

**CITY OF BAY CITY
ORDINANCE 710**

**AN ORDINANCE MAKING CERTAIN CHANGES IN THE CODE OF
ORDINANCES OF THE CITY OF BAY CITY, OREGON, REGARDING THE
PLANNING COMMISSION, SHORT-TERM RENTALS, BED & BREAKFAST
ESTABLISHMENTS, AND PUBLIC OFFENSES**

WHEREAS, a periodic review of certain sections of the Code of Ordinances of the City of Bay City, Oregon" resulted in the conclusion that certain sections of the Code needed clarification or updating; and

WHEREAS, the Planning Commission has reviewed the changes that fall within their purview, as recommended by Staff, and is in concurrence with the recommended changes.

NOW THEREFORE, be it ordained by the City Council of the City of Bay City, in the State of Oregon, as follows:

SECTION 1: **AMENDMENT** "1.02.010 Creation" of the Bay City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

1.02.010 Creation

A City Planning Commission of the City of Bay City is hereby created. The City Planning Commission shall consist of seven citizens residing within the City limits or within the City's Urban Growth Boundary and appointed by the City Council. At the first meeting of the Commission, the seven appointed members shall choose their term of office by lot as follows: one for one year, two for two years, two for three years and two for four years. Immediately thereafter, the members shall notify the City Council in writing of such allotment. After this initial appointment, all succeeding terms shall be for four years.

A F T E R A M E N D M E N T

1.02.010 Creation

A City Planning Commission of the City of Bay City is hereby created. The City Planning Commission shall consist of seven citizens residing within the City limits or on a property located at least partially within the City's Urban Growth Boundary and appointed by the City Council. At the first meeting of the Commission, the seven appointed members shall choose their term of office by lot as follows: one for one year, two for two years, two for three years and two for four years. Immediately thereafter, the members shall notify the City Council in writing of such allotment. After this initial appointment, all succeeding terms shall be for four

years.

SECTION 2: AMENDMENT “1.02.020 Vacancies; Occurrence” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.02.020 Vacancies; Occurrence

- A. The office of a member of the City Planning Commission becomes vacant immediately upon any of the following events:
 - 1. Death, or
 - 2. Adjudicated incompetence, or
 - 3. Recall from the office, or
 - 4. Resignation.
- B. At any time, upon the majority vote of the City Planning Commission, a vacancy may be declared in case of a City Planning Commissioner's:
 - 1. Absence from the City Planning Commission meetings for two consecutive meetings without the consent of the City Planning Commission, or
 - 2. Ceasing to reside in the City or within the City's Urban Growth Boundary, as may be applicable; or
 - 3. Ceasing to be a qualified elector under State law, or
 - 4. Conviction of a public offense punishable by loss of liberty.

AFTER AMENDMENT

1.02.020 Vacancies; Occurrence

- A. The office of a member of the City Planning Commission becomes vacant immediately upon any of the following events:
 - 1. Death, or
 - 2. Adjudicated incompetence, or
 - 3. Recall from the office, or
 - 4. Resignation.
- B. At any time, upon the majority vote of the City Planning Commission, a vacancy may be declared in case of a City Planning Commissioner's:
 - 1. Absence from the City Planning Commission meetings for two consecutive meetings without the consent of the City Planning Commission, or
 - 2. Ceasing to reside in the City or on a property located at least partially within the City's Urban Growth Boundary, as may be applicable; or
 - 3. Ceasing to be a qualified elector under State law, or
 - 4. Conviction of a public offense punishable by loss of liberty.

SECTION 3: AMENDMENT “1.02.050 City Planning Commissioner Background” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.02.050 City Planning Commissioner Background

City employees or elected officials of the City of Bay City shall not serve on the Planning Commission. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade or profession. No more than one voting member shall reside outside the City limits, but inside the City's Urban Growth Boundary. In the event that a current Planning Commission member's status changes during their term, the member may complete the term, but may not renew their term if their membership violates the provisions contained herein.

AFTER AMENDMENT

1.02.050 City Planning Commissioner Background

City employees or elected officials of the City of Bay City shall not serve on the Planning Commission. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade or profession. No more than one voting member shall reside outside the City limits, but on a property located at least partially within ~~inside~~ the City's Urban Growth Boundary. In the event that a current Planning Commission member's status changes during their term, the member may complete the term, but may not renew their term if their membership violates the provisions contained herein.

SECTION 4: ADOPTION “5.04.230 Public Nudity” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.04.230 Public Nudity (Non-existent)

AFTER ADOPTION

5.04.230 Public Nudity(*Added*)

No person older than eight (8) years of age shall intentionally expose his or her genitalia, buttocks, or female breasts while in an exterior public place.

SECTION 5: AMENDMENT “5.04.230 Violation” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.04.230 Violation

AFTER AMENDMENT

5.04.~~230~~300 Violation

SECTION 6: AMENDMENT “8.10.030 Definitions: Short-Term Rentals” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.10.030 Definitions: Short-Term Rentals

"Accessory Dwelling Unit." An additional dwelling unit created on a lot containing an existing legal residential use. An accessory dwelling unit may be in the form of a portion of or attachment to an existing residential structure or as a detached structure. An accessory dwelling use is secondary to the primary residential use.

"Bed and Breakfast". An establishment located in a structure designed for a single-family residence, regardless of whether the owner or operator of the establishment resides in such structure, which:

- A. Has one (1) or more rooms for rent on a daily basis to the public; and
- B. Offers a breakfast meal as part of the cost of the room;
- C. Serves only one breakfast meal a day to guest, staff and owners, only.
- D. Complies with the applicable license requirements per OAR Chapter 333, Division 170.

"Business Short Term Rental." A short-term rental that operates as a Recreational Vehicle, Tent, Yurt Campsite, Tiny Home Park, Hotel, Motel, Motor Hotel, Tourist Court or Bed and Breakfast and is rented to any person on a day-to-day basis for a consecutive period less than 30 days during the year.

"Contact Person." The property owner or property management or if designated on the application for a license, the agent of the owner, authorized to act for the owner.

"Dwelling Unit." One (1) or more rooms occupied, designed or intended for occupancy as separate living quarters in a permanent detached single-family dwelling unit.

"Hotel, Motel, Motor Hotel, Tourist Court." An establishment that provides temporary lodging, contains guest rooms or units, furnishes customary hotel/motel services such as linen, maid service, and the use and upkeep of furniture and usually meals and other services for travelers and other paying guests.

"License." A Short-Term Rental License that is signed by the City of Bay City.

"Owner." The owner or owners of a short-term rental.

"Person." Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit, or legal entity that owns and holds legal and/or equitable title to the property.

"Pet." Dogs (canine) and cats (feline). No other pets/animals are allowed or recognized for the purpose of this Article.

"Recreational Vehicle." A vacation trailer or other vehicular or portable unit which is either self-propelled or towed, or is carried by a motor vehicle and which is intended for human occupancy, and is designed for vacation or recreational purposes, but not residential use (See "Camping or Recreational Vehicle"), and is: a. Built on a single chassis; b. 400 square feet or less when measured at the largest horizontal projection; c. Designed to be self-propelled or permanently towable by a light duty truck; or d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Rental." An agreement granting the use of a dwelling unit to a person with monetary compensation. Use of a dwelling unit by a recorded owner or other person or persons without monetary compensation shall not be considered to be a rental under this Article.

"Rented." The use of a dwelling unit granted to a person in exchange for monetary consideration.

"Renter." A person who rents a short-term rental or is an occupant in a short-term rental.

"Sale or transfer." Any change of ownership during the lifetime of the Short-Term Rental License holder, whether or not there is consideration, or after the death of the Short-Term Rental License holder, except a change in ownership where title is held not as tenants in common but with the right of survivorship (e.g., survivorship estates recognized in ORS 93.180, such as with a spouse or domestic partner, or transfers on the owner's death to a trust which benefits only a spouse or domestic partner for the lifetime of the spouse or domestic partner).

"Serious Fire or Life Safety Risk." A building code or ordinance violation involving those construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety.

"Short-Term Rental (STR)." A detached single dwelling unit that is rented to any person on a day to day basis for a consecutive period less than 30 days during the year.

"Sleeping Area." A room or other space within a dwelling unit designed, intended or used for sleeping. Tents and recreational vehicles shall not be considered a sleeping area.

"Tent Campsite." A grouping of fabric shelters supported by poles or rope, designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent or residential purposes.

"Tiny Home Park." A grouping of three (3) or more dwellings, permanent or temporary and attached to a frame or chassis, with or without wheels, with a size 400 sq ft or less at a width of eight and one-half feet.

"Vacation rental." A dwelling unit that is used, rented or occupied on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis. A Vacation Rental is considered a Short-Term Rental.

"Vacationer." Any person enjoying a recess or leave of absence from their place of residence, the majority of whom are temporary occupants.

"Yurt Campsite." Outdoor structures that resemble large round tents, and are used temporarily for recreational purposes.

AFTER AMENDMENT

8.10.030 Definitions: Short-Term Rentals

"Accessory Dwelling Unit." An additional dwelling unit created on a lot containing an existing legal residential use. An accessory dwelling unit may be in the form of a portion of or attachment to an existing residential structure or as a detached structure. An accessory dwelling use is secondary to the primary residential use.

"Bed and Breakfast". An establishment located in a structure designed for a single-family residence, ~~regardless of whether the owner or operator of the establishment resides in such structure,~~ which conforms to the requirements outlined in Section 10.11.010.:

- ~~A. Has one (1) or more rooms for rent on a daily basis to the public; and Offers a breakfast meal as part of the cost of the room; Serves only one breakfast meal a day to guest, staff and owners, only. Complies with the applicable license requirements per OAR Chapter 333, Division 170.~~

"Business Short Term Rental." A short-term rental that operates as a Recreational Vehicle, Tent, Yurt Campsite, Tiny Home Park, Hotel, Motel, Motor Hotel, Tourist Court or Bed and Breakfast and is rented to any person on a day-to-day basis for a consecutive period less than 30 days during the year.

"Contact Person." The property owner or property management or if designated on the application for a license, the agent of the owner, authorized to act for the owner.

"Dwelling Unit." One (1) or more rooms occupied, designed or intended for occupancy as separate living quarters in a permanent detached single-family dwelling unit.

"Hotel, Motel, Motor Hotel, Tourist Court." An establishment that provides temporary lodging, contains guest rooms or units, furnishes customary hotel/motel services such as linen, maid service, and the use and upkeep of furniture and usually meals and other services for travelers and other paying guests.

"License." A Short-Term Rental License that is signed by the City of Bay City.

"Owner." The owner or owners of a short-term rental.

"Person." Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit, or legal entity that owns and holds legal and/or equitable title to the property.

"Pet." Dogs (canine) and cats (feline). No other pets/animals are allowed or recognized for the purpose of this Article.

"Recreational Vehicle." A vacation trailer or other vehicular or portable unit which is either self-propelled or towed, or is carried by a motor vehicle and which is intended for human occupancy, and is designed for vacation or recreational purposes, but not residential use (See "Camping or Recreational Vehicle"), and is: a. Built on a single chassis; b. 400 square feet or less when measured at the largest horizontal projection; c. Designed to be self-propelled or permanently towable by a light duty truck; or d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Rental." An agreement granting the use of a dwelling unit to a person with monetary compensation. Use of a dwelling unit by a recorded owner or other person or persons without monetary compensation shall not be considered to be a rental under this Article.

"Rented." The use of a dwelling unit granted to a person in exchange for monetary consideration.

"Renter." A person who rents a short-term rental or is an occupant in a short-term rental.

"Sale or transfer." Any change of ownership during the lifetime of the Short-Term Rental License holder, whether or not there is consideration, or after the death of the Short-Term

Rental License holder, except a change in ownership where title is held not as tenants in common but with the right of survivorship (e.g., survivorship estates recognized in ORS 93.180, such as with a spouse or domestic partner, or transfers on the owner's death to a trust which benefits only a spouse or domestic partner for the lifetime of the spouse or domestic partner).

"Serious Fire or Life Safety Risk." A building code or ordinance violation involving those construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety.

"Short-Term Rental (STR)." A detached single dwelling unit that is rented to any person on a day to day basis for a consecutive period less than 30 days during the year.

"Sleeping Area." A room or other space within a dwelling unit designed, intended or used for sleeping. Tents and recreational vehicles shall not be considered a sleeping area.

"Tent Campsite." A grouping of fabric shelters supported by poles or rope, designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent or residential purposes.

"Tiny Home Park." A grouping of three (3) or more dwellings, permanent or temporary and attached to a frame or chassis, with or without wheels, with a size 400 sq ft or less at a width of eight and one-half feet.

"Vacation rental." A dwelling unit that is used, rented or occupied on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis. A Vacation Rental is considered a Short-Term Rental.

"Vacationer." Any person enjoying a recess or leave of absence from their place of residence, the majority of whom are temporary occupants.

"Yurt Campsite." Outdoor structures that resemble large round tents, and are used temporarily for recreational purposes.

SECTION 7: AMENDMENT "8.10.100 Limitations, Density And Spacing Of Single-Family STR's" of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.10.100 Limitations, Density And Spacing Of Single-Family STR's

Limitations, Density and Spacing of Single-Family STR's: There are certain limitations on the siting, location, density and spacing of a Single-Family STR within the City of Bay City.

- A. Single-Family STR properties are restricted as described below: Existing STRs with valid registrations at the time of the enactment of this Article are exempt from this standard. STRs that begin operating after adoption of this Article and STRs that discontinue or lose approved status through violations of this Article are subject to this standard.
- B. Single-Family STR's shall be limited to the following physical distances between each STR in each City zone district:

In the NHI Zone District	0 feet
In the MI Zone District	1 block face or 200 feet
In the LI Zone District	2 block face or 400 feet
In the S3 Zone District	1 block face or 200 feet

- C. Single-Family STR's shall be limited to 5% of the housing stock in the City of Bay City. A City housing stock count will be available at the City Hall. The count is based on the most recent US Census information available for the City.
- D. Single-Family STR's shall not be operated on a property where a legal Accessory Dwelling Unit exists.
- E. Single-Family STR's cannot occupy an accessory dwelling unit (ADU).
- F. Single-Family STR's shall not be operated on a property where an existing long-term rental (longer than 30 days) use exists

AFTER AMENDMENT

8.10.100 Limitations, Density And Spacing Of Single-Family STR's

Limitations, Density and Spacing of Single-Family STR's: There are certain limitations on the siting, location, density and spacing of a Single-Family STR within the City of Bay City.

- A. Single-Family STR properties are restricted as described below: Existing STRs with valid registrations at the time of the enactment of this Article are exempt from this standard. STRs that begin operating after adoption of this Article and STRs that discontinue or lose approved status through violations of this Article are subject to this standard.
- B. Single-Family STR's shall be limited to the following physical distances between each STR in each City zone district:

In the NHI Zone District	0 feet
In the MI Zone District	1 block face or <u>No STR shall be permitted within 200 feet of another STR, measured between the closest corner of each respective taxlot.</u>

In the LI Zone District	2 block face or <u>No STR shall be permitted within 400 feet of another STR, measured between the closest corner of each respective taxlot.</u>
In the S3 Zone District	1 block face or <u>No STR shall be permitted within 200 feet of another STR, measured between the closest corner of each respective taxlot.</u>

- C. Single-Family STR's shall be limited to 5% of the housing stock in the City of Bay City. A City housing stock count will be available at the City Hall. The count is based on the most recent US Census information available for the City.
- D. Single-Family STR's shall not be operated on a property where a legal Accessory Dwelling Unit exists.
- E. Single-Family STR's cannot occupy an accessory dwelling unit (ADU).
- F. Single-Family STR's shall not be operated on a property where an existing long-term rental (longer than 30 days) use exists

SECTION 8: AMENDMENT “10.11.010 Bed And Breakfast Establishments” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.11.010 Bed And Breakfast Establishments

- A. Bed and Breakfast Establishments shall comply with all requirements of the intensity zone in which they are located and shall also comply with the following:
 - 1. The number of guest bedrooms shall be limited to three.
 - 2. The dwelling shall be owner occupied.
 - 3. In addition to required off-street parking for the dwelling, one off-street parking space for each guest bedroom shall be provided.
 - 4. Signs shall be limited to one non-illuminated sign not to exceed six square feet in area in the Shorelands 3 and Moderate Intensity Zone. No Vacancy signs shall be permitted. In the High Intensity Zones, signs shall conform to the requirements of Section 10.10.100, Sign Requirements.
 - 5. No Bed and Breakfast Establishments shall be placed within 200 feet of another Bed and Breakfast Establishment, measured from property line to property line. No variances from this standard shall be granted.
 - 6. The placement of Bed and Breakfast Establishments are subject to further restrictions as Single-Family STRs according to Section 8.10.100.
 - 7. Prior to occupancy a Bed and Breakfast Establishment shall be inspected by

the Bay City Volunteer Fire Department to ensure that fire and safety considerations are addressed. The premises shall be inspected on an annual basis thereafter.

AFTER AMENDMENT

10.11.010 Bed And Breakfast Establishments

- A. Bed and Breakfast Establishments shall comply with all requirements of the intensity zone in which they are located and shall also comply with the following:
1. The number of guest bedrooms for rent on a daily basis to the public must be a minimum of two but maximum of ~~shall be limited to~~ three.
 2. The dwelling shall be owner occupied.
 3. Prior to occupancy a Bed and Breakfast Establishment shall obtain a restaurant license from the Tillamook County Health Department - Environmental Services. The license must be renewed annually.
 4. In addition to required off-street parking for the dwelling, one off-street parking space for each guest bedroom shall be provided.
 5. Signs shall be limited to one non-illuminated sign not to exceed six square feet in area in the Shorelands 3 and Moderate Intensity Zone. No Vacancy signs shall be permitted. In the High Intensity Zones, signs shall conform to the requirements of Section 10.10.100, Sign Requirements.
 6. No Bed and Breakfast Establishments shall be placed within 200 feet of another Bed and Breakfast Establishment, measured from property line to property line. No variances from this standard shall be granted.
 7. The placement of Bed and Breakfast Establishments are subject to further restrictions as Single-Family STRs according to Section 8.10.100.
 8. Prior to occupancy a Bed and Breakfast Establishment shall be inspected by the Bay City Volunteer Fire Department to ensure that fire and safety considerations are addressed. The premises shall be inspected on an annual basis thereafter.
 9. The Bed and Breakfast Establishment must offer a breakfast meal as part of the cost of the room.
 10. The breakfast meal is the meal served to guests during the a.m. or morning hours each day. The breakfast meal shall only be served to guests, staff and owners only.
 11. The Bed and Breakfast Establishment must have a separate toilet room with handwashing lavatory accessible to employees only, also known as a "Designated Employees" Restroom," and a separate toilet room located in the area of the guest rooms, also known as a "Guests' Restroom."
 12. Compliance with the applicable license requirements per OAR Chapter 333, Division 170.

SECTION 9: EFFECTIVE DATE This Ordinance shall be in full force and effect from thirty (30) days following the required approval by the City Council and its signature by the Mayor of the City of Bay City.

PASSED AND ADOPTED BY THE CITY OF BAY CITY CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Kathleen Baker, Council President	_____	_____	_____	_____
Tim Josi, Councilor	_____	_____	_____	_____
Tom Imhoff, Councilor	_____	_____	_____	_____
Anthony Boatman, Councilor	_____	_____	_____	_____
Ralph McRae, Councilor	_____	_____	_____	_____
Justin Howard, Councilor	_____	_____	_____	_____

Presiding Officer

Attest

Liane Welch, Mayor, City of Bay City

Lindsey Gann, City Recorder, City of Bay City