

**CITY OF WHITE SALMON
ORDINANCE 2022-02-1093**

**AN ORDINANCE AMENDING WHITE SALMON MUNICIPAL CODE CHAPTER 5.02
SHORT-TERM RENTALS AND REPEALING SHORT-TERM RENTAL
MORATORIUM**

WHEREAS, the City previously adopted White Salmon Municipal Code Chapter 5.02 Short-term Rentals in 2019; and

WHEREAS, the City heard concerns about short-term rentals in the city and their impact on the livability in neighborhoods where short-term rentals are located and the impact on housing in White Salmon; and

WHEREAS, the City adopted a moratorium on short-term rentals in 2021 and extended that moratorium February 2, 2022 in order to consider amendments to the city’s codes regarding short-term rentals; and

WHEREAS, the City Council and Planning Commission have held three public hearings (October 27, 2021; December 1, 2021; and January 5, 2022) to hear comments on proposed amendments to White Salmon Municipal Code related to short-term rentals; and

WHEREAS, the City feels it is necessary to adopt amendments to White Salmon Municipal Code Chapter 5.02 Short-term Rentals; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE
SALMON DO ORDAIN AS FOLLOWS:**

SECTION 1. White Salmon Municipal Code Chapter 5.02 Short-Term Rentals, is hereby amended as follows:

Key: ~~**Bold and Strike through**~~ means repealed. **Bold and underline** means new.

Chapter 5.02, Short-Term Rentals

5.02.005 - Findings, intent and purpose.

- A. In the adoption of these regulations, the city that the rental of dwelling units and lodging units for less than thirty days is an important contributor to the comprehensive plan's tourism goal. The city also finds that these short-term rentals are part of an emerging market that has the potential to be incompatible with surrounding residential uses.
- B. The regulations below are intended to create a registration of short-term rentals that will:
1. Determine the impact to the local economy;
 2. Reduce administrative burdens **for residents of White Salmon to partake in the local tourist economy and barriers to entry;**
 3. Ensure market fairness and taxation;
 4. Protect guests; and
 5. **Avoid unchecked neighborhood disruptions Mitigate neighborhood disruptions and preserve the character of White Salmon's residential neighborhoods.**
- C. This chapter provides an administrative framework for registering the annual operation of a short-term rental. A short-term rental permit is a limited permission to use property for short-term rental purposes. A permit may be modified or revoked if the standards of this chapter are not met.

5.02.010 - Definitions.

As used in this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. "Contact person." The owner or, if designated on the application for a permit, the **local** management representative authorized to act for the owner.

B. "Daytime." Between the hours of 7:00 a.m. to 10:00 p.m.

- BC.** "Dwelling unit." One or more rooms occupied, designed or intended for occupancy as separate living quarters, and containing ~~four or more of~~ the following:

1. Refrigeration; **and**
2. Cooking facility (including cooking stove, ~~hot plate,~~ range hood, microwave, or similar appliance) ~~or wiring or venting to support same;~~ **and**
- ~~3. Dishwashing machine;~~
- ~~4.~~ **3.** Sink intended for meal preparation (not including a wet bar); **and**
- ~~5. Garbage disposal;~~
- ~~6.~~ **4.** Toilet; and ~~or~~
- ~~7.~~ **5.** Shower or bathtub.

- D.** **“Hosted homeshare.” The short-term rental of a portion of a dwelling or an attached or detached separate accessory dwelling unit (ADU) on the property of the licensee’s primary address, where the licensee is present during rental periods.**
- E.** **“Legacy short-term rental.” A permitted short-term rental within a residential zone which is nonconforming to current short-term rental regulations, but which was in existence and legally operating prior to the enactment of present regulations. Legacy permits may continue to operate until such time that the permit holder fails to renew the permit or until such time the legacy period has expired in accordance with the provisions of WSMC 17.57.060. Vested short-term rental permits within a commercial zone are not subject to legacy period limits described in WSMC 17.57.060.**
- ƉF.** **“Local area.” All areas in the Washington counties of ~~Clark~~, Klickitat and Skamania and the Oregon counties of Hood River, and Wasco ~~and Multnomah~~.**
- ƉG.** **“Lodging unit.” Permitted bedroom Bedrooms or sleeping facility facilities not meeting the criteria of a dwelling unit set forth in paragraph B subsection C, above within a primary dwelling unit but which has access to all of the facilities described above in C.**
- H.** **“Overnight.” Between the hours of 10:00 p.m. to 7:00 a.m. of the following day.**
- ƉI.** **“Owner.” The natural person or legal entity that owns and holds legal and/or equitable title to the property.**
- J.** **“Owner occupancy.” Owner occupancy is demonstrated through meeting the residency requirements of Section 5.02.020.**
- K.** **“Queue.” A queue shall be established if all available permits have been exhausted as a result in reaching the overall cap on permits as outline in WSMC 5.02.030.D.2 in residential zones allowing a hosted homeshare or vacation home rental. Individuals who meet all the requirements for a hosted homeshare or vacation home rental who are unable to obtain a license and permit due to the quota being reached may enter the queue on a first come, first served basis in accordance with WSMC 5.02.30.E.**
- ƉL.** **“Remuneration.” Compensation, money, rent or other bargained for consideration given in return for use, rent, or occupancy of a short-term rental.**
- M.** **”Short-term rental.” A dwelling unit or lodging unit for which an owner receives or seeks remuneration for use or occupancy for a period of less than thirty consecutive days per rental period. Businesses with current transient accommodation licenses (e.g. hotels, motels and bed and breakfasts) under RCW Ch. 70.62 are specifically exempted from this Chapter 5.02.**

HN. “Short-term rental permit” or “permit.” The regulatory permit required by WSMC 5.02.15 and described in this chapter.

O. **“Vacation home rental.” The short-term rental of an entire primary dwelling unit in the RL, R1, R2, or R3 zones for a maximum of 150 days per year. This does not include accessory dwelling units (ADUs).**

5.02.015 – Short-term rental permit required.

A. **Permit Required.** No owner or manager of property within the White Salmon city limits may advertise, offer, operate, rent, receive remuneration for, or otherwise make available or allow any other person to make available for occupancy a short-term rental without a short-term rental permit. Advertise or offer includes through any media, whether written, electronic, web-based, digital, mobile or otherwise.

5.02.020 - Application and fees.

A. Application Required. An application for a short-term rental permit shall be completed and submitted to the city on a form provided by the city. The application shall be signed by the owner or contact person and contain the following information:

1. Owner Information. Owner's name, permanent residence address, telephone number, owner's mailing address, **e-mail address** and the short-term rental address and **landline** telephone number, **if available**.

2. **Proof of Residency (for conforming short-term rentals within the RL, R1, R2 or R3 zones). Proof of residency of a dwelling unit shall be established through owner occupancy of the primary residence. The applicant shall provide the following items as evidence that the dwelling is the primary residence of the owner:**

a) **A copy of a voter registration associated with the local address of the proposed hosted homeshare or vacation home rental; and**

b) **A copy of a current Washington Driver’s License or Identification Card showing local address of the proposed hosted homeshare or vacation home rental; and**

c) **A copy of federal income tax return from the most recent tax year (page 1 only, financial data should be redacted) showing local address of the proposed hosted homeshare or vacation home rental.**

23. Contact Person Information. ~~If the owner does not permanently reside in the local area or is not always available when the property is being rented, the owner shall provide the name, telephone number and email of a contact person from the local area to represent the owner regarding the use of the property and/or complaints related to the short term rental as set forth in~~

WSMC 5.02.040(C) If the owner is not always available when a vacation home or hosted homeshare property is being rented, the owner shall provide the name, telephone number and email of a contact person from the local area to represent the owner regarding the use of the property and/or complaints related to the short-term rental as set forth in WSMC 5.02.040.

- 34.** Tax Information. A statement of intent to collect and remit all taxes associated with the short-term rental.
- 45.** Inspection Access. A statement allowing the city reasonable access to the property for the purpose of reviewing the proposal for the health and safety requirements set forth in WSMC 5.02.040.**D(D)**.
- 56.** Right to Publish Contact Information. A statement allowing the city to make owner and contact person phone numbers publicly available at City Hall **when requested through a public records request**.
- 67.** Neighborhood Notice. A statement of intent to notify neighbors as required by WSMC 5.02.040.**A(A)**.
- 78.** Good Neighbor Guidelines. A statement of intent to provide the city-provided Good Neighbor Guidelines to guests of the short-term rental.
- 89.** Parking Diagram. ~~A statement of intent to provide guests of the short term rental with a diagram of parking spaces that are available to or intended for use by the short term rental~~ **A statement that required parking spaces are available, with a dated photo(s) submitted of interior and exterior parking spaces. A site plan including a parking diagram of these parking spaces shall also be submitted and provided to guests staying in the short-term rental.**
- 910.** Liability Insurance. A statement of intent to provide liability insurance coverage as required by WSMC 5.02.040(G) **and RCW 64.37.050**.
- 11.** **Fire Safety. A completed checklist for fire safety as required by WSMC 5.02.35.B.1.**
- 12.** **Garbage Service. Proof of garbage service as required by WSMC 5.02.35.B.2.**
- 13.** **Occupancy. Occupancy limits and number of bedrooms shall be consistent with WSMC 5.02.040.**
- 1014.** Such other information as the city administrator or designee deems reasonably necessary to administer this chapter.

- B. **Application Fees.** Applications under this section shall be accompanied by a **nonrefundable application fee (per applicant) and permit fee (per short-term rental)** payable to the city in ~~an~~ **the** amount established and periodically adjusted by city council resolution. **Renewal fees are due annually for the continued operation of the use and issuance of an active yearly permit.**
- C. **Incomplete Application. If a permit application does not include all required materials, the application will be considered incomplete and the city will notify the applicant, by electronic mail, explaining the information required. If the applicant provides the missing required information within thirty calendar days of the date of the notice, the application will be reviewed. If the applicant does not provide the required information, the application will be deemed withdrawn and the city may refund all or a portion of the application fee.**
- ED. **Discretionary Fees.** At the discretion of the city administrator or designee, the application fee may include the actual costs for labor, overhead, and expenses for outside consultant reviews and/or special inspections.

5.02.025 - Term of annual permit.

- A. **Term.** A short-term rental permit shall be issued for a period not to exceed one year, with its effective date running from the date the permit is issued to ~~December~~ **January** 31 and may be renewed annually by the owner or contact person provided all applicable standards of this chapter are met **for a maximum of eight consecutive years (seven consecutive permit renewals) whereupon the applicant may reapply for a permit which may be renewable for an additional eight consecutive years. Those holding existing permits may join the existing queue up to one year prior to the expiration of the permit term or when one becomes available per WSMC 5.02.030.F.**

- B. **Transferability. The operating license shall be issued in the name of the licensee(s) and is not transferable to a new property owner or occupant without submission of a new short-term rental application. A transfer from a wholly owned entity such as a limited liability company to a new property owner, occupant or limited liability company is not allowed without submission of a new short-term rental application.**

5.02.030 - Permitting and renewal procedures.

A short-term rental permit shall be obtained and/or renewed as required in this section. This permit is in addition to the city business license required under WSMC Ch. 5.04, **and the supplemental zoning regulations under WSMC Ch. 17.57.** The ability to operate a short-term rental in the city of White Salmon shall be discontinued in the event the owner fails to obtain or renew a permit to operate as provided in this chapter.

- A. **Application and Renewal Process.** A person engaging in operation of a short-term rental who has not yet obtained a permit, or who is required to renew an existing operating permit, shall do so as follows:

1. Time for Application.
 - a. New Permits. For new short-term rental permits, it is the responsibility of the owner or contact person to apply for and receive a permit prior to operation of a short-term rental. **Short-term rental permits shall be processed as a short-term rental use permit. Applications for short-term rental uses shall be processed administratively by the city administrator or designee.**
 - b. Existing Short-term ~~r~~**Rentals**. A completed permit renewal application and renewal fee is due for all existing short-term rentals annually by ~~December~~ **January** 31.
2. Notice. Prior to the ~~December~~ **January** 31 annual due date, the city shall send notice of the need for a permit or expiration of a permit to the owner of any property for which an application is due as follows:
 - a. For the first permit required for any short-term rental in the city, it is the owner's obligation and responsibility to apply for a permit.
 - b. For permit renewal, notice will be sent to the mailing and email addresses of the owner and contact person as provided to the city on the application.

B. Exemption for Existing “Legacy” Homeshares and Vacation Homes with the RL, R1, R2, and R3 Zones. For the purposes of this section, an existing “legacy” homeshare or vacation home is one which meets all the standards and criteria in WSMC Ch. 5.02 that were in place prior to the adoption of Ordinance 2022-02-1093 on February 16, 2022 and which is capable of demonstrating by a preponderance of credible evidence that all the elements of a nonconforming hosted homeshare or vacation home rental were extant prior to the adoption of Ordinance 2022-02-193 on February 16, 2022 as outline in WSMC 17.57.60 Legacy Permits. Applicants shall be subject to the most current fees in place for yearly permit renewal.

C. Exemption for Existing “Legacy” Short-Term Rentals within the Commercial Zones. For the purposes of this section, an existing “legacy” short-term rental is one which meets the standards and criteria of WSMC Ch. 5.02 in effect prior to the adoption of Ordinance 2022-02-1093 on February 16, 2022. The extent of the nonconformity and exemption shall be limited to compliance with the standards that were in effect in WSMC Ch. 5.02 prior to the adoption of Ordinance 2022-02-1093 on February 16, 2022 and shall remain exempt from new regulations provided the use is vested. The applicant has the burden of proving by a preponderance of credible evidence that all the elements of a nonconforming short-term rental in the commercial zone were extant and vested under RCW 19.27.095 prior to the adoption of Ordinance 2022-02-1093 on February 16, 2022.

D. Quantity of Permits by Location and Owner.

1. Maximum Number of Permits Per Owner.

- a) **A maximum of one hosted homeshare or vacation home rental permit shall be issued per owner-occupied property in the RL, R1, R2 and R3 zones.**
- b) **There is no limit on the number of short-term rental permits a property owner may obtain in the Commercial zones.**

2. Cap on Permits in the RL, R1, R2 and R3 Zones. The city shall limit the total amount of hosted homeshare and vacation home rental permits issued in the RL, R1, R2, and R3 zones to a maximum of ten percent (10%) of housing units within the city and shall be adjusted annually by the city administrator or designee based upon the most recent housing data reported by the City of the White Salmon to the Washington Office of Financial Management prior to issuance of new permits.

3. Commercial Zones. There is no cap on the number of short-term rental permits in the commercial zones. No more than thirty percent (30%) of residential units on any given parcel in the commercial zoning district may be used as short-term rentals. This number shall be rounded to the nearest integer, with a half integer rounded down, depending on the number of existing or proposed units.

For example:

| <u>Units on Parcel</u> | <u>Maximum Number of Short-term Rentals</u> |
|-------------------------------|--|
| <u>Up to 5 units</u> | <u>1</u> |
| <u>6 to 8 units</u> | <u>2</u> |
| <u>9 to 11 units</u> | <u>3</u> |
| <u>12 to 14 units</u> | <u>4</u> |
| <u>15 to 18 units</u> | <u>5</u> |
| <u>19 to 21 units</u> | <u>6</u> |
| <u>22 to 25 units</u> | <u>7</u> |

E. Queue. In the event the maximum number of permits issued by the city within any given year reaches the ten percent (10%) threshold, the city administrator or their designee shall accept and tentatively approve conforming hosted homeshare and vacation home rentals on a first come first serve basis with the condition that a license will not be issued until such time that a permit becomes available. The queue list shall be administered and updated as needed to monitor the cap on permits for hosted homeshares and vacation home rentals by the city administrator or their designee and be made available on the city website.

BF. Permit Expiration. For renewals, upon expiration of a thirty-day late period commencing ~~at the end of each calendar year~~ January 31 of each year, the ability to operate shall be conclusively presumed to be discontinued and the city will commence revocation of the permit pursuant to the procedures in WSMC 5.02.045.

5.02.035 - Criteria for approval and renewal of a permit.

A. Zoning Compliance. The property is in compliance with requirements of WSMC Ch. 17.57 Short-term Rental (Zoning).

B. Health and Safety.

1. Every short-term rental permit shall be subject to inspection by the building official or designee at the city discretion. The purpose of the inspection is to determine conformance with the Short-term Rental Fire Safety Checklist (fire extinguishers, smoke alarms, carbon monoxide detectors, posted evacuation plans, etc.). It is the owner's responsibility to assure that deficiencies identified in the checklist are addressed and that the short-term rental is and remains in substantial compliance with all applicable fire, building, and safety codes and other relevant laws, whether identified on the short-term rental fire safety checklist or not.

2. Solid Waste Collection – Minimum Service Requirements. During all months that the dwelling is available for transient accommodation, Vacation Home Rentals shall have weekly solid waste collection service with assisted pick-up provided by the solid waste provider, if available. For the purposes of this section, assisted pick-up means the collection driver retrieves the cart from the driveway, rolls it out for service, and then places it back in its original location.

AC. New Permit. Upon receipt of a complete application for a new short-term rental permit and payment of all required fees and after completing all required operational requirements of ~~section~~ WSMC 5.02.040, below, the city administrator or designee ~~or designee~~ will issue a short-term rental permit.

BD. Permit Renewal. Upon receipt of a complete application for renewal of a short-term rental permit and payment of all required fees, the city will review the application and available information to determine compliance with the operational requirements of WSMC 5.02.040. If not met, the city administrator or designee ~~or designee~~ will not renew the permit and the property shall not be used as a short-term rental. ~~Alternatively, the city administrator may issue the permit subject to reasonable special operational standards.~~ Incomplete applications will not be processed.

C. Owner's Role. The owner has the burden of proof to demonstrate compliance with each operational requirement and special standard placed on the short-term rental permit. Staff

may verify evidence submitted and the applicant shall cooperate fully in any investigation.

D. Appeals. A decision on a permit application or renewal may be appealed as provided in WSMC 5.02.055.

5.02.040 - Operational requirements.

A. Maximum Number of Nights. The maximum number of nights per year which a permitted short-term rental may be operated shall be in accordance with WSMC Ch. 17.57 and as specified below. The license shall specify whether the short-term rental will be operated as a commercial short-term rental, hosted homeshare or a vacation home rental. The maximum number of nights shall be indicated on the license and shall not be exceeded.

| | |
|--|-----------------------------------|
| <u>Short-term rentals in Commercial zones</u> | <u>365 nights per year</u> |
| <u>Conforming hosted homeshare rentals in the RL, R1, R2 and R3 zone</u> | <u>365 nights per year</u> |
| <u>Conforming vacation home rentals in RL, R1, R2 and R3 zones</u> | <u>150 nights per year</u> |
| <u>Existing non-conforming “Legacy” short-term rentals in commercial zones</u> | <u>See WSMC 5.02.030.B</u> |
| <u>Existing non-conforming “Legacy” short-term rentals in RL, R1, R2 and R3 zones</u> | <u>See WSMC 5.02.030.C</u> |

B. Parking.

1. A minimum of one (1) improved off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. A photo of all parking spaces including the interior of the garage, if applicable, shall be submitted to show parking availability. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.

2. A parking diagram of the approved parking spaces shall be provided to all tenants and be available in a prominent location with the short-term rental.

C. Occupancy. The maximum overnight occupancy for the short-term rental shall be limited to two persons per bedroom (as defined by the International Building Code) and two additional persons (e.g., a two-bedroom dwelling is permitted a maximum overnight occupancy of six person). The maximum daytime occupancy shall be

limited to the overnight occupancy plus six additional persons (e.g., a two-bedroom dwelling is permitted a maximum daytime occupancy of twelve).

D. Specific Prohibitions. The following activities are prohibited on the premises of a short-term rental during periods of short-term rental by a guest:

1. Unattended barking dogs.

2. Activities that exceed noise limitations set by WSMC Ch. 8.05 during the hours of “overnight” stay as defined in WSMC 5.02.10.

AE. Notice to Neighbors. The owner or contact person shall provide a mailing or otherwise distribute by hand **a notice to all abutting property owners and all property owners of record within a 150-foot radius prior to the initial permit, a flier to all property owners of record and/or occupants of properties adjacent to and abutting the property permitted as a short-term rental.** The notice shall include the permit number and the telephone number of the owner and contact person. The purpose of this notice is so that neighboring property owners and residents can contact a responsible person to report and request resolution of problems associated with the operation of the short-term rental. If the permanent contact information changes during the permit period, the new information must be mailed or distributed again.

B. ~~Public Availability. In addition, the city will make a registry publicly accessible within which any person can obtain the owner and contact person's name and telephone number. If the permanent contact information changes during the permit period, the new information must be provided to the city.~~

CF. Response to Complaints. The owner or contact person shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances.

1. Owner Responsibility. Reasonable initial inquiries or complaints related to the expectations set in the Good Neighbor Guidelines may first be made to the owner or contact person. However, it is not intended that the owner or contact person act as a peace officer or code enforcement officer of the city or put themselves in an at-risk situation. In such cases, the owner or contact person should contact the city to discuss resolution of the complaint.

2. Complaint Log. The owner or contact person should maintain a record of complaints and the actions taken in response to the complaint, if relevant, in a manner reasonable to document the interaction. If kept, this record can then be made available for city inspection upon request.

3. City Authority. If there is a failure to respond or a clearly inadequate response by the owner or contact person, a complaint may be submitted to the city on a form

provided by the city, and the city will respond or investigate as needed. The city will first seek voluntary compliance or resolution, but if the city finds substantial evidence supports further action given the complaint(s), the city will follow the warning and revocation procedures set forth in WSMC 5.02.045.

4. Records. On request and in compliance with the public records law, the city shall provide the owner and/or contact person with the information in the complaint.
5. Grounds for Warning. Repeated failure of the owner or representative to timely and reasonably respond to a complaint(s) relayed by neighbors or city staff is considered grounds for a warning and potential revocation under WSMC 5.02.045. Repeated noise complaints regarding tenants may be grounds for a warning to the owner, if, in the reasonable judgment of the city administrator **or designee**, the circumstances indicate the owner should be held responsible. Initiating a nuisance enforcement action under WSMC Ch. 8.70 may be grounds for a warning in the appropriate circumstances.
6. Administrative Rules. The city administrator **or designee** may establish administrative rules to interpret, clarify, carry out, and enforce the provisions of this chapter. A copy of such administrative rules shall be on file and made available at City Hall.

~~**D. Health and Safety. Every short term rental permit shall be subject to inspection by the building official or designee at the city's discretion, but no less than once every five years. The purpose of the inspection is to determine conformance with the Short-Term Rental Fire Safety Checklist (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.). It is the owner's responsibility to assure that deficiencies identified in the checklist are addressed and that the short term rental is and remains in substantial compliance with all applicable fire, building, and safety codes and other relevant laws, whether identified on the short term rental fire safety checklist or not.**~~

EG. Taxation. The owner shall fully comply with all applicable city and state tax reporting and payment requirements, especially lodging taxes due to the city under WSMC **Ch.** 3.50 and retail sales and use taxes due under WSMC **Ch.** 3.04.

FH. Mandatory Postings. Important information related to the permitting and use of the short-term rental shall be displayed in a prominent location within the interior of the dwelling, either adjacent to the front door or in a highly visible rental binder. The information shall include:

1. The short-term rental permit; **and**
2. Any special standards placed on the short-term rental permit; **and**

3. The property address; **and**
4. The name of the owner and contact person and a telephone number where the owner and contact person may be contacted; **and**
5. The parking diagram of the parking spaces available for use by the short-term rental. The parking diagram may include on-street parking areas, but on-street parking is not for the exclusive use of any home or short-term rental; and
6. The city-provided Good Neighbor Guidelines. Additionally, the city encourages all owners to incorporate the Good Neighbor Guidelines into the rental contract; **and**
- 7. All other safety requirements of RCW 64.37.030 not listed herein and as amended hereafter.**

G. Liability Insurance. The owner shall maintain liability insurance which expressly covers the property's use as a short-term rental **that meets RCW 64.37.050 and as amended hereafter.**

5.02.045 - Revocation procedure.

- A. In addition to the penalties described in WSMC 5.02.050, the following provisions apply to violations of this chapter:
1. Failure to renew a permit as set forth in WSMC 5.02.030 is grounds for revocation of the short-term rental permit.
 2. Failure to timely pay lodging or sales taxes required by WSMC 5.02.040.E or to otherwise meet the operational requirements of WSMC 5.02.040 is grounds for revocation of the permit.
 3. The discovery of material misstatements or providing of false information in the application or renewal process is grounds for revocation of the permit.
 4. Such other violations of this chapter of sufficient severity in the reasonable judgement of the city administrator **or designee**, so as to provide reasonable grounds for revocation of the permit.
 5. Other violations of this chapter, including but not limited to city-initiated investigation/sustaining of complaints, shall be processed as follows:
 - a. For the first and second violations within a twelve-month period, the sanction shall be a warning notice.

- b. If the same offense continues to occur or a third similar offense occurs at any time during a twelve-month period, the city may either issue a third warning, update the permit to include reasonable special operational standards, or revoke the permit.

B. Notice of Decision/Appeal/Stay. If the short-term rental permit is updated or revoked as provided in this section, the city administrator or designee shall send written notice to the owner stating the basis for the decision. The notice shall provide a date that a short-term rental permit is to be revoked and shall be no earlier than thirty calendar days from the date of the notice. Provide, however, stays booked prior to the notice of permit revocation may be honored by the owner or manager unless the revocation was due in part to life, health, or safety violations that pose a risk to the renters. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The owner may appeal the city administrator's decision under the procedures set forth in WSMC 5.02.055. Upon receipt of an appeal, the city administrator or designee shall stay the update or revocation decision until the appeal has been finally determined by the city council.

5.02.050 - Violations—Penalties.

- A. In addition to the revocation procedures of WSMC 5.02.045, any person or owner who uses, or allows the use of, property in violation of this chapter is guilty of a class 1 civil infraction under RCW 7.80.120(1)(a) and is subject to fine ~~or~~ of two hundred fifty dollars per violation. Each day a dwelling is used in violation of this chapter shall be considered a separate violation. Furthermore, the use is subject to abatement as a nuisance under WSMC Ch. 8.07.
- B. The following conduct also constitutes a violation of this chapter subject to punishment as Class I Civil Infraction:
 - 1. Renting or representing a dwelling unit or lodging unit as available for occupancy or rent as a short-term rental where the owner does not hold a valid permit issued under this chapter, or making a short-term rental available for use, occupancy or rent without first obtaining a valid operating permit, **or exceeding rental days per WSMC Ch. 5.02 and WSMC Ch. 17.57; and**
 - 2. Advertising or renting a short-term rental in a manner that does not comply with the standards of this chapter; and
 - 3. Failure to comply with the operational requirements of WSMC 5.02.040.

5.02.055 - Appeals.

- A. Appellant—Standing. Only the owner or contact person shall have standing to appeal a decision by the city to deny, revoke or attach special operational standards to a short-term rental permit.

- B. Authority to Decide Appeal. The city council shall be responsible for determining an appeal of a decision brought under WSMC 5.02.055.A.
- C. Time for Filing. An appellant is required to file a written notice of appeal including the basis for the appeal within fourteen calendar days of the permit determination being appealed. This requirement is jurisdictional and late filings shall not be allowed.
- D. Fee for Appeal. The city council may establish by resolution a fee for filing an appeal, and payment of the required fee shall be jurisdictional.
- E. Hearing. After receiving written notice of appeal, the city administrator or designee shall schedule a hearing on the appeal before the city council. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant. The council may direct staff to draft findings of fact and interpretations of code or law to be considered at a later council meeting.
- F. Standard of review and decision. The council shall determine whether the city's decision was based on a preponderance of the evidence. A decision of the council shall be based on the evidence received, in writing and signed by the mayor, and issued no later than thirty calendar days after the close of the hearing.
- G. Finality. The council's decision shall be final on the date of mailing the decision to the appellant. The council's decision is the final decision of the city and is appealable only under the Land Use Petition Act (LUPA), RCW Ch. 36.70C.

5.02.060 - Discontinuance of short-term rental occupancy.

- A. After Revocation. After a short-term rental permit has been revoked, the dwelling unit may not be used or occupied as a short-term rental unless a new permit is issued, and the owner of the property to which the permit applied and whose permit has been revoked shall not be eligible to reapply for a short-term rental permit for short-term rental on the same property for a period of twelve months from the date of revocation.
- B. After Expiration. If a short-term rental permit expires, the dwelling unit may not be used or occupied as a short-term rental. The owner of the property to which the permit applied and whose permit has expired shall be required to apply for and obtain a short-term rental permit before the property may be lawfully used or occupied as a short-term rental.

5.02.065 - Remedies not exclusive.

The remedies provided in this chapter are in addition to, and not in lieu of, all other legal remedies, criminal and civil, which may be pursued by the city to address any violation of this code.

SECTION 2 – REPEALER. Ordinance 2021-07-1083 Declaring a Temporary Short-term Rental Moratorium and Ordinance 2022-01-1091 Declaring a Temporary Short-term Rental Moratorium Extension are hereby repealed, coinciding with the effective date of this ordinance.

SECTION 3 – SEVERABILITY: If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this Chapter.

SECTION 4 – EFFECTIVE DATE. This ordinance shall take effect March 1, 2022 following the date of its publication by summary.

PASSED by the City Council of the City of White Salmon at a regular meeting this 16th day of February, 2022.

Marla Keethler, Mayor

ATTEST:

Jan Brending, Clerk/Treasurer

APPROVED AS TO FORM:

Kenneth B. Woodrich, City Attorney