

ORDINANCE NO. 2772

AN ORDINANCE CREATING CHAPTER 18.63 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "VACATION RENTAL DWELLINGS"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 18.73 of the Moses Lake Municipal Code entitled "Vacation Rental Dwellings" is created as follows:

18.63.010 Definitions: For the purposes of this chapter, the following definitions shall apply.

- A. "Condominium dwelling" means a dwelling unit, established under the Horizontal Regimes Act of the State of Washington, owned separately from any other unit within the same building, if any, and the lot on which the building is located is owned in common by all dwelling unit owners.
- B. "Dwelling, Single-Family or One-Family" means a building containing one dwelling unit on a lot, intended for occupancy by one family which may be either the lot owner or a renter.
- C. "Dwelling unit" means one (1) or more habitable rooms for one (1) family with facilities for living, sleeping, cooking, and eating.
- D. "Full-time" means at least eleven (11) months out of the year.
- E. "Parking space" means a hard surface or porous pavement space of at least nine feet (9') by twenty feet (20') that is reserved for vehicle parking purposes.
- F. "Short-term" means thirty (30) calendar days or less.
- G. "Vacation rental dwelling" means the use of an approved vacation rental dwelling by any person or group of persons who occupies or is entitled to occupy a dwelling unit for remuneration for a period of less than thirty (30) calendar days, counting portions of days as full days, but in no event for less than twenty-four (24) consecutive hours.
- H. "Remuneration" means compensation, money, rent or other bargained for consideration given in return for occupancy, possession or use of real property.
- I. "Violation" means any violation by the owner or any occupant of any provision of this chapter, any provision of the Moses Lake Municipal Code, or any violation of state law."

18.63.020 Intent: It is the intent of this chapter is to establish the terms, criteria and procedures by which vacation rental dwellings may be permitted to ensure the safety and convenience of renters, owners, and neighboring property owners; protect the character of the residential neighborhoods; and address potential negative effects such as excessive noise, overcrowding, illegal parking, nuisance activities, and the accumulation of refuse.

18.63.030 Permitted Zones: A vacation rental dwelling use is a permitted use in all zoning districts that allow single-family residences as a permitted use.

18.63.040 Eligible Dwellings and Limitations: A vacation rental dwelling may be located in a single-family dwelling, an accessory dwelling unit, or a condominium dwelling. No more than one (1) vacation rental shall be allowed on a single parcel, except that this limitation shall not apply to condominium dwellings.

18.63.050 Application for Vacation Rental Approval: An application for vacation rental use of an eligible dwelling unit must be completed and submitted to the Community Development Director for review. Applications shall be submitted on forms provided by the Community Development Department. If compliance with the provisions of this chapter is demonstrated, an endorsement for a vacation rental use will be issued. A business license for a vacation rental business will not be issued by the City until an endorsement for vacation rental use of the dwelling has been issued.

18.63.060 Criteria for Endorsement: The following criteria shall be met in order for approval of a property to be authorized by the City as a vacation rental dwelling.

- A. **Business License Endorsement**: A business license endorsement shall be applied for and obtained prior to any use of property as a vacation rental dwelling. Endorsements are specific to the owner of the dwelling unit. When the holder of an endorsement sells or transfers the real property, the new owner shall obtain an endorsement before using the dwelling unit as a vacation rental dwelling. Vacation rental dwelling endorsements shall remain in effect so long as a valid business license is maintained for the rental use and the property is not sold or transferred.
- B. **Occupancy**: Maximum occupancy of the rental shall be no more than two (2) persons per sleeping room plus two (2) additional persons per unit. The property owner shall be responsible for ensuring that the dwelling unit is in conformance with its maximum occupancy.
- C. **Compliance**: The vacation rental dwelling must comply with the requirements of the International Building Code and International Residential Code.
- D. **Parking and Vehicles**: At least one (1) additional off-street parking space shall be provided for the vacation rental use, in addition to all other parking required for the dwelling. Parking on-site along the front property line shall not exceed forty percent (40%) of the front-yard frontage. The number of vehicles at a vacation rental residence shall not at any time exceed the number of available parking spaces on the subject property. However, this limitation shall not apply to condominium dwellings. All overnight occupant parking shall be on site or immediately in front of the vacation rental dwelling.
- E. **Signage**: No outdoor advertising signs related to the vacation dwelling shall be allowed on the site.
- F. **Solid Waste Collection**: Weekly solid waste collection is required during all months. In the event that normal weekly collection is insufficient for the use, the property owner or local property representative shall make arrangements for additional solid waste removal.
- G. **Local Property Representative**: Where the property owner does not reside full-time within thirty (30) minutes driving distance of Moses Lake, a local property manager shall be designated. The local property manager shall reside full-time within thirty (30) minutes driving distance from Moses Lake and shall be available twenty-four (24) hours a day to respond to complaints, questions, or concerns. The local representative or property owner shall be responsible for responding to complaints about the rental. The name, address, and telephone contact number of the property owner or local representative shall be kept on file at the Community Development Department. Additionally, a notice that states the name, address, and telephone number of the property owner or local representative will be sent to all property owners within two hundred feet (200') feet of the vacation rental property. If the local representative changes, the owner of the vacation rental property shall be required to send out new notices to all property owners within two hundred feet (200') of the subject property.
- H. **Informational Sign**: A sign shall be posted conspicuously inside the dwelling to provide information on maximum occupancy, location of off-street parking, contact information for the property owner or local representative, evacuation routes, and the renter's responsibility not to trespass on private property or to create disturbances.
- I. **Responsible Person**: A responsible person (aged twenty-five [25] or older) who is an occupant of the vacation rental dwelling and is legally responsible for ensuring that all occupants and/or their guests comply with all laws and regulations during their stay shall be identified for each rental.
- J. **Inspection**: A dwelling unit proposed for a vacation rental dwelling shall be inspected by the Building Official or designee to determine its conformance with the endorsement standards of this chapter and basic health and safety elements as required by any applicable code. Any corrective action required shall be completed before the dwelling unit can be rented. Vacation

rental dwellings shall be subject to periodic re-inspection by the Building Official or designee at the City's discretion to ensure compliance with the provisions of this chapter. The time frame for such inspections is subject to the City's discretion and available resources.

- K. **Other Standards:** The vacation rental dwelling shall meet all applicable requirements of the zone in which it is located, including but not limited to setbacks, maximum height, and lot coverage standards.

18.63.070 **Notice Requirements:** Upon issuance of an endorsement, the City shall provide notice to property owners within two hundred feet (200') of the subject property (or outline of property that is held in common), advising that an endorsement for a vacation rental dwelling has been issued. Such notice shall include the address of the dwelling unit that received the endorsement, a location where additional information can be obtained about the nature of the endorsement, and the name, phone number, mailing address, and email address (if available) of the owner or designated contact.

18.63.080 **Business License Required:** Vacation rental dwellings shall meet all local and state regulations, including those pertaining to business licenses and taxes.

18.63.090 **Continued Compliance With This Chapter:** A City approved vacation rental dwelling shall be in compliance with the standards of MLMC 18.63.060 and 18.63.080 at all times, or shall be subject to the provisions of MLMC 18.63.110. The owner of the vacation rental dwelling is responsible for compliance with the provisions of this chapter. The failure of the local property manager or representative to comply with this chapter shall be deemed non-compliance by the owner.

18.63.100 **Non-Transferability:** A vacation rental dwelling approval is issued to a specific owner of a dwelling. If the property owner sells or transfers the real property, the new owner shall apply for and must receive a vacation rental dwelling approval from the City before using the dwelling as a vacation rental.

18.63.110 **Violations:** Penalties, as specified in subsection 18.63.120, may be imposed for one (1) or more of the following violations:

- A. Advertising, renting, using, or offering for use, occupancy, or rent a vacation rental dwelling where the owner does not hold a valid endorsement issued pursuant to this chapter.
- B. Advertising, renting, using, or offering for use, occupancy, or rent a vacation rental dwelling in a manner that does not comply with the endorsement requirements of section 18.63.050.
- C. Failure by the owner to pay the special excise tax required by MLMC Chapter 3.28.
- D. Failure of the owner's designated contact to respond to tenant, citizen, or City complaints or inquiries. "Failure to respond" occurs if City staff is unable to reach the designated contact after three (3) attempts, using the information that the owner has on file with the City.
- E. Failure of the owner or any occupant to comply with any of the provisions and/or requirements of subsection 18.63.060.

18.63.120 **Enforcement, Penalties, and Appeal:**

- A. **Enforcement:** This chapter may be enforced by any authorized representative of the City including, but not limited to, the Police Chief, Building Inspector, Code Enforcement Officer, Community Development Director, City Manager, or designee.
- B. **Penalties:**
 - 1. For the first two (2) violations within a twelve (12) month period, the City shall issue a written warning to the owner. This written warning may also be accompanied by the issuance of a Notice of Violation and/or Notice of Infraction as may be appropriate pursuant to MLMC Chapter 1.20.

2. For the third violation within a twelve (12) month period, the Community Development Director shall revoke the owner's vacation rental dwelling endorsement.
 3. Penalties under this section shall be deemed to be separate from any other applicable penalty provisions including license and tax penalties.
- C. Appeal: Any owner wishing to appeal the revocation of the vacation rental dwelling endorsement may request an appeal to the City Manager by filing a written notice with the City Manager within ten (10) calendar days after the date of revocation. Any endorsement that has been revoked cannot be reapplied for or issued for a period of at least one (1) year from the date the endorsement was revoked.

18.63.130 Severability: If any term or provision of this chapter or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this chapter or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby and shall continue in full force and effect.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on June 9, 2015.



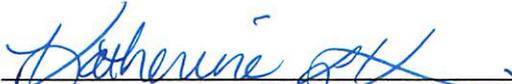
Dick Deane, Mayor

ATTEST:



W. Robert Taylor, Finance Director

APPROVED AS TO FORM:



Katherine L. Kenison, City Attorney