

**Monmouth City Code
Proposed Code Amendments**

Proposed language is shown in **bold underline**. Language proposed for deletion is shown in ~~strike-through~~. **Yellow highlighted** sections were modified in June/July 2019.

Title 18 ZONING

SHORT TERM RENTALS (See also MCC Chapter 5.65.)

Chapter 18.45 Definitions

18.45.010 Definitions

“Short term rental” means a dwelling unit, or part of a dwelling unit, that is rented, available for rent, or advertised or listed as available for rent as transient lodging, within the meaning of MCC 5.50.010.

“Short term rental, hosted” means a short term rental where one or more members of the resident family over the age of 18 are present within the dwelling unit during the short term rental stay.

“Short term rental, not hosted” means a short term rental where no member of the resident family over the age of 18 are present within the dwelling unit during the short term rental stay.

Chapter 18.50 Low Density Residential (RS) Zone

18.50.030 Permitted uses.

Within any RS zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except the following:

(11) Hosted short term rental use that meets the standards set forth set forth in MCC 5.65.025.

(12) Not hosted short term rental use for 45 days or less in a calendar year that meets the standards set forth in MCC 5.65.025.

18.50.040 Conditional uses.

If authorized under the procedures provided for conditional uses in this title, the following uses will be permitted in an RS zone:

(8) Not hosted short term rental use for 45 total days or fewer in a calendar year that meets the standards set forth in MCC 5.65.025.

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Chapter 18.55

Medium Density Residential (RM) Zone

18.55.030 Permitted uses.

Within any RM zone, no structure shall be used, constructed, or altered and no lot, tract, or parcel of land shall be used or occupied for any purposes except the following:

(13) Hosted short term rental use that meets the standards set forth set forth in MCC 5.65.025.

(14) Not hosted short term rental use for 45 days or fewer in a calendar year that meets the standards set forth in MCC 5.65.025.

18.55.040 Conditional uses.

If authorized under the procedures provided for conditional uses in this title, the following uses will be permitted in an RM zone:

(15) Not hosted short term rental use for more than 45 total days in a calendar year that meets the standards set forth in MCC 5.65.025.

Chapter 18.60

High Density Residential (RH) Zone

18.60.030 Permitted uses.

Within any RH zone, no structure shall be used, constructed, or altered and no lot, tract, or parcel of land shall be used or occupied for any purposes except the following:

(19) Hosted short term rental use that meets the standards set forth set forth in MCC 5.65.025.

(20) Not hosted short term rental use for 45 days or fewer in a calendar year that meets the standards set forth in MCC 5.65.025.

18.60.040 Conditional uses.

If authorized under the procedures provided for conditional uses in this title, the following uses will be permitted in an RH zone:

(11) Not hosted short term rental use for more than 45 total days in a calendar year that meets the standards set forth in MCC 5.65.025.

Chapter 18.65

Mixed Density Residential (MX) Zone

18.65.040 Permitted uses.

Within any MX zone, no structure shall be used, constructed, or altered and no lot, tract, or parcel of land shall be used or occupied for any purposes except the following:

(9) Hosted short term rental use that meets the standards set forth set forth in MCC 5.65.025.

(10) Not hosted short term rental use for 45 days or fewer in a calendar year that meets the standards set forth in MCC 5.65.025.

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18.65.060 Conditional uses.

If authorized under the procedures provided for conditional uses in this title, the following uses will be permitted in an MX zone:

(3) Not hosted short term rental use for more than 45 total days in a calendar year that meets the standards set forth in MCC 5.65.025.

Chapter 18.85

Commercial Retail Transitional (CRT) Zone

18.85.030 Permitted uses.

Within any CRT zone, the following uses are permitted:

(18) Hosted short term rental use that meets the standards set forth set forth in MCC 5.65.025.

(19) Not hosted short term rental use for 45 days or fewer in a calendar year that meets the standards set forth in MCC 5.65.025.

18.85.040 Conditional uses.

If authorized under the procedures provided for conditional uses in this title, the following uses may be permitted in a CRT zone:

(14) Not hosted short term rental use for more than 45 total days in a calendar year that meets the standards set forth in MCC 5.65.025.

Chapter 18.90

Main Street (MS) District Zone

18.90.030 Permitted land uses.

(4) Commercial:

(o) Hosted short term rental use that meets the standards set forth set forth in MCC 5.65.025.

(p) Not hosted short term rental use for 45 days or fewer in a calendar year that meets the standards set forth in MCC 5.65.025.

18.90.040 Conditional uses.

If authorized under the procedures provided for conditional uses in this title, the following uses may be permitted in the MS district:

(1) Bed and breakfast inns and ~~vacation rentals~~ not hosted short term rental use for more than 45 total days in a calendar year that meets the standards set forth in MCC 5.65.025.

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Title 5 BUSINESS LICENSES AND REGULATIONS

**Chapter 5.65
Short Term Rentals**

Sections:

- 5.65.010 Definitions.**
- 5.65.015 Purpose.**
- 5.65.020 Application of standards.**
- 5.65.025 Short term rental standards.**
- 5.65.030 Registration required.**
- 5.65.035 Violations.**

5.65.010 Definitions.

As used in Sections 5.65.010 to 5.65.035:

- (1) "City Manager" includes a designee of the City Manager.**
- (2) "Registrant" includes the person or persons to whom a short term rental permit is issued, the owner or owners of the short term rental dwelling and any person or persons designated as the responsible person under Section 5.65.025(10).**
- (3) "Short term rental" has the meaning set forth in Section 18.45.010 of the Monmouth City Code.**

5.65.015 Purpose.

(1) The purpose of this chapter is to set forth standards and requirements for the conduct of short term rentals. Short term rentals are allowed within certain zones, either as an outright permitted use or under a conditional use permit, as provided in the Title 18 of the Monmouth City Code, in recognition of the fact that property owners may desire to allow others to use a short term rental home on occasions when the owners themselves are not using it, and the accommodation option that best fulfills the desires of guests visiting Monmouth is the rental of a private home during their stay.

(2) The following standards and criteria are intended to mitigate the potential negative impact short term rentals on city neighborhoods. All owners of property in the city have a common interest in maintaining and promoting livability and viable neighborhoods for residents and visitors alike.

5.65.020 Application of Sections 5.65.010 to 5.65.035.

The provisions of Sections 5.65.010 to 5.65.035 apply to all short term rental dwellings in the city, whether operated as an outright permitted use or as a conditional use under Title 18 of the Monmouth City Code.

5.65.025 Short term rental standards.

Except where noted, the following standards apply to all short term rental dwellings in the city:

- (1) In order to preserve the permanent housing stock, a hosted short term rental may not be located in an accessory dwelling unit. A short term rental shall be located within a lawfully built dwelling that meets building code requirements.**

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(2) There must be no offensive noise, smoke, dust, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental.

(3) The use shall not adversely affect the residential character of the neighborhood in which the dwelling is located.

(4) There shall not be an excessive generation of traffic created by the use of the dwelling as a short term rental.

(5) One (1) off-street parking space will be provided for each bedroom in the dwelling, as defined in ORS 90.262(4), but in no event shall less than two (2) spaces be provided for each dwelling.

(6) The dwelling must maintain the residential nature of the front and side yards. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.

(7) The registrant must provide receptacles for the deposit of garbage and subscribe to a solid waste collection service for the rental dwelling.

(8) The registrant and operator, as defined in MCC 5.50.010, if the operator is not a registrant, must comply with and shall be subject to MCC 5.50.010 through 5.50.270.

(9) Signs for short term rentals shall comply with the requirements for home occupation signs found in the Monmouth Sign Code, MCC 15.10.

(10) The maximum number of persons allowed as occupants of the dwelling shall not exceed two per bedroom, as defined in ORS 90.264(4).

(11) (a) The property owner shall designate a local representative who permanently resides within the Monmouth city limits or a licensed property management company with a physically staffed office within ten (10) vehicular miles of the city limits. The owner may be the designated representative where the owner resides in Monmouth.

(b) The local representative must be authorized by the owner of the dwelling to respond to tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the dwelling for short term rental purposes. The local representative must respond to complaints in a timely (within 30 minutes or less) manner to ensure the dwelling complies with the standards for rental dwellings and other city ordinances pertaining to noise, disturbances, nuisances, as well as state laws pertaining to the consumption of alcohol, or the use of illegal drugs.

(12) The following information shall be posted within the short term rental dwelling adjacent to the front door:

(a) The name of the local representative and a telephone number where the representative may be reached;

(b) The telephone number and web site address of the City of Monmouth and the Monmouth Police Department;

(c) The maximum number of occupants permitted to stay in the dwelling;

(d) The maximum number of vehicles allowed to be parked on the property;

(e) The number and location of off-street parking spaces; and

(f) The solid waste collection day.

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5.65.030 Registration Required.

(1) No person shall operate a short term rental dwelling in the City without first registering as provided in this chapter. A separate registration shall be required for each short term rental dwelling.

(2) In addition to the registration required under this chapter, no person shall operate a not hosted short term rental dwelling for more than 45 total days in a calendar year without first obtaining a conditional use permit to operate such dwelling, as provided in Title 18 of the Monmouth City Code.

(3) Registration of a short term rental dwelling shall be made on such form as the City Manager may prescribe, and shall include:

(a) The name, address, telephone number and email address, if any, of each owner of the dwelling;

(b) The address of the dwelling;

(c) The number of bedrooms in the dwelling, as defined in ORS 92.264(4);

(d) The name, address, telephone number and email address, if any, of the local representative required under Section 5.65.025(10);

(e) The name, address, telephone number and email address of any transient lodging intermediary for the dwelling, as defined in Section 5.50.010;

(f) The required registration fee as may be established by resolution of the City Council; and

(g) Such other information as the City Manager may require.

(4) The owner of a dwelling registered under this Section must update a registration within 10 days after any of the names, addresses or other information required in the registration change.

(5) Registration of a short term dwelling is valid only as long as the owner who registers the dwelling remains the owner. In the event of the sale or transfer of the dwelling to another person, the registration is deemed expired, and the purchaser or transferee of the dwelling must file a new registration to continue to operate the dwelling as a short term rental dwelling.

5.65 035 Violations.

(1) In addition to the nuisance property abatement provisions found in Monmouth City Code Title 8, violation of any provision of Sections 5.65.010 to 5.65.035 constitutes a civil infraction. Each day that a violation continues constitutes a separate violation.

(2) If a short term rental dwelling is owned by more than one person, all owners of the dwelling shall be jointly and severally liable for any violation of Sections 5.65.010 to 5.65.035 and any fines or penalties assessed for such violations.

(3) In addition to the remedies provided in subsection (1) of this Section, in the event of a violation of any provision of Sections 5.65.010 to 5.65.035, the City Manager may revoke the registration for a short term dwelling under Section 5.65.030, by giving written notice of intent to revoke the registration, including a statement of the violation or violations on which the proposed revocation is based, and the effective date of such revocation, which shall be not less than thirty (30) days after the date of the notice. Such notice shall be delivered to the owner of the dwelling and the local representative designated on the registration, if different than the owner, in person or by mail to their respective addresses as shown on the registration required under Section 5.65.030, and shall be deemed given when personally delivered or mailed as provided in this subsection, with postage prepaid. The owner may appeal the revocation of the registration to the City Council by filing a notice

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of appeal in writing with the City Manager within fifteen (15) days after personal delivery or mailing of the notice of intent to revoke. The City Manager shall give written notice of the date and time of the hearing on appeal to the owner and any persons who made complaints to the city regarding the violations on which the revocation is based. The City Council shall hear the appeal and shall affirm, cancel or modify the revocation of registration. At such hearing, the owner and any persons who made complaints to the city regarding the violations on which the revocation is based may be heard. The decision of the City Council after such a hearing shall be final.

(4) Notwithstanding the requirement of notice of intent to revoke a registration of a short term rental dwelling under subsection (3), no prior notice of intent to revoke will be required if the City Manager deems the condition on which the revocation is based constitutes an imminent threat to the public health, safety or welfare. In that event, the revocation may be made effective immediately; provided, the owner shall have the right of appeal of the revocation to the City Council by filing a notice of appeal in writing with the City Manager within fifteen (15) days after personal delivery or mailing of the notice of revocation. An appeal of a revocation of registration under this subsection shall proceed in the manner provided in subsection (3).

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APPROVED STREET TREE LIST

Chapter 18.145
Landscaping and Street Trees

18.145.120 Acceptable street and parking lot trees.

Delete the following tree species from the list of acceptable street trees:

Autumn Applause Ash
Flowering Ash
Golden Desert Ash
Green Ash
Mountain Ash
Raywood Ash
Urbanite Ash
White Ash