

ORDINANCE NO. 25-07

AN ORDINANCE AMENDING CHAPTER 8 OF THE ASTORIA CITY CODE BY THE ADDITION OF SECTIONS 8.740 THROUGH 8.749 CONCERNING VACATION RENTAL LICENSE, PERMITTING AND ENFORCEMENT.

The purpose of this ordinance is to establish regulations for Vacation Rental License, allowing for the permitting and enforcement of vacation rentals.

THE CITY OF ASTORIA ORDAINS AS FOLLOWS:

Section One. The City of Astoria hereby amends City Code Section 8.700 and Sections 8.740 through 8.749 pertaining to Vacation Rental Licenses are added to read as follows:

Lodging Places

8.700 Definitions

In Sections 8.700 to 8.735 of this code, Lodging place means any building, facility, or group of buildings where six or more bedrooms or sleeping units are maintained and operated for the accommodation of guests, either on a transient or permanent basis. This term includes hotels, motels, inns, rooming houses, and similar establishments regardless of the type of structure or how reservations are processed.

A lodging place typically offers centralized services such as on-site management, reception or check-in facilities, housekeeping services, and other guest amenities shared among units. An apartment house or multi-family dwelling used solely for long-term residential occupancy is not considered a lodging place. These provisions do not apply to individual lodging units regulated under the Vacation Rental Code (Sections 8.740 – 8.749).

(***)

“VACATION RENTAL LICENSE”

8.740 Purpose

The provisions of Sections 8.740 to 8.749 apply to vacation rentals as defined herein. These regulations are intended to ensure the health, safety, and welfare of guests and the surrounding community through proper management and operational standards.

8.741 Definitions

LODGING UNIT: Means an individual accommodation—such as a bedroom, studio, suite, or dwelling—that can be rented, reserved, or offered for short-term occupancy separately from other units on the same property. Lodging units are commonly associated with vacation rentals and similar arrangements, including short-term rentals advertised on booking platforms, and may be located in a single-family dwelling, duplex, multi-unit

property or mixed-use structures. A lodging unit differs from a *lodging place* in that it may exist independently or in smaller groupings (fewer than six units) and is regulated under the Vacation Rental Code.

QUIET HOURS: The period from 10:00 p.m. until 7:00 a.m. During this time, excessive noise beyond normal residential use is prohibited.

VACATION RENTAL: For the purpose of Vacation Rental Licensing, a structure or portion of a structure rented for dwelling, lodging, or sleeping purposes for **30 days or less**, where the owner does not reside on the property simultaneously with the renters, or is not considered a lodging place per Section 8.700. Any part of the lodging facility that can be rented separately is considered an individual lodging unit.

VACATION RENTAL LICENSE: A permit issued by the city authorizing the operation of a Vacation Rental. The license confirms compliance with applicable building, health and safety codes and operational standards, including:

- Fire and life safety requirements.
- A valid Occupational Tax (business license) registration.
- Current Transient Room Tax payments.

A Vacation Rental License is required for any vacation rental to lawfully operate within city limits.

8.742 Applicability

This code applies to all new, existing or nonconforming vacation rentals within the city.

8.743 License Requirements

- A. **License Required:** All Vacation Rentals operating within the City require a Vacation Rental License
- B. **Non-Transferable:** Licenses are non-transferable. Changes in ownership or location requires a new license application.
- C. **Validity & Proration:** Licenses are valid through December 31 of the current biennial cycle, not to exceed two years. The validity period is prorated based on the date of issuance. For example, a license issued in July 2026 would expire December 31, 2027.
- D. **Lapsed Licenses:** If a license lapses, operations must cease. Reapplication and payment of the reapplication fee are required.
 - 1. If submitted within 60 days, reinstatement may be allowed at staff discretion.
 - 2. After 60 days, a new license is required and subject to availability.
- E. **Reapplication After Denial or Revocation:** Applicants may reapply six (6) months after a denial or revocation, unless otherwise specified.
- F. **Fees:** Fees are assessed per lodging unit, per the City's Fee Schedule. Different rates may apply for new applications, renewals, and reapplications.
- G. **Other Laws:** Licenses do not exempt compliance with all other applicable local, state, or federal regulations.

8.744 Licenses Available

The city limits the total number of Vacation Rental Licenses to a maximum of 50 lodging units.

8.745 License Application Requirements

All applications to obtain a new license or renewal shall be submitted to the Community Development Department:

A. New Applications

To apply for a Vacation Rental License, an owner must submit the following:

1. **Owner Information:** Names, addresses, emails, and phone numbers and consent for all owners.
2. **Contact / Operator Information:** Name, address, email, and phone number of a designated contact person or operator responsible for addressing complaints in accordance with Sections 8.746 (Code Standards) or 8.747 (Operational Standards).
3. **City Approval:** Written verification from the Community Development Department that the vacation rentals are allowed in the applicable zone or otherwise permitted.
4. **Site Plan and Parking:** A scaled site plan showing structure dimensions and location, and parking plan per the Development Code.
5. **Floor Plan:** A scaled floor plan showing sleeping rooms and the size and location of egress windows.
6. **Landscaping, Lighting, Signage and Waste Disposal:** Proof of compliance with landscaping, lighting, signage and waste disposal standards per Article 3 of the Development Code.
7. **Taxes:** Proof of any existing Occupational Tax (business license) and registration with the City Transient Room Tax Administrator (City Code Section 8.045 et seq).
8. **Inspection Report:** Certification from the City Building Official or a designated qualified inspector within 60 days of the application submission, confirming compliance with Section 8.746 (Code Standards).

B. License Renewal Provisions

A Vacation Rental License may be renewed upon submission of a completed application provided by the city with the appropriate filing fee. The city will review renewals based on the following:

1. **Updated Contact Information:** Submission of current owner, operator, and third-party platform details, including any changes during the licensed period.
2. **Inspection Report:** Certification by the City Building Official or a qualified inspector confirming compliance with Section 8.746 (Code Standards).
3. **Compliance Review:** Compliance with the requirements of Section 8.747 (Operational Standards).
4. **Taxes:** Proof of valid Occupational Tax registration and current Transient Room Tax payments per City Code Section 8.045.
5. **Timing:** To maintain license continuity, renewal applications must be submitted in a timely manner:

1. Renewal applications may be submitted up to 120 days before expiration. All licenses expire on December 31 of the applicable biennial cycle and subject to code enforcement.
2. After a license has expired an application will lose priority and be placed behind all new and complete license applications on the vacation rental waitlist.
3. If a renewal application is not submitted within 60 days following the license expiration the owner will forfeit any renewal rights and must submit a new license application to resume operation.

8.746 Code Standards

- A. **Compliance Requirements:** The vacation rental and all sleeping rooms shall meet building code standards and remain in compliance with State of Oregon and ORCS requirements for health, safety, building, and fire codes, as well as Traveler's Accommodation Statutes and the Uniform Housing Code, as amended.
- B. **Inspection Requirements:** The property owner or operator shall submit a completed inspection form provided by the City, certifying the vacation rental meets all applicable safety and building standards, including:
 1. Smoke and carbon monoxide detectors installed and functioning at required locations.
 2. Visible, working fire extinguishers near primary egress areas.
 3. Exterior doors and egress routes clear, operational, and unobstructed; non-egress doors marked "Not an exit."
 4. Electrical panels accessible and unobstructed.
 5. Proper installation of fireplaces, mechanical systems, electrical, and plumbing.
 6. All sleeping rooms equipped with code-compliant egress windows or doors and adequate ventilation.
 7. Tsunami evacuation plan posted near the main egress.
 8. Stairs, handrails, and decks over 30 inches comply with building code.
 9. Adequate separation from garages, adjacent dwellings, or commercial uses.
 10. Parking provided per the approved site plan.
 11. Structures are weatherproof and direct stormwater to approved locations.

8.747 Operational Standards

- A. **General Compliance:** The owner or operator shall comply with all applicable city regulations, including:
 1. Landscaping, lighting, signage, and waste disposal standards under the Development Code.
 2. A valid Occupational Tax (business license) and registration for Transient Room Tax (City Code Section 8.045).
- B. **Parking**
 1. Guests must be informed in writing of available off-street parking.
 2. Parking must not block emergency access routes.

3. Properties lawfully established without required parking may continue under nonconforming status; no upgrades are required unless there is a change in use or expansion.

C. Advertising & Licensing

1. The Vacation Rental License number must appear in all advertisements and listings.
2. Only the licensed owner may rent or advertise the unit.

D. Noise & Nuisance Response

1. Unnecessary noise is prohibited (see Section 5.025).
2. Quiet Hours (11:00 p.m. – 7:00 a.m.) must be observed and communicated to guests.
3. The owner or operator must respond to complaints within one hour and follow up within 12 hours if needed.

E. Posting Requirements: The following must be clearly posted inside and near the front entrance:

1. Contact information for the owner, operator, or local representative.
2. Emergency contacts for power, fire, landslide, and police.
3. Parking and property boundary maps.
4. Quiet Hours notice and tsunami evacuation route.
5. Location of emergency exits.

8.748 Complaint Intake, Enforcement, and Penalties

A. Grounds: The Community Development Director or designee may deny, suspend, or revoke a Vacation Rental License for any of the following:

1. Failure to comply with any provision of this chapter.
2. Criminal conduct affecting the licensee's fitness to operate a vacation rental.
3. False or misleading information in the application.

B. Notice and Appeal

1. Written notice of denial, suspension, or proposed revocation shall be delivered to the address on file.
2. The notice shall state the basis for the action and the licensee's right to appeal.
3. Appeals must be submitted in writing within 10 days of the notice, per City Code Section 1.070.
4. If the violation is not corrected or a compliance plan is not approved within 90 days, the license may be revoked.

C. Reapplication Restrictions

1. A person whose license is denied or revoked may reapply after six (6) months, unless otherwise specified by the city.
2. If a license is revoked two times, the license owner of the lodging unit shall be permanently ineligible for any future Vacation Rental License specific to that unit.

8.749 Private Complaint and Enforcement Procedures

A. Complaint Submission and Initial Resolution

1. For emergencies or criminal conduct, contact police or emergency services

- immediately.
2. Non-emergency complaints must first be directed to the designated operator or contact person listed on the license.
3. If not resolved within 48 hours, a written complaint may be submitted to the City and must include the date, time, nature of the violation, and any supporting evidence (e.g., photos or video).

B. City Investigation and Enforcement Action

1. The City may investigate submitted complaints to determine if a violation has occurred.
2. If a violation is confirmed, the rental must cease operation until the issue is corrected and may be subject to penalties.
3. If no violation is found, the case will be closed without further action.
4. If the violation is not corrected or a compliance plan is not approved within 90 days, the license may be revoked.

C. Violations, Penalties, and Legal Remedies: It is unlawful to operate a vacation rental in violation of this chapter or during a period of suspension or revocation.

The City may pursue one or more of the following enforcement measures:

1. **Fines** – Each violation is subject to fines of up to \$1,000 per day, as provided per City Code Section 1.010.
2. **Liability of Responsible Agents** – Any person in charge of a licensed rental (e.g., property manager or operator) may be held jointly liable for violations.
3. **Nuisance Abatement** – Properties operated in violation of this chapter are deemed a public nuisance and shall be abated by the property owner.
4. **Appeal Process** – Any person aggrieved by an enforcement action may file an appeal under City Code Section 1.070 (Uniform Appeal and Hearing Procedure).

Section Two: Nonconforming Vacation Rentals – Continuation and Compliance Standards. Vacation rentals legally established on or before December 7, 2022 (Ordinance 22-13), but not in full compliance with this ordinance, may continue under nonconforming status if the following conditions are met:

1. **Fire and Life Safety Compliance** – The unit complies with reasonably adequate level of existing safety required.
2. **Business and Tax Registration** – The owner holds a valid Occupational Tax (business license) and is current on Transient Room Tax payments.
3. **License Requirement** – A Vacation Rental License is obtained and maintained pursuant to this chapter.

Failure to meet the conditions by January 1, 2026, may result in the forfeiture of nonconforming status and render the use unlawful regardless of prior status.

Section Three: Nonconforming Use and Life Safety Compliance. Vacation rentals operating as lawful nonconforming uses under the Development Code may retain that use status if established on or before **December 7, 2022 (Ordinance 22-13)**. However, nonconforming use status does not exempt such properties from compliance with current

fire, building, or life safety standards required by state law or City code.

All vacation rentals—whether conforming or nonconforming—must meet reasonably adequate level of existing safety required and the applicable provisions of the Oregon State Building Code and Fire Code.

This provision is consistent with ORS Chapters 455 and 476, which authorize the enforcement of fire and life safety standards in existing occupancies, regardless of zoning or nonconforming use protections.


Section Four: Severability. The provisions of this ordinance are severable. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given without such invalid part, or parts.

Section Five: Effective Date, Proration & Validity. This ordinance will be effective 30 days following its adoption and enactment by the City Council. Licenses issued in 2025 are prorated and valid through December 31, 2027.


ADOPTED BY THE COMMON COUNCIL THIS 2 DAY OF June, 2025.

APPROVED BY THE MAYOR THIS 2 DAY OF June, 2025.

ATTEST:



Scott Spence, City Manager



Sean Fitzpatrick, Mayor

ROLL CALL ON ADOPTION:

YEA

NAY

ABSENT

Councilor

Davis

x

Mazzarella

x

Adams

x

Mayor Fitzpatrick

Lump

X

X