

ORDINANCE NO. 1351

**AN ORDINANCE AMENDING CODE OF THE CITY OF TILLAMOOK
TITLE III, CHAPTERS 35.015 and 35.016, TRANSIENT ROOM TAX DEFINITIONS, AND EXEMPTING
SHORT TERM RENTALS FROM LAND USE PROCESS WHEN OTHER PROCESSES ARE NOT APPLICABLE**

WHEREAS, the Code of the City of Tillamook (CCT) has established Transient Room Tax (TRT) assessment and collection procedures; and

WHEREAS, City tax code, through TRT, addresses vacation rentals of single-family houses through a broad use of the term 'hotel', while City land use code is silent on this matter; and

WHEREAS, there are no explicit determination to exempt short-term rentals from the land-use process; and

WHEREAS, the Tillamook City Council has reviewed the proposed amendments to the definition of "hotel" within the TRT code, and wishes to determine an exemption for short term rentals from the land use process where applicable.

NOW THEREFORE, the City of Tillamook ordains as follows:

Section 1: Amendment of the Code of the City of Tillamook (CCT).

- A. The Code of the City of Tillamook (CCT) Title III, Chapter 35.015, Transient Room Tax Definitions, shall be updated to amend the definition of "hotel" as follows:

***HOTEL.** Any structure or any portion of any structure which is occupied or intended or designed for transient occupancy for **less than** 30 days ~~or less~~ for dwelling, lodging or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, and also means space in mobile home or trailer parks, or similar structure or space or portions thereof so occupied; provided the occupancy is for less than a 30-day period.*

- B. The Code of the City of Tillamook (CCT) Title III, Chapter 35.016, Tax Imposed, shall be updated to include clarification on applicability of land use processes as follows:

' 35.016 TAX AND PROCESSES IMPOSED.

***(A)** For the privilege of occupancy in any hotel, on or after August 1, 2010, each transient shall pay a tax in the amount of 10% of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city, which is extinguished only by payment by the operator to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. The operator shall collect the tax for each transient and shall enter the tax on his or her records when rent is collected if the operator keeps his or her records on the cash accounting basis, and when earned if the operator keeps his or her records on the accrual accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services and commodities, other than the furnishings of rooms, accommodations and space occupancy in mobile home parks or trailer parks.*

(B) Structures and facilities which provide for transient occupancy of less than 30 days are not subject to a land-use process solely due to that provision. Some structures and facilities may still be subject to a land-use process due to other aspects of their development or operation, however length of tenancy by itself does not trigger such a process.

Section 2. Codification:

Provisions of this Ordinance shall amend the Code of the City of Tillamook, and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word and the sections of the Ordinance may be renumbered, or re-lettered, the City Recorder is authorized to correct any cross-references and any typographical errors.

Section 3. Effective Date.

This Ordinance shall be in effect 30 days from the date of passage.

Passed 1st reading by the Tillamook City Council on this 16th day of September, 2019.

Passed 2nd reading by the Tillamook City Council on this 7th day of October, 2019.

Adopted by the Common Council this 7th day of October, 2019.

Approved by the Mayor this 7th day of October, 2019.

ATTEST:

Suzanne Weber, Mayor

Abigail Donowho, City Recorder