

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

| | | |
|---------------------------------------|---|---------------|
| In the Matter of a Short-Term Rental |) | |
| Operator License and License Fee |) | ORDINANCE #86 |
| within Unincorporated Tillamook |) | Amendment #1 |
| County and Providing for the |) | |
| Allocation of Funds Dedicated to |) | |
| Housing and Public Safety Initiatives |) | |
| in Tillamook County |) | |

The Board of Commissioners for Tillamook County ORDAINS as follows:

Section 1. Title

This ordinance shall be known as the Short-Term Rental License Fee Ordinance.

Section 2. Disposition of Fees

All monies received from licenses issued shall be accounted for separately and dedicated, after administrative costs, to housing and public safety initiatives. After administrative costs, seventy-five percent (75%) of the fees shall be dedicated to housing initiatives and twenty-five percent (25%) of the fees shall be dedicated to public safety initiatives.

Section 3. Definitions

Except where the context otherwise requires, the definitions established in this Section govern the construction of this ordinance.

- (a) "Board" means the Board of County Commissioners.
- (b) "Contact Person" means the owner or if designated on the application for a permit, the agent of the owner, authorized to act for the owner.
- (c) "County" means Tillamook County, Oregon.
- (d) "Fee Administrator" means the Tillamook County Department of Community Development, or its designee.
- (e) "Guest" means a person who rents one (1) or more rooms in a Short-Term Rental for a period of less than thirty (30) consecutive days. Any person who signs a monthly rental or fixed-term lease agreement is not considered to be a "Guest" but is considered a tenant exercising Long-Term Occupancy.

- (f) "Rent" means the total consideration, other than taxes, paid or payable for occupancy of transient lodging. If a separate fee is charged for services, goods or commodities and the fee is optional, that fee is not included in rent.
- (g) "Short-Term Rental" means a dwelling unit (including any accessory guest house on the same property) that is rented to any person on a day to day basis for a period of less than thirty (30) consecutive days. No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used as or in conjunction with a Short-Term Rental. No occupancy of a parked vehicle, including recreational vehicles as defined in the Tillamook County Land Use Ordinance, in conjunction with the Short-Term Rental is permitted.

Section 4. Short-Term Rental Operator License Required

Every owner of a Short-Term Rental within unincorporated Tillamook County is required to obtain an annual Short-Term Rental Operator License. If any person owns more than one Short-Term Rental unit on a property located within unincorporated Tillamook County, or owns multiple rental units within a structure located on a property within unincorporated Tillamook County, each rental unit shall be considered a separate rental unit and is required to obtain a separate Short-Term Rental Operator License for each rental unit.

If any person owns more than one Short-Term Rental unit on a property located within unincorporated Tillamook County, or owns multiple rental units within a structure located on a property within unincorporated Tillamook County, each rental unit shall be considered a separate rental unit and is required to obtain a separate Short-Term Rental Operator License for each rental unit.

Section 5. Collection of Short-Term Rental Operator License Fee; Rules for Collection

- (a) The owner of a Short-Term Rental within unincorporated Tillamook County shall pay to the County an annual Short-Term Rental Operator License Fee based upon maximum occupancy of the rental.
- (b) Annual license fee amount shall be \$75 multiplied by the maximum number of occupants stated on the Short-Term Rental Permit.
- (c) Every Short-Term Rental owner renting a Short-Term Rental within the unincorporated Tillamook County, the occupancy of which is not exempted under the terms of this ordinance or Tillamook County Ordinance #74 and Tillamook County Ordinance #84, shall pay the annual Short-Term Rental Operator License Fee.
- (d) The Fee Administrator shall enforce the provisions of this ordinance.

Section 6. Registration of Short-Term Rental Operator License; Form and Contents; Execution; License of Authority

An operator license shall not be issued to any Short-Term Rental not in conformance with Tillamook County Ordinances 74, 75, and 84. No Short-Term Rental lodging owner,

provider or intermediary shall advertise or rent any Short-Term Rental that is not in full compliance with County Short-Term Rental permit requirements, transient lodging tax filing requirements and land use permit requirements. Every person engaging or about to engage in Short-Term Rental activities as an owner of a Short-Term Rental within unincorporated Tillamook County shall promptly register with the fee administrator. The privilege of registration after the date of imposition of the operator license fee shall not relieve any person from the obligation of payment. Registration shall be on a form provided by the fee administrator and shall set forth the name under which the provider transacts or intends to conduct rental activity, the location of the place or places of the Short-Term Rental, rental property site addresses, and such other information to facilitate collection of the operator license fee as the fee administrator may require. The registration shall be signed by the owner of the Short-Term Rental.

The fee administrator shall, within ten (10) days after registration, issue a license of authority to the owner of the Short-Term Rental. License shall be surrendered immediately to the fee administrator upon the cessation of rental activity at the location named or upon its sale or transfer. Each license shall state the place of the Short-Term Rental location to which it is applicable and shall be prominently displayed therein, readily visible to all occupants and persons seeking occupancy. The license shall include the following:

- (a) The name of the Short-Term Rental owner;
- (b) The address of the Short-Term Rental;
- (c) The date upon which the license was issued;
- (d) The transient lodging fee ID number assigned by the fee administrator;
- (e) The Short-Term Rental permit number; and
- (f) "This Short-Term Rental Operator License signifies that the person named on the face hereof has fulfilled the requirements of the Short-Term Rental Operator License Regulations, by registration with the fee administrator for the purpose of collection from the fee imposed by Tillamook County and remitting said fee to the fee administrator. This license does not authorize any person to conduct any unlawful rental activity or to conduct any lawful rental activity in an unlawful manner, or to operate a Short-Term Rental without strictly complying with all local applicable laws, including, but not limited to those requiring a permit from any board, commission, department, or office of the County. This license does not constitute a permit."

Section 7. Due Date; Returns and Payments

- (a) The Short-Term Rental Operator License Fee imposed by this ordinance shall be paid by the owner of the Short-Term Rental to the fee administrator and is due and payable to the fee administrator on an annual basis.
- (b) The Short-Term Rental Operator License Fee shall be submitted in such form as the fee administrator may prescribe for payment of the annual license fee.

- (c) The Short-Term Rental Operator License Fee shall be paid by the owner of the short-term rental, or their designee, to the Department of Community Development.

Section 8. Revocation

- (a) Revocation. Violating any provision in this ordinance, as well as non-compliance with any term or condition of a Short-Term Rental permit, including non-compliance with Tillamook County Ordinances #74 and #75: Tillamook County Transient Lodging Tax (TLT), or violating any County or State law, may result in revocation of a Short-Term Rental permit, revocation of a Short-Term Rental Operator license, denial of an application to renew a permit or license, and enforcement and penalties as outlined in this ordinance. Licenses that are terminated for non-renewal or non-payment will result in revocation of a Short-Term Rental permit.

Section 9. Refunds

- (a) Refunds by County to the Short-Term Rental Owner. Whenever the amount of the annual Short-Term Rental Operator License has been paid more than once or has been erroneously received by the fee administrator under this ordinance, it may be refunded, provided a verified claim in writing, stating the specific reason upon which the claim is founded, is filed with the fee administrator within three (3) years from the date of payment. The claim shall be made on forms provided by the fee administrator. If the claim is approved by the fee administrator, the excess amount collected or paid may be refunded or may be credited on any amount then due and payable from the Short-Term Rental owner from whom it was paid.

Section 10. Allocation of Funds for Workforce Housing Initiatives in Tillamook County

The portion of monies contained in the Short-Term Rental Operator License Fee Fund that are dedicated by this ordinance for housing initiatives in Tillamook County shall be distributed and administered in accordance with this Section.

- (a) The County Budget Committee shall allocate collected Short-Term Rental operator license fees as a special revenue fund and shall be made part of the annual County budget process.
- (b) The implementation and administration of the Short-Term Rental funds allocated in subsection (a) of this Section shall be contained in a written policy to be adopted by Board Order.
- (c) The Board shall allocate and distribute Short-Term Rental funds for development and promotion of workforce housing at the recommendation of the Tillamook County Housing Commission.

Section 11. Allocation of Funds for Public Safety Initiatives in Tillamook County

The portion of monies contained in the Short-Term Rental Operator License Fee Fund that are dedicated by this ordinance for public safety initiatives in Tillamook County shall be distributed and administered in accordance with this Section.

- (a) The County Budget Committee shall allocate collected Short-Term Rental operator license fees as a special revenue fund and shall be made part of the annual County budget process.
- (b) The implementation and administration of the Short-Term Rental funds allocated in subsection (a) of this Section shall be contained in a written policy to be adopted by Board Order.

Section 12. Appeal to the Board of Commissioners

Any person aggrieved by any decision of the fee administrator may appeal to the Board by filing notice of appeal with the fee administrator within twenty days of the serving or mailing of the Short-Term Rental operator fee collection notice or a decision given by the fee administrator. The fee administrator shall fix a time and place for hearing such appeal and shall give the appellant not less than twenty days written notice of the time and place of hearing. Action by the Board on appeals shall be decided by a majority of the members present at the meeting where such appeal is considered.

Section 13. Severability

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or otherwise invalid such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 14. Penalties

Violation of any of the provisions of this ordinance shall be a Class A violation, with a maximum penalty of two thousand dollars (\$2,000) in fines. Each day that a violation occurs shall constitute a separate offense.

Section 15. Declaration of an Emergency

This Board of County Commissioners finds that the enactment of this ordinance is necessary for the public health, safety and general welfare, and that an emergency exists, and this ordinance shall take effect immediately upon passage by the Board of Commissioners.

Section 16. Effective Date

This ordinance shall take effect on March 23, 2022.

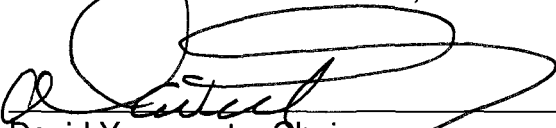
Date of First Reading: March 2, 2022.

Date of Second Reading: March 23, 2022.

DATED this 23rd day of March, 2022.

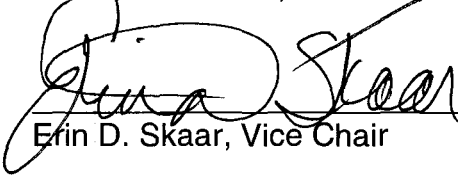
BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent



David Yamamoto, Chair

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Erin D. Skaar, Vice Chair

✓ _____ _____

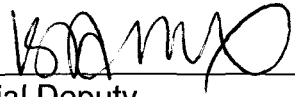


Mary Faith Bell, Commissioner

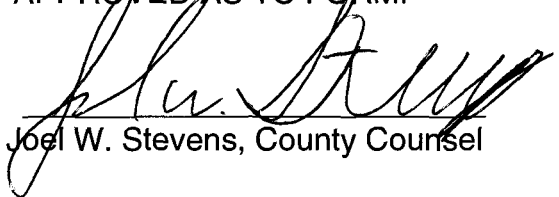
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ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By 

Special Deputy



Joel W. Stevens, County Counsel

