

ORDINANCE NO. NS-2239

**AN ORDINANCE AMENDING THE BEND CODE BY ADDING
CHAPTER 7.16 SHORT TERM RENTAL OPERATING LICENSE**

Findings

- A. The number of short term housing rentals in some areas of Bend has increased dramatically as shown by the following chart of short term rentals that have received land use approvals (more are pending):

| YEAR | NUMBER APPROVED |
|------|-------------------|
| 2007 | 8 |
| 2008 | 5 |
| 2009 | 10 |
| 2010 | 25 |
| 2011 | 19 |
| 2012 | 43 |
| 2013 | 102 |
| 2014 | 262 |
| 2015 | 89 as of March 31 |

These numbers represent a significant increase in concerns related to the operation of vacation rentals, including traffic, noise, parking and renter behavior, and the need to have a responsible person, whether the owner or other identified person, available to respond to valid neighbor concerns or complaints. Based on these numbers and impacts, the City Council desires to impose procedural requirements on owners of short term rentals.

- B. The City Council established a Vacation Rental Task Force to consider ways of regulating short term rentals to limit their effect on residential neighborhoods.
- C. The Vacation Rental Task Force has recommended that the City adopt amendments to the existing land use regulations in the Bend Development Code and to adopt a non-land use licensing program to regulate ongoing operation of short term housing rentals.
- D. The City Council is also aware of the recent proliferation of short term rentals seeking land use permits under the relatively easy permitting process in existence, in anticipation of stricter regulations. This has caused a disproportionate increase in vacation rentals particularly in two neighborhoods in Bend. The City finds that speculative seeking of permits does not serve the interests of neighborhoods nor support the need for a supply of affordable rental housing in the community.
- E. The City Council finds that it is a reasonable exercise of its police power and regulatory authority to require that the short term rental be used at least once in

the prior year in order to retain the license to operate. To avoid unfairness, the City has included a hardship exception to this requirement.

- F. The City Council finds that its public health and safety authority supports requiring a checklist for fire safety for the tenants of the short term-rentals, and confirmation of occupancy and parking requirements to protect adverse effects on neighborhoods, as part of the licensing program.
- G. The City Council finds that the operation of short term rentals without the knowledge of the City is detrimental to neighborhoods and is unfair to the legally permitted operators who comply with the law, follow permitting requirements and who conscientiously pay room tax. This code is intended to provide notice and due process, but if an Owner does not operate legally, they will be subject to enforcement, including the inability to operate for failure to comply with the code, and penalties. These provisions are consistent with the generally applicable enforcement provisions of the Bend Municipal Code.
- H. The City Council desires to encourage Good Neighbor policies, designed to make Owners and their agents responsible for the good behavior of their tenants and to deter tenants from engaging in behavior that violate these regulations.
- I. The City Council also finds that an operating licensing program enables the City to create and maintain a database of dwelling units being operated as short-term rentals for code enforcement and room tax collection, complaint tracking, and other purposes related to licensing/registration.
- J. This ordinance adopts a new Chapter 7.16 Short Term Rental Operating License in the Bend Code to establish the licensing program for short term housing rentals. Chapter 7.16 creates a process for short term rental licensing to apply to both existing and future short term rentals within the city of Bend in all zoning districts.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend Code is amended by adding a new Chapter 7.16 to read as shown on the attached Exhibit A.

Section 2. This Ordinance shall be effective on July 3, 2015.

First Reading: April 1, 2015

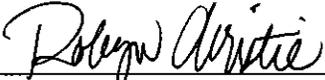
Second Reading and Adoption by Roll Call Vote: April 15, 2015

| | | |
|------|--------------------|----------|
| Yes: | Jim Clinton, Mayor | No: None |
| | Victor Chudowsky | |
| | Doug Knight | |
| | Sally Russell | |
| | Nathan Boddie | |
| | Casey Roats | |
| | Barb Campbell | |



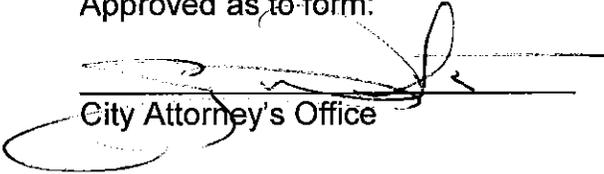
Jim Clinton, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



City Attorney's Office



Chapter 7.16 SHORT TERM RENTAL OPERATING LICENSE

Sections:

- 7.16.005 Applicability.
- 7.16.010 Purpose.
- 7.16.020 Definitions.
- 7.16.030 Annual short term rental operating license required.
- 7.16.040 Application and fee.
- 7.16.050 Term of annual license and transferability.
- 7.16.060 Original license and license renewal.
- 7.16.070 Criteria for approval of a license.
- 7.16.080 Additional operational requirements.
- 7.16.090 Revocation procedure.
- 7.16.100 Violations-Penalties
- 7.16.110 Appeals of short term rental license determinations.
- 7.16.120 Discontinuance of short term rental occupancy.

7.16.005 Applicability.

Unless expressly exempt from the permitting requirements under Bend Development Code under Section 3.6.500(C) (3), the provisions of this chapter apply to all short term rentals approved under Bend Development Code Section 3.6.500, operating a short term rental as defined by the Development Code, or that are legal nonconforming uses under the Bend Development Code.

7.16.010 Purpose.

A short term rental license is a permission to operate a short term rental in accordance with this chapter. An operating license may be suspended, terminated or revoked if the standards of this chapter are not met or the dwelling is sold or otherwise transferred as defined in this chapter. This chapter provides an administrative framework for licensing the annual operation of a short term rental.

7.16.020 Definitions.

A. "Authorized agent" is a property management company or other entity or person who has been designated by the Owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for

complaints. If an authorized agent changes during the operating license period, the Owner shall timely notify the City in writing of the change.

B. "City Manager" means the City Manager or his or her designee.

C. "Immediate Family" is defined as spouse, registered domestic partner, parents, children, children of the spouse/registered domestic partner, siblings, grandparents, grandchildren, parents of the spouse/registered domestic partner, and other close relatives who reside in the owner's household.

D. "Owner" means the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner.

E. "Sale or transfer" means any change of ownership during the lifetime of the license holder, whether or not there is consideration, or after the death of the license holder, except a change in ownership where title is held in survivorship with a spouse or domestic partner, or transfers on the owner's death to a trust which benefits only a spouse, child(ren) or registered domestic partner for the lifetime of the spouse, child(ren) or registered domestic partner. A sale or transfer also does not mean (1) the transfer of ownership of the real property to or between the members of a limited liability company or partnership when the transfer involves the same owner(s), or (2) the transfer to a trustee, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, if at least one owner is living at the time of transfer and retains at least a 25% interest in the entity. The permit or non-conforming right shall terminate if the original owner ceases to own at least a 25% interest in the entity. If the owner is a corporation, the shareholders of the corporation shall be considered the owners for purposes of this section.

F. "Short term rental" means a short term rental (1) approved under Bend Development Code 3.6.500, former Bend Development Code Section 3.6.200L, or (2) that is a legal nonconforming use under the Bend Development Code.

G. "Short term rental operating license" means the regulatory license required by Section 7.16.030 and described in this chapter, and regulates a "short term rental" as defined in Section 1.2 of the Bend Development Code. It will be referenced as an "operating license".

7.16.030 Annual short term rental operating license required.

No Owner of property within the Bend City limits may advertise, offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short term rental without a short term rental operating license. Advertise or offer includes through any media, whether written, electronic, web-based, digital, mobile or otherwise.

7.16.040 Application and fee.

A. Application Required. Applications for an operating license shall be on forms provided by the City, demonstrating the application meets the standards required by this chapter. The Owner or authorized agent shall certify the following information to be true and correct:

1. Owner Information. Owner's name, permanent residence address, permanent residence telephone number, and the short term rental address and telephone number. The application must also include the names, mailing addresses, and telephone numbers of all persons holding an ownership interest in the property, or holding an ownership interest in the entity that owns the property.

2. Representative Information. If the Owner does not permanently reside within the Bend City limits or is not always available when the property is being rented, the Owner shall provide the name, telephone number and email of a representative (which can be a person or company) who can be contacted concerning use of the property and/or complaints related to the short term rental, as set forth in Section 7.16.070 below.

3. Land Use Approval. The PZ number of the land use approval for the short term rental use or exemption under current or former Bend Development Code or determination by CDD of a legal nonconforming use, must be submitted with the application.

4. Parking. Statement that required parking spaces are available, with a dated photo(s) submitted of interior and exterior parking spaces. A parking diagram of these approved parking spaces shall also be submitted.

5. Occupancy. Occupancy limits and number of bedrooms.

6. Use in Prior Twelve Months. Documentation as set forth in Section 7.16.070(B) that the dwelling was rented at least once in the last twelve months for existing short term rentals (if permitted in the last twelve months), and upon each annual license renewal for existing and new short term rentals, unless the hardship exemption is met as set forth in that section.

7. Good Neighbor Guidelines. Acknowledgment of receipt and review of a copy of the good neighbor guidelines. In addition, evidence that the good neighbor guidelines has been effectively relayed to short term rental tenants, by incorporating it into the rental contract, including it in the rental booklet, posting it online, providing it in a conspicuous place in the dwelling unit, or a similar method.

8. Listing Number. If they advertise, the listing numbers or website addresses of where the short term rental advertises (such as the VRBO/Air B&B/rental website #, account #, url, etc.)

9. Business license number, if required by Chapter 7.05.

10. Such other information as the City Manager or designee deems reasonably necessary to administer this chapter.

B. Incomplete Application. If a license application does not include all required materials, the application will be considered incomplete and the City will notify the applicant, in writing, explaining the information required. If the applicant provides the missing required information within 30 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 will refund the application fee.

C. License Fee. The fee for application for a short term rental operating license or license renewal shall be in an amount to recover the City's actual average costs of reviewing and issuing the license application or license renewal application, including a fee for a late application, investigation and any required inspections, as established by resolution of the City Council.

7.16.050 Term of annual license and transferability.

A. Term. A short term rental operating license shall be issued for a period of one year, with its effective date running from the date the application is due as set forth in Section 7.16.060 below, and may be renewed annually by the Owner or authorized agent provided all applicable standards of this chapter are met.

B. Transferability. The operating license shall be issued in the name of the property owner and is not transferable. The operating license shall terminate and be deemed void when the license holder sells or transfers the property approved or operating as a legal nonconforming use as a short term rental. Although not transferable, the new owner or authorized agent shall have sixty days to apply for a new operating license. See 7.16.060B.1.c.

7.16.060 Operating license and license renewal.

A. License Must be Obtained. An operating license shall be obtained and/or renewed as required in this section. The ability to operate a short term rental in the City of Bend shall be discontinued for failure to obtain or renew a license to operate as provided in this chapter.

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

1. Time for Application.

a. Existing Short term Rentals. A completed operating license renewal application and renewal fee is due for all existing short term rentals on September 1, 2015 and annually every year thereafter.

b. New Permits. For new land use permits issued after the effective date of this chapter, it is the responsibility of the Owner or authorized agent to apply for and receive an operating license within sixty days of receiving the final land use approval to permit the use of the property of a short term rental.

c. Sale of the Property. Upon change in ownership authorized by this Chapter and Bend Development Code Chapter 3.6 of a property subject to a short term rental operating license, it is the obligation and responsibility of the new Owner or authorized agent to obtain a new operating license in order to operate the short term short term rental. The new owner or authorized agent shall have sixty days from the date of ownership (closing of the sale) to apply for and receive a new operating license.

2. Notice. At least sixty days prior to the due date, the City shall send notice of the need for a license or expiration of a license to the Owner of any property for which an application is due as follows:

For the first license required after the effective date of this code, for permitted nonconforming properties, notice will be sent by first class mail to the property owner as determined by the records of Deschutes County from the most recent property tax roll assessment.

For properties that are legal nonconforming uses and were never permitted, it is the Owner's obligation and responsibility to apply for a PZ number and to provide the City with a new address for notification purposes.

For license renewal, notice will be sent to the address of the Owner/Licensee by first class mail and email.

For both the first license and license renewal, if an authorized agent name and address has been submitted to the City after the adoption of this code, the City will also send notice to such agent, although failure to do so does not violate this section.

C. Notice—Late Applications. If the license application or renewal application is not received by the due date, the City shall send notice of expiration to the Owner and authorized agent, if known, of any property for which a timely application has not been received, advising the owner that they have 30 days to respond. An application will be considered timely submitted if the City receives a completed application, accompanied by the required fees, within the 30-day late period.

D. License Expiration. For failure to submit an application, upon expiration of the 30 day late period, the ability to operate shall be conclusively presumed to be discontinued with no further action by the City. For renewals, upon expiration of the late period, the ability to operate shall be conclusively presumed to be discontinued and the City will commence revocation of the license pursuant to the procedures in Section 7.16.090.

For new owners, once the 60-day grace period to apply for a license under the existing land use permit expires as referenced in (3) above, the ability to operate shall be conclusively presumed to be discontinued with no further action by the City.

E. Renewal Standards.

1. The City will review an application for operating license renewal and issue a renewal provided all the standards in this chapter continue to be met. If not met, the City will not renew the operating license and the property shall not be used as a short term rental.
2. A decision on an operating license application or renewal may be appealed as provided in Section 7.16.110.

7.16.070 Criteria for approval of an operating license and operating license renewal.

A. The applicant has the burden of proof to demonstrate compliance with each applicable criterion for approval or renewal of the operating license. The approval criteria also operate as continuing code compliance obligations of the Owner. Staff may verify evidence submitted and the applicant shall cooperate fully in any investigation.

B. To receive approval, an applicant must demonstrate that all approval criteria listed below has been satisfied:

1. Proof of Use. The Owner shall demonstrate that the property has been rented at least once in the prior twelve months, for the first license and every year upon renewal, as demonstrated by one or more of the following: a room tax remittance form, a rental contract with the tenant, rental receipts, or other documentation satisfactory to the City (subject to the hardship exception in (2) below). During the first year of this licensing program, the exception to this requirement is for permits issued between July 3 and September 1, 2015, uses that did not formerly require a permit, or nonconforming uses permitted after September 2, 2014, which may not have a year of potential use to demonstrate. Such Owners shall demonstrate use upon the next annual renewal. Information provided by the Owner under Chapter 12.05, Room Tax, shall be kept confidential to the extent allowed or required by law.

2. Operating License Revocation. If an Owner does not demonstrate proof of use during the prior twelve months as set forth in 7.16.070(B)(1), an operating license shall be revoked by the City under Section 7.16.090 below. The exception to this criteria for continuation of an operating license is a temporary hardship exception, which includes submission of proof, acceptable to the City, that:

(1) a medical condition of the Owner, domestic partner or immediate family member that jeopardizes the ability of the Owner to operate the short term rental, or (2) the death of the spouse, domestic partner or immediate family members that jeopardizes the ability of the owner to operate the short term rental; or (3) Structural integrity of the short term rental that deems it uninhabitable for tenants and is not self-imposed.

The City may attach a time limit to this hardship exception. A time limit may be set by the City Manager but shall not exceed 6 months. A one-time extension may be approved upon request if one of the conditions of this section still apply.

3. Land Use Approval. The property has received land use approval under current or former development code or is a legal non-conforming use. If the land use permit is modified under Bend Development Code Chapter 3.6.500 (such as to increase the number of bedrooms or parking spaces), the operating license shall be modified as well within 30 days.

4. Contact Information. The Owner or authorized agent has provided information sufficient to verify a qualified person will be available to be contacted about use of the short term rental during and after business hours. The Owner or representative shall be available to be contacted by telephone to ensure a response to the short term rental address at all hours (24 hours a day, seven days a week) while the dwelling unit is occupied for rent. The designated representative may be changed from time to time throughout the term of the license. To do so, the license information shall be revised with the City at least 14 days prior to the date the change takes effect, except when the failure to do so is beyond the Owner or authorized agent's control. In an emergency or absence, contact forwarding information to a qualified person may be provided for the Owner or representative.

5. Notice to Neighbors. The Owner or authorized agent shall either: (1) provide an annual mailing or otherwise distribute by hand, a flier to neighbors within a 250 foot radius of the short term rental property address containing the operating license number and owner and/or representative contact information, or (2) post a small placard or sign as permitted by the Bend Sign Code Chapter 9.5, near the adjacent street advising neighbors and tenants of the same information where it can be seen from the public right-of-way.

The purpose of this notice is so that adjacent 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 license period, the new information must be mailed or distributed again, or changed on the placard or sign.

6. Electronic Availability. In addition, the City will make a database electronically accessible within which any person can enter in an address of a short term rental and obtain the owner/authorized agent and/or representative's name and telephone number.

C. Health and Safety.

1. Fire and Emergency Safety. A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) shall be required with each annual operating license application and renewal.

2. **Owner Responsibility.** It is the Owner's responsibility to assure that the short term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.

D. **Mandatory Postings.** The short term rental license issued by the City shall be displayed in a prominent location within the interior of the dwelling adjacent to the front door. The license will contain the following information:

1. A number or other identifying mark unique to the short term rental operating license which indicates the license is issued by the City of Bend, with the date of expiration;
2. The name of the owner or representative and a telephone number where the owner or representative may be contacted;
3. The number of approved parking spaces;
4. The maximum occupancy permitted for the short term rental;
5. Any required information and conditions specific to the operating license (such as a maximum of 29 days available for rent per 12-month period);
6. The property address; and
7. The City of Bend official logo.

E. **No Pending Actions or Violations.** At the time of application, the Owner of a short term rental shall not have received a civil citation regarding compliance of the subject short term rental property with any provision of the Bend City Municipal Code. A voluntary assurance of compliance, negotiated compliance agreement, or deferred sentence agreement will satisfy the requirement that there be no pending actions or violations. The Owner shall be in compliance with the Room Tax Code pursuant to Chapter 12.05, and subject to the Tax Administrator's authority under that chapter.

F. **Business License.** The owner shall have a current business license if required by the Business License Code, Chapter 7.05.

G. **Parking Diagram.** The parking diagram of the approved parking spaces shall be provided to tenants and be available in a prominent location within the short term rental dwelling.

7.16.080 Additional operational requirements.

A. **Advertising and License Number.** The Owner or authorized agent shall put the annual operating license number on all advertisements for the specific property, if legally possible.

B. **Response to Complaints.** The Owner or representative shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances.

1. Complaints. The Owner or representative should maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed reasonable to document the interaction. If kept, this record can then be made available for City inspection upon request to investigate under (3) below.

2. City Authority. Certain types of complaints are subject to the City's regulatory authority under other sections of the Municipal Code (noise complaints, disorderly conduct, chronic nuisance, etc., under Bend Code, Title 5, Public Protection, which are enforced by the Bend police department). Other complaints related to occupancy and on-site parking are subject to the City's code enforcement authority under the Development Code, Chapter 3.6.500. It is not intended that the Owner, agent or representative act as a peace officer or code enforcement officer or put themselves in an at-risk situation.

However, reasonable initial inquiries or complaints related to noise, disturbances, occupancy or parking may first be made to the Owner or representative. In addition, complaints specifically related to the good neighbor guidelines, or the condition, operation or conduct of occupants of the short term rental, *should* first be made to the Owner or representative. If there is a failure to respond or a clearly inadequate response by the Owner or representative, 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 procedures set forth in Section 7.16.090(A)(6). Alternatively and in its discretion, the City may refer the complaint to the City program for dispute resolution and/or mediation.

3. Records. On request and in compliance with the public records law, the City shall provide the owner, authorized agent and/or representative with the information in the complaint.

4. Grounds for Warning. Repeated failure of the Owner or representative to timely and reasonably respond to a complaint(s) relayed by City staff is considered grounds for a warning and potential revocation under Section 7.16.090. Issuance of a noise (as sustained on appeal if applicable) citation to a tenant may be grounds for a warning to the Owner, only if under the circumstances in the reasonable judgment of the City Manager the Owner should be held responsible. Issuance of a public nuisance citation may be grounds for a warning in the appropriate circumstances.

5. Administrative Rules. The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this chapter for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the provisions of this chapter. A copy of such administrative rules and regulations shall be on file of the Office of the City Recorder and be posted on the City website.

7.16.090 Revocation procedure.

A. In addition to the penalties described 7.16.100, the following provisions apply to violations of this chapter:

1. Failure to renew an operating license as set forth in section 7.16.060 is grounds for immediate revocation of the operating license.
2. Failure to meet the criteria required by Section 7.16.070(B)(1)(2) and (3) is grounds for immediate revocation of the operating license.
3. The discovery of material misstatements or providing of false information in the application or renewal process is grounds for immediate revocation of the operating license.
4. Expiration or Revocation of the land use permit through Development Code proceedings is grounds for immediate revocation of the operating license.
5. Such other violations of this Chapter of sufficient severity in the reasonable judgment of the City Manager, so as to provide reasonable grounds for immediate revocation of the operating license.
6. Other violations of this Chapter, including but not limited to City initiated investigation/sustaining of complaints, shall be processed as followed:
 - a. For the first violation within a 12-month period, the sanction shall be a warning notice.
 - b. If the same offense continues to occur or a second similar offense occurs at any time during a 12-month period, the City may either send a second warning notice or suspend the operating license for ninety days, depending on the severity of the offense.
 - c. If a third similar offense occurs at any time during a 12-month period, the penalty shall be revocation.

B. Notice of Decision/Appeal/Stay. If the operating license is suspended or revoked as provided in this section, the City Manager shall send written notice of suspension and revocation to the Owner stating the basis for the decision. 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 Manager's decision to revoke the operating license under the procedures set forth in Section 7.16.110. Upon receipt of an appeal, the City Manager shall stay the suspension or revocation decision until the appeal has been finally determined by the City Council.

7.16.100 Violations – Penalties.

A. In addition to the revocation procedure of Section 7.16.090, any person or Owner who uses, or allows the use of, property in violation of this chapter, is subject to the enforcement authority of Chapter 1.40, Civil Infractions, and the civil infraction authority of Chapter 7.10.075, Regulatory Permits. Violation is a Class A civil infraction subject

penalties, which includes monetary fines. Each day in which a dwelling is used in violation of this chapter shall be considered a separate violation.

B. The following conduct also constitutes a violation of this chapter and is a civil infraction:

1. Representing a dwelling as available for occupancy or rent as a short term rental where the owner does not hold a valid operating license issued under this chapter, or making a short term rental available for use, occupancy or rent without first obtaining a valid operating license;
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 substantive standards of Sections 7.16.070 and 7.16.080.

7.16.110 Appeals of short term rental operating license determinations.

A. Filing Requirements – Notice. The Owner or authorized agent may appeal a short term rental operating license decision to revoke an operating license under Section 7.16.090.

B. Authority to Decide Appeal. The City Council shall be responsible for determining an appeal of a decision approving or denying an application or renewal application for an operating license, or revoking or suspending an operating license, in any zone.

C. Time for Filing. An appellant is required to file a written notice of appeal including the basis for the appeal within 12 calendar days of the license 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, which shall be jurisdictional. The fee shall be sufficient to recover the average or actual costs of mailing notice of hearing and conducting the hearing.

E. Procedures. The City Manager may establish administrative procedures to implement the appeal procedures provided in this subsection, including any required forms. The Council may adopt procedures for hearings not in conflict with this subsection, including but not limited to time limits on oral testimony and limitations on written argument.

F. Hearing. Within 21 days of receiving the notice of appeal, the City Manager 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 the City Attorney to draft findings of fact and interpretations of code or law to be considered at a later Council meeting.

G. 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 chair, no later than 30 days after the close of the hearing. The Council may determine not to suspend or

revoke the license, or to revoke or suspend the license. If the Council upholds the decision to revoke the operating license, the Council shall order the Owner to discontinue use as a short term rental. If the Council reverses the decision to revoke the operating license, the operating license shall be granted.

H. 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 by writ of review to Circuit Court.

7.16.120 Discontinuance of short term rental occupancy.

A. After Revocation. After a short term rental operating license has been revoked, the dwelling unit may not be used or occupied as a short term rental unless a new land use approval and license are granted, and the owner of the property to which the license applied and whose license has been revoked shall not be eligible to reapply for a short term rental license for short term rental occupancy of the same property for a period of 12 months from the date of revocation.

B. After Expiration. If a short term rental operating license expires, the dwelling unit may not be used or occupied as a short term rental, except for the 60-day grace period for new owner(s) of property during which time they may apply for a new operating license. The owner of the property to which the license applied and whose license has expired shall be required to apply for and obtain both a land use permit and a short term rental license before the property may be lawfully used or occupied as a short term rental.

7.16.130. 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, the Development Code, or other public nuisance.