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CITY OF WESTPORT
ORDINANCE NO. 1384

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTPORT
REGULATING VACATION RENTAL DWELLINGS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTPORT
AS FOLLOWS:

Sections:

- 17.22.010 Definitions.
- 17.22.020 Intent.
- 17.22.030 Permitted zones.
- 17.22.040 Eligible dwellings and limitations.
- 17.22.050 Application for vacation rental approval.
- 17.22.060 Criteria for approval.
- 17.22.070 Waiver.
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- 17.22.090 Continued compliance with this chapter.
- 17.22.100 Nontransferability.
- 17.22.110 Enforcement and penalty.
- 17.22.120 Severability

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

“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.

“Dwelling group” means two or more detached buildings, each containing one or more dwelling units on a lot, where the occupants are renters or one unit may be occupied by the lot owner.

Dwelling, Single-Family or One-Family. “Single Family Dwelling” 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.

“Dwelling Unit” means one or more habitable rooms for one family with facilities for living, sleeping, cooking, and eating.

“Family” means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons who are not all related by blood or marriage, living together in a dwelling unit.

“Full-time” means at least eleven (11) months out of the year.

“Guest house” means a detached dwelling unit without cooking facilities accessory to a single-family dwelling.

“Guest room” means any room or suite occupied for sleeping purposes by a guest or guests for compensation in which no provision is made for cooking. Every one hundred square feet of gross floor area in a dormitory shall be considered a guest room.

“Parking space” means a hard surface, porous pavement, or graveled space of at least 9 feet by 20 feet that is reserved for vehicle parking purposes.

“Short term” means thirty (30) calendar days or less.

Vacation Rental Dwelling. “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, guest room, or guest house for remuneration for a period of less than thirty calendar days, counting portions of days as full days.

“Remuneration” means compensation, money, rent or other bargained for consideration given in return for occupancy, possession or use of real property.

17.22.020 Intent. It is the intent of this chapter to: (a) Establish appropriate regulations that mitigate the disruption that vacation rental dwellings may have on a neighborhood.

(b) Recognize the desire of some property owners to rent their dwelling on a short-term basis.

17.22.030 Permitted zones. A vacation rental dwelling use is a permitted use in all zoning districts that allow single family residences as a permitted use.

17.22.040 Eligible dwellings and limitations. No more than one vacation rental shall be allowed on a single parcel with the exception of the Mixed Use Tourist Commercial zoning districts. Where a single parcel of property contains a combination of any of the following, “Single-family dwelling”, “Guest room”, “Guest house”, “Dwelling group”, only one shall be eligible to function as a short-term vacation rental. However, this limitation shall not apply to “Condominium dwellings”.

17.22.050 Application for vacation rental approval. An application for vacation rental use of an eligible dwelling unit must be completed and submitted to the city for review. If compliance with the provisions of this chapter is demonstrated, an approval 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 approval for vacation rental use of the dwelling has been issued.

17.22.060 Criteria for approval. The following criteria shall be met in order for approval of a property to be authorized by the city as a vacation rental dwelling.

(1) *Occupancy.* Maximum occupancy of the rental shall be based on the International Building Code standards. The property owner shall be

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responsible for ensuring that the dwelling unit is in conformance with its maximum occupancy.

- (2) *Parking.* At least one 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 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".
- (3) *Signage.* With the exception of the Mixed Use Tourist Commercial zoning district, no outdoor advertising signs related to the vacation dwelling shall be allowed on the site. All signage within the Mixed Use Tourist Commercial zoning district shall comply with the provisions of Chapter 15.16 of the Westport Municipal Code.
- (4) *Solid waste collection.* Weekly solid waste collection is required during all months.
- (5) *Local property representative.* Where the property owner does not reside full-time within 50 miles driving distance of Westport, a local property manager shall be designated. The local property manager shall reside full-time within 50 miles driving distance from Westport. 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 City of Westport. 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 150 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 150 feet of the subject property.
- (6) *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.
- (7) *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.

17.22.070 Waiver. The City Administrator or designee shall have the right to waive compliance with any provision of 17.22.060 if there are circumstances unique to the subject property that make compliance extremely difficult. A written waiver shall only be issued if it will not result in the harm of adjacent properties.

17.22.080 Business license required. Vacation rental dwellings shall meet all local and state regulations, including those pertaining to business licenses and taxes.

17.22.090 Continued compliance with this chapter. A city approved vacation rental dwelling shall be in compliance with the standards of 17.22.060 and 17.22.080 at all times, or have been issued a written waiver in accordance with section 17.22.070, or shall be subject to the provisions of 17.22.110.

17.22.100 Nontransferability. 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.

17.22.110 Enforcement and penalty. This chapter may be enforced by any authorized representative of the city including, but not limited to, the chief of police, building inspector, code enforcement official, city administrator, or designee. The city may press charges against the property owner, owner's agent, and/or the designated property manager. The first violation of this chapter (per property) shall be punishable by a \$250 fine. Second violation of this chapter (per property) within a twelve (12) month period shall be punishable as a criminal misdemeanor. Penalties under this section shall be deemed to be separate from any other applicable penalty provisions including license and tax penalties.

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

PASSED THIS DATE BY THE CITY COUNCIL OF THE CITY OF WESTPORT,
WASHINGTON.

DATED: *11 July 2006*

APPROVED



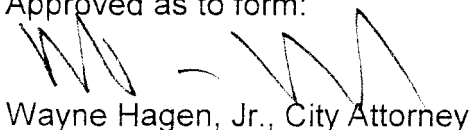
MICHAEL BRUCE, Mayor

ATTEST:



MARGO R. TACKETT, Clerk-Treas.

Approved as to form:



Wayne Hagen, Jr., City Attorney

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