



MEMORANDUM

DATE: September 18, 2018

TO: Chair Moser and Members of the Ruston Planning Commission

FROM: Rob White, Planning Director

RE: Short Term Rental License – Ordinance 1511 Status Update

On August 8, 2018, the Planning Commission was provided a copy of draft Ordinance 1511, (Chapter 5.05D – Short Term Rental License) for review and comment. After much deliberation, the Planning Commission agreed to forward a recommendation of approval to the City Council, with the condition that references in the draft code requiring a conditional use permit be replaced with a more generic reference to the short term rental permit process in the zoning code, so that the Planning Commission could address specific permit processes later within draft Ordinance 1505.

Following the August 8, 2018 Planning Commission meeting where this direction was given, city staff updated draft Ordinance 1511 as directed, (see 5.05D.050(f) in the attached draft Ord 1511 for reference), which was presented to the City Council on August 21, 2018 for first reading, and then again on September 4, 2018 where it was expected that it would receive approval following second reading.

During the public comment period before the City Council on September 4, 2018, Commissioner Jensen testified both verbally and in writing, (attached for reference), that she had concerns that were not addressed by the Planning Commission because the Planning Commission had not had the opportunity review the business license code pertaining to short term rentals.

Since Planning Department staff were not in attendance at the September 4, 2018 City Council meeting, the Council was not informed that the Planning Commission had indeed had the opportunity to review draft Ordinance 1511 at their August 8, 2018 meeting and that the draft being presented to the City Council was consistent with the Planning Commission's recommendation. As a result, the City Council believed that the Planning Commission needed an opportunity to weigh in and asked staff to include the draft ordinance in the Planning Commission materials to provide such an opportunity for input. In addition, a few minor changes were made to draft Ordinance 1511 following the Council meeting. First, typographically errors were corrected. Second, the insurance requirement was modified to provide a minimum amount of \$300,000 as the ordinance had been silent on the amount prior to that point which raised questions from Council.

The Planning Commission must now decide whether or not they want to provide additional input on their initial recommendation, or if they will let their recommendation stand. Either option should proceed by motion, as follows:

- 1. I move to provide additional input to the Council draft Ordinance 1511; or
(If this motion passes, then motions on the exact input would be in order.)**
- 2. I move that the Planning Commission does not provide additional input on draft Ordinance 1511 and that the staff present it to the City Council at the next City Council meeting as currently drafted.**

Staff recommends Option 2.

Please feel free to contact me with any questions or comments. Thank you.

ORDINANCE NO. 1511

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, REGARDING BUSINESS LICENSING, CREATING A NEW CHAPTER 5.05D OF THE RUSTON MUNICIPAL CODE, ESTABLISHING PROCESSES AND PROCEDURES FOR BUSINESS LICENSING FOR SHORT TERM RENTALS IN THE CITY OF RUSTON, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State is requiring all cities with business licenses to make certain updates to its business licensing codes and the deadline for adopting these revisions for Ruston is October 17, 2018; and

WHEREAS, the City deemed it in the best interests to fully update its licensing code, including adoption of several new chapters under subtitle 5.05; and

WHEREAS, the City is also in the process of adopting applicable zoning regulations on locating and operating short term rentals in the City; and

WHEREAS, licensing of short terms rentals also needs to be addressed and this this new Chapter 5.05D accomplishes this goal while being consistent with the proposed new zoning regulations which will be adopted later this year; and

WHEREAS, on August 21, 2018, the City Council held the first reading on this Ordinance; and

WHEREAS, on September 4, 2018, the City Council held the second reading on this Ordinance and requested Planning Commission input given that the Planning Commission is currently working on the short term rental zoning code; and

WHEREAS, on September 19, 2018, the Planning Commission held a regular meeting and discussed this Ordinance; and

WHEREAS, on October 2, 2018, the City Council held the third reading on this Ordinance and considered input from the Planning Commission and staff; and

WHEREAS, on October 2, 2018, the City Council adopted this Ordinance during its regular meeting; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:

Section 1. A new chapter is hereby added to the Ruston Municipal Code to read as follows:

**Chapter 5.05D
SHORT TERM RENTAL LICENSE**

Sections:

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| 5.05D.010 | License required. |
| 5.05D.020 | Definitions. |
| 5.05D.030 | License fees. |
| 5.05D.040 | Exemptions. |
| 5.05D.050 | License requirements. |
| 5.05D.060 | Record requirements. |
| 5.05D.070 | Prohibited use of short term rental accommodation. |
| 5.05D.080 | Revocation or suspension. |

5.05D.010 License required.

It shall be unlawful for any person, either as owner, lessor, lessee, manager, or agent, to conduct, keep, manage, or operate or cause to be kept, managed or operated, short term rental accommodations in the City without first obtaining a license pursuant to the provisions of this chapter.

5.05D.020 Definitions.

“Adult hotel” means a short term rental accommodation that offers a guest room for rent for any period of time less than 10 hours or allows a person to sub-rent the guest room for a period of time that is less than 10 hours.

“Guest” means any person occupying or registered to occupy a lodging unit at a short term rental accommodation.

“Guest room” means an individual room or group of interconnected rooms intended for sleeping that is for rent or use by a guest, and is individually designated by number, letter, or other means of identification. A guest room may or may not include areas for cooking and eating.

“Short term rental accommodation” or “short term rental” means a single-family residential dwelling unit or accessory dwelling unit used for short-term transient occupancy (for periods less than 30 days). Short term rentals must meet the requirements in Chapter 25.10 RMC in order to obtain a license under this chapter.

5.05D.030 License fees.

The license fees for a short term rental accommodation are established as adopted by resolution of the City Council.

5.05D.040 Exemptions.

This chapter shall not apply to those places where children, elderly persons, invalids, or convalescents are exclusively accommodated, or to those premises licensed as trailer camps or recreational vehicle parks.

5.05D.050 License requirements.

Each licensee of a short term rental in Ruston shall comply with the following:

- a) A short term rental license shall be obtained from the City of Ruston prior to using the dwelling unit as a short-term rental;
- b) The short term rental license shall be renewed annually;
- c) The short term rental license is non-transferable. If the property is sold, the new owner will need to re-apply for both the short term rental license and the underlying short term rental permit;
- d) At the time of initial short term rental license application, the owner of record shall demonstrate that the short term rental is registered as a business with the State of Washington and that a State Business License and Unified Business Identifier (UBI) number have been issued for the short term rental. The owner shall also certify that all applicable lodging taxes will be paid and shall provide proof of general liability insurance for use of the residential structure as a short term rental in the amount of \$300,000 or more;
- e) Satisfactory completion of a life/safety inspection performed by the City of Ruston Building Official shall be completed prior to the issuance of the initial license and/or any underlying land use permit;
- f) The owner shall obtain the required land use permit for operating the short term rental under Chapter 25.01 RMC prior to the commencement of operations;

- g) The City of Ruston short term rental license shall be prominently and permanently displayed inside the unit near the front entrance of the short term rental and shall list the following:
1. The name, address and phone numbers of the property owner or the designated local contact;
 2. The maximum occupancy for the short term rental unit;
 3. Identification and location of parking spaces available;
 4. A statement regarding how the parking standards are to be met;
 5. A statement that occupants are to respect adjoining property owners by adhering to quiet hours from 10 p.m. to 8 a.m., and refrain from trespassing, littering or parking on adjoining properties;
 6. A statement regarding how garbage removal is to be conducted;
 7. A statement identifying emergency procedures the occupants are to follow in case of an emergency;
 8. A statement that occupants, owners and managers of this short term rental are subject to civil penalties for violating this Ordinance; and
 - a. A statement that the license to operate this short term rental may be revoked for violations of these rules.

5.05D.070 Record requirements.

Every person operating or conducting any short term rental accommodation as defined herein shall at all times keep therein a register system which shall be kept in chronological order by date and include the time the guest checks into and out of the guest room, the name and mailing address of the person renting the guest room, and the names of all other persons occupying the guest room. The owner or operator shall also require valid photo identification for all guests, including those paying in cash, money order, traveler check or personal checks, or by voucher, at the time of registration. Such identification shall be in valid and current form issued by a governmental entity.

The operator of any short term rental accommodation shall keep a permanent record of all reservations made for and on behalf of any guest and a copy of guest photo identification taken at the time of registration. Registration records are to be kept in chronological order by date and retained for a period of three years, and shall be open to inspection at all times by any police officer of the City or the state of Washington or other City official conducting official City business.

5.05D.080 Prohibited use of short term rental accommodation.

No person in charge of any short term rental accommodation, either as owner, agent, manager, clerk, or employee or in any other capacity, shall use, permit, or suffer to be used the short term

rental accommodation or any portion thereof for the purpose of an adult hotel; prostitution; the illegal manufacture, possession, sale, distribution, or use of narcotics or dangerous drugs as designated or defined by Chapter 9.21 RMC; or shall permit any fighting, boisterous conduct, or any other disorderly conduct therein.

5.05D.090 Revocation or suspension.

The license granted under this chapter may be suspended or revoked for noncompliance or more than three complaints in any 12-month period under the procedures contained in Chapter 5.05 RMC.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Effective Date. This Ordinance take effect on January 1, 2019, which is more than five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 2nd day of October, 2018.

APPROVED by the Mayor this 2nd day of October, 2018.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams
City Clerk

APPROVED AS TO FORM:



Jennifer S. Robertson
City Attorney's Office

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: 1511