups that do not exceed the total maximum of occupants as set forth in Section 123.016(C), or other similar events are prohibited at any Short-Term Rental unit.

§§ 123.021 through 123.099 is hereby reserved.