

ORDINANCE NO. 269

AN ORDINANCE PLACING A TEMPORARY HALT ON THE ISSUANCE OF SHORT- TERM RENTAL PERMITS FOR A PERIOD OF SIXTY (60) DAYS, DIRECTING STAFF ON HOW TO PROCESS SHORT-TERM RENTAL PERMIT APPLICATIONS DURING AND FOLLOWING THE LIFTING OR EXPIRATION OF THE TEMPORARY HALT, AND DECLARING AN EMERGENCY.

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 provisions for Chapter 123 of the Dunes City Code, adopted as Ordinance Number 256-B, are insufficient to adequately protect the interests of the City and its residents, in that the ordinance does not adequately address:

The need to have an owner or agent of the property available 24 (twenty-four) hours a day, seven (7) days a week, capable of arriving at the property within fifteen (15) minutes in the case of emergency or to handle complaints from neighboring properties;

Provisions for mandatory on-property parking only, as Dunes City roads are not wide enough to support on street parking while allowing for passage of emergency vehicles;

Requirements to show a valid license, permit or certificate for drinking water supplies to the property;

Requirements to show that the Lane County Sanitarian approves the expanded use, if any, of the current septic system under the changed circumstances and use;

A decrease in the term of a short-term rental permit to one (1) year, as two (2) years is too long a time to go with outstanding complaints and on-going issues; and

Addressing fee and notice requirements to ensure the City is not losing money in trying to protect its residents by enforcing the terms of the short-term rental ordinance(s); and

WHEREAS, the City Council is actively pursuing amendments to said Chapter, but may not adopt the new changes in time for issuance of renewed permits for those permits already issued and set to expire on July 1, 2024; and

WHEREAS, the City Council believes that it is in the best interests of the City and its residents to place a temporary halt on the issuance of new and renewing short-term rental permits until such time as the new regulations are adopted, but in any event, not to exceed Sixty (60) days from and after the date of execution of this Ordinance; and

WHEREAS, the City Council believes that owners of permitted short-term rentals scheduled to expire on July 1, 2024, should be granted an extension of their permit period during this temporary halt, but not to exceed sixty (60) days; and

WHEREAS, until such time as the temporary halt is lifted or expired, City Staff are directed to accept permit applications for new and renewing short-term rental permits, stamp said applications with the date and time received, and not to accept payment for said applications prior to the end of the temporary halt period, whether by passage of a new ordinance or by expiration of sixty (60) days from and after the date hereof.

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

Section 1. The City of Dunes City hereby establishes and places a temporary halt on the issuance of new short-term rental permits under Dunes City Code Chapter 123 for properties in Dunes City for a period of no more than sixty (60) days;

Section 2. The City of Dunes City hereby extends all currently issued short-term rental permits in good standing that are scheduled to expire on July 1, 2024 until such time as this temporary halt is lifted or expires.

Section 3. City Staff is hereby directed to accept permit applications for short-term rental permit renewals scheduled to expire on July 1, 2024, to list those applications in date and time order, but to not accept payment for said application prior to the end of the temporary halt period established in Section 1. At such time as the temporary halt is lifted or expires, staff is to attempt to contact all permit applicants and inform such applicants that the City may now accept payment of permit application fees as established by the City Council. Staff will note the date and time the payment was received, and will process and issue those applications in the order in which payment is received. For purposes of any limitation on number of short-term rental permits to be issued due to a provision in a newly adopted ordinance, the date and time of issuance of an approved permit will operate to establish the order in which the permits are issued.

Section 4. EMERGENCY. The City of Dunes City deems an emergency to exist to effectuate a timely and efficient acceptance and processing of short-term rental permits scheduled to expire on July 1, 2024.

Section 5. 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 6. 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 7. 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 8. 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 15th day of May, 2024.

Ayes: 4 Nays: 0 Abstain: 0 Absent: 2 Vacant: 0

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon on this 15th day of May, 2024.

Ayes: 4 Nays: 0 Abstain: 0 Absent: 2 Vacant: 0

ADOPTED BY THE DUNES CITY COUNCIL THIS 15th DAY OF May, 2024.

Susan Snow
Susan Snow, Council President

ATTEST:

Lila Timmons
Lila Timmons, Acting City Recorder/Administrator