

1 **BEFORE THE BOARD OF COMMISSIONERS**
2 **FOR LINCOLN COUNTY, OREGON**

3 ORDINANCE # 490

4 _____
5
6 **Amendment to Ordinance #487 and Lincoln County Code Section 4.405 through 4.460**
7 **SHORT TERM RENTAL OF DWELLING UNITS and declaring an emergency.**
8 _____
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10 WHEREAS by Ordinance # 487 adopted August 3, 2016 and made effective December
11 1, 2016 the Board created sections 4.405 through 4.460 SHORT TERM RENTAL OF
12 DWELLING UNITS in the Lincoln County Code (LCC); and

13 WHEREAS in preparation for implementation of the licensing program authorized by
14 the new code sections, the County desires to clarify one section of the code and delegate
15 authority to the licensing authority to make rules, procedures, forms and practices consistent
16 with the code to implement the program; and

17 WHEREAS the provisions of Ordinance #487 go into effect December 1, 2016 with the
18 licensing program initiated starting that date. Therefore an emergency exists to provide this
19 clarification of the code prior to that date.

20 **NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:**

21 **SECTION 1.**

22 Sections 2 and 3 of this Ordinance are added to and made a part of LCC Chapter 4,
23 Business Regulation.

24 **SECTION 2.**

25 Section 4.415 of the LCC is amended as follows:

26 **4.415 Definitions**

27 For the purpose of LCC 4.405 through 4.460

28 (1) "Accessory structure or accessory use" means a structure or use incidental and
29 subordinate to the main use of a property and located on the same lot as the main use.

30 (2) "Contact Person" means:

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Note: Matter in **boldfaced** type in an amended section is new; matter in [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 (a) The owner(s) of the dwelling unit; or
2 (b) The agent of the owner(s), authorized to act for the owner(s) as designated on
3 the license application.

4 (c) **The contact person, whether the owner or an agent, must be located within**
5 **Lincoln County, and cannot use the dwelling unit(s) licensed under this Chapter as**
6 **the basis for compliance with this provision unless the owner or agent resides at that**
7 **location.**

8 (3) "Dwelling Unit" means:

9 (a) A single unit providing complete, independent living facilities for one or more
10 persons including permanent provisions for living, sleeping, eating, sanitation and only one
11 cooking area.

12 (b) A "single family dwelling" means a structure of which all habitable portions
13 thereof are connected structurally and comprise one dwelling unit, including but not limited
14 to factory built dwellings, mobile homes and site built dwellings.

15 (c) A "two family dwelling" means a structure of which all habitable portions
16 thereof are connected structurally and comprise two dwelling units including but not limited
17 to factory built dwellings, mobile homes and site built dwellings.

18 (d) A "multi-family dwelling" means a structure of which all habitable portions
19 thereof are connected structurally and comprise three or more dwelling units, including, but
20 not limited to, factory built dwellings, mobile homes and site built dwellings.

21 (4) "License" means a short term rental license issued by Lincoln County and
22 maintained in good standing by the Owner(s) or agent of the Owner(s) in accordance with
23 the provisions of the Lincoln County Code.

24 (5) "Owner(s)" means the person or people, partnership, corporation, association, or
25 other legally recognized person(s) or entity holding title to the dwelling unit in accordance
26 with law.

27 (6) "Person" includes any natural person(s), firm, partnership, association, social or
28 fraternal organization, corporation, business or any other group or combination acting as a
29 unit.

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1 (7) "Rental Agreement" means any agreement, whether or not in writing, granting
2 the use of a dwelling unit to a person. Use of a dwelling unit by a recorded owner or other
3 person or persons without monetary consideration shall not be considered to be a rental
4 under this chapter.

5 (8) "Rent" means the authorization of use of a dwelling unit granted to a person(s) in
6 exchange for monetary consideration.

7 (9) "Renter" is a person who rents a short term rental.

8 (10) "Short Term Rental" means the renting of a dwelling unit (including any
9 accessory guest house on the same property) to any person(s) on a day to day basis or for a
10 period of time of up to thirty (30) consecutive nights.

11 (11) "Sleeping Area" is a room or other space within a dwelling unit designed,
12 intended or used for sleeping. Roll out beds, fold out couches, or other temporary sleeping
13 accommodations including tents and recreational vehicles shall not be considered a sleeping
14 area, and may not be used to increase the allowed occupancy of a short term rental as
15 provided in LCC 4.404 through 4.460. Determinations as to the number of sleeping areas
16 within a dwelling unit are reserved to the Lincoln County Licensing Authority and all
17 determinations are final.

18 **SECTION 3.**

19 **4.456 Delegation of Authority**

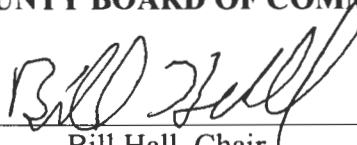
20 **The Lincoln County Licensing Authority is delegated the authority and**
21 **responsibility to adopt rules, procedures, forms and practices consistent with the overall**
22 **intent of this Chapter, to implement, administer, and operate the licensing program for**
23 **the County.**


24 **SECTION 4.**

25 **This Ordinance, being necessary for the preservation and protection of the public**
26 **safety and general welfare of Lincoln County, and being necessary to clarify Ordinance**
27 **#487 duly adopted by the County which takes effect December 1, 2016, an emergency is**
28 **declared to exist and this Ordinance shall take effect December 1, 2016.**

DATED this 30th day of November, 2016.

LINCOLN COUNTY BOARD OF COMMISSIONERS



Bill Hall, Chair

Terry Thompson, Commissioner

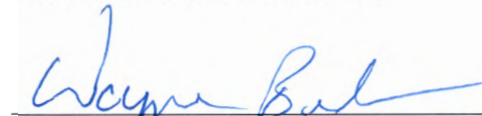
Doug Hunt, Commissioner

ATTESTED TO:



Tanya Graham, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

Note: Matter in **boldfaced** type in an amended section is new; matter in [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.