

1 **(2) The purpose of LCC 4.405 through 4.460 is to provide for the peace, health,**
2 **safety and livability of residents of, and visitors to, Lincoln County. This is not a land**
3 **use ordinance and is not made a part of Lincoln County Code Chapter 1, Land Use**
4 **Planning.**

5 **SECTION 3.**

6 **4.410 Applicability**

7 **LCC 4.405 through 4.460 shall apply to the unincorporated areas of Lincoln**
8 **County. These provisions shall not apply to Bed and Breakfast Inns, Hotels, Lodges,**
9 **Motels, Resorts, Recreational Vehicle Parks, Campgrounds, or other similar lodging**
10 **units which are regulated by LCC Chapter 1.**

11 **SECTION 4.**

12 **4.415 Definitions**

13 **For the purpose of LCC 4.405 through 4.460**

14 **(1) "Accessory structure or accessory use" means a structure or use incidental**
15 **and subordinate to the main use of a property and located on the same lot as the main**
16 **use.**

17 **(2) "Contact Person" means:**

18 **(a) The owner(s) of the dwelling unit; or**

19 **(b) The agent of the owner(s), authorized to act for the owner(s) as designated**
20 **on the license application.**

21 **(3) "Dwelling Unit" means:**

22 **(a) A single unit providing complete, independent living facilities for one or**
23 **more persons including permanent provisions for living, sleeping, eating, sanitation**
24 **and only one cooking area.**

25 **(b) A "single family dwelling" means a structure of which all habitable portions**
26 **thereof are connected structurally and comprise one dwelling unit, including but not**
27 **limited to factory built dwellings, mobile homes and site built dwellings.**

1 (c) A "two family dwelling" means a structure of which all habitable portions
2 thereof are connected structurally and comprise two dwelling units including but not
3 limited to factory built dwellings, mobile homes and site built dwellings.

4 (d) A "multi-family dwelling" means a structure of which all habitable
5 portions thereof are connected structurally and comprise three or more dwelling units,
6 including, but not limited to, factory built dwellings, mobile homes and site built
7 dwellings.

8 (4) "License" means a short term rental license issued by Lincoln County and
9 maintained in good standing by the Owner(s) or agent of the Owner(s) in accordance
10 with the provisions of the Lincoln County Code.

11 (5) "Owner(s)" means the person or people, partnership, corporation,
12 association, or other legally recognized person(s) or entity holding title to the dwelling
13 unit in accordance with law.

14 (6) "Person" includes any natural person(s), firm, partnership, association,
15 social or fraternal organization, corporation, business or any other group or
16 combination acting as a unit.

17 (7) "Rental Agreement" means any agreement, whether or not in writing,
18 granting the use of a dwelling unit to a person. Use of a dwelling unit by a recorded
19 owner or other person or persons without monetary consideration shall not be
20 considered to be a rental under this chapter.

21 (8) "Rent" means the authorization of use of a dwelling unit granted to a
22 person(s) in exchange for monetary consideration.

23 (9) "Renter" is a person who rents a short term rental.

24 (10) "Short Term Rental" means the renting of a dwelling unit (including any
25 accessory guest house on the same property) to any person(s) on a day to day basis or
26 for a period of time of up to thirty (30) consecutive nights.

1 (11) "Sleeping Area" is a room or other space within a dwelling unit designed,
2 intended or used for sleeping. Roll out beds, fold out couches, or other temporary
3 sleeping accommodations including tents and recreational vehicles shall not be
4 considered a sleeping area, and may not be used to increase the allowed occupancy of a
5 short term rental as provided in LCC 4.404 through 4.460. Determinations as to the
6 number of sleeping areas within a dwelling unit are reserved to the Lincoln County
7 Licensing Authority and all determinations are final.

8 SECTION 5.

9 **4.420 Licenses**

10 (1) It shall be unlawful to rent any dwelling unit as a short term rental without
11 obtaining and maintaining a current license as provided in LCC 4.405 through 4.460.
12 All dwelling unit owners shall obtain a license prior to using the dwelling unit as a
13 short term rental.

14 (2) No license granted under the provisions of LCC 4.405 through 4.460 shall be
15 assignable. If the dwelling unit is sold or transferred by any means, a new license is
16 required of the subsequent owner(s) who desire to continue short term rental
17 operation; provided, however, that the Board of Commissioners may set a pro rata
18 lower fee for the first year. The subsequent owner(s) will be required to fill out a new
19 application and agree in writing to comply with the requirements of this Chapter.

20 SECTION 6.

21 **4.425 Application for License; Fee**

22 (1) Applications for a license, renewal of a license, or license caused by a change
23 in ownership shall be made upon forms provided by the County.

24 (2) Every license application, renewal license or license caused by a change in
25 ownership shall be accompanied by annual fee(s) in amounts as set, and periodically
26 reviewed and amended, by order of the Board of Commissioners.

1 **(3) Every application shall be processed by the Department or Office designated**
2 **by the Lincoln County Board of Commissioners (hereafter County Licensing**
3 **Authority). Upon receipt of the completed application the County will review the**
4 **application and certify that:**

5 **(a) Based on a viewing of the property, the short term rental complies with**
6 **standards found in LCC 4.440(1) in posting contact person information and providing**
7 **that information to the local fire department and Lincoln County Sheriff's Office.**

8 **(b) Determine the maximum occupancy for the short term rental as defined by**
9 **LCC 4.440(6).**

10 **(c) Receive and review the certified statement of the owner that the owner of**
11 **the short term rental has met and will continue to comply with the requirements of this**
12 **Chapter.**

13 **(d) Transient Room Tax Compliance Required. Notwithstanding any other**
14 **provision of this Chapter or the Lincoln County Code, and as a separate stand-alone**
15 **requirement and criteria for holding a valid license, the owner shall provide a certified**
16 **statement that the owner will comply with LCC Chapter 5.005 through 5.070**
17 **Transient Room Taxes. If the owner cannot demonstrate compliance with Chapter 5**
18 **Transient Room Taxes, or the County determines that the owner is not in compliance**
19 **with the provisions of that Chapter, the license shall not be issued, or may be**
20 **suspended or revoked, or may be denied upon renewal, until such time as the**
21 **noncompliance is resolved to County's satisfaction. Compliance includes, but is not**
22 **limited to, failure to report, improper reporting, failure to collect or failure to remit**
23 **required transient room taxes. Any of these actions not timely made is also grounds**
24 **for noncompliance.**

25 **SECTION 7.**

26 **4.430 Issuance of License**

1 **(1) Authority to issue licenses rests with the Lincoln County Licensing**
2 **Authority as designated by the Board of Commissioners. In addition, an issued license**
3 **is subject to revocation or refusal to renew the license for failure to meet, maintain or**
4 **operate the short term dwelling in conformance with the requirements of this Chapter**
5 **and the procedures as provided in LCC 4.425.**

6 **(2) Within sixty (60) days of receipt of a completed application, the payment of**
7 **required fees, and the determination or certification of compliance with the**
8 **requirements of LCC 4.440 (Operational Standards) and LCC 4.425 (Application for**
9 **License; Fee), a license shall be issued by the Lincoln County Licensing Authority to**
10 **the owner which shall be good for one (1) year from the date of issuance.**

11 **(3) If an application for a permit or the renewal of a permit is denied, or a**
12 **permit is revoked, cancelled or not renewed the owner may appeal denial or revocation**
13 **or nonrenewal under LCC 4.450. Unless and until a permit is finally revoked or not**
14 **renewed as provided in this Chapter, a short term rental may continue to operate.**

15 **SECTION 8.**

16 **4.440 Operating Standards**

17 **As used in LCC 4.405 through 4.460, all short term rentals shall comply with**
18 **the following operating standards and conditions:**

19 **(1) Contact Person(s). The name and phone number of the contact person(s)**
20 **shall be posted, provided and updated in the following manner:**

21 **(a) If the short term rental has a sign identifying it as a short term rental, then**
22 **the current name and phone number of the contact person shall either appear on the**
23 **sign or otherwise be conspicuously posted near the sign so that it is visible from the**
24 **street and from outside the front entrance of the short term rental.**

25 **(b) In addition, the owner shall provide the contact person's name and phone**
26 **number in writing to the local fire chief and the Lincoln County Sheriff's Office. The**
27 **Sheriff's Office shall supply this information to each property owner as shown on the**

1 **Lincoln County Assessor's records located within two hundred fifty feet (250') of the**
2 **short term rental property.**

3 **(c) The owner shall update the posted notice and provide a new written notice**
4 **to the local fire chief and Lincoln County Sheriff's Office each time there is a change to**
5 **the name or phone number of the contact person. An additional fee, as set by the**
6 **Board, shall accompany the new written notice provided to the Sheriff to offset costs of**
7 **the Sheriff's Office in supplying this new information to property owners in**
8 **accordance with LCC 4.440(1)(c) above.**

9 **(d) The owner or contact person shall contact a renter by phone or in person or**
10 **otherwise respond within a reasonable period of time which shall normally be within**
11 **one hour, unless circumstances would require a lesser or greater time, upon receiving**
12 **any complaint from a neighbor, the local fire department or the Sheriff's Office**
13 **concerning the conduct of a renter.**

14 **(2)Quiet Time. In accordance with the requirements of LCC 2.2000 through**
15 **2.2045, the hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time.**
16 **Renters who violate this standard may be issued enforcement mechanisms available to**
17 **the County under LCC 2.2045 and LCC Chapter 10. In addition multiple violations of**
18 **the quiet time requirements by short term dwelling renters may subject the licensee to**
19 **revocation or nonrenewal of the license as provided in LCC 4.450. The owner or**
20 **contact person shall notify every renter, in writing, of the quiet times and that a renter**
21 **may be subject to sanction and penalties under the County Code.**

22 **(3) Garbage Service. The owner shall be required to maintain adequate**
23 **garbage service, with required secure containers, from the franchised waste disposal**
24 **service company serving its property. The service must be at a level commensurate**
25 **with the garbage generated at the dwelling, but no less than weekly service when the**
26 **short term rental is being rented. Owners shall notify all guests of the garbage services**
27 **and requirements for the dwelling.**

1 **(4) Parking.** The owner must provide one (1) parking space for each approved
2 sleeping area in a short term rental, plus one (1) additional parking space per unit.
3 For dwellings constructed on or after July 1, 2016 all required parking shall be
4 provided off street. For dwellings constructed prior to July 1, 2016, off-street parking
5 must be used if physically available. If a sufficient number of off-street parking spaces
6 are not available for the authorized number of vehicles, then on-street parking may be
7 used unless otherwise prohibited. Parking shall not, under any circumstances, hinder
8 the path of any emergency vehicle. Renters may be cited and fined under existing State
9 or County law in the event they park illegally. Repeated violations of prohibited
10 parking by renters of the short term rental may be grounds for enforcement against
11 the Owners under LCC 4.460. The owner or contact person shall notify every renter in
12 writing of the required off-street parking and other parking spaces available to serve
13 the short term rental.

14 **(5) House Number.** A house number, visible from the street, shall be installed
15 and maintained by the Owners.

16 **(6) Limits on Occupancy.** The maximum occupancy for a short term rental unit
17 shall be calculated on the basis of an average of three (3) persons per sleeping area plus
18 an additional two (2) persons. For the purpose of maximum occupancy, those under
19 two (2) years of age shall not be counted. Accessory structures, tents and recreational
20 vehicles and similar sleeping arrangements shall not be used to increase the number of
21 people approved to occupy a short term rental. Notwithstanding the forgoing, no more
22 than 16 persons shall occupy the short term rental unit at any one time.

23 Notwithstanding the foregoing limits, a dwelling built and operated as a
24 short term rental unit on July 1, 2016 may be grandfathered in at a higher maximum
25 occupancy level, not to exceed 3 persons per sleeping area plus 2 additional persons,
26 under the following conditions:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

- 1 **a. The owner applies for a higher occupancy limit in the initial application**
2 **for a short term rental license, which application must be received no**
3 **later than December 31, 2016. No dwelling will be allowed a higher**
4 **occupancy limit unless the owner applies and qualifies during this**
5 **application period.**
- 6 **b. The owner provides proof (rental agreements, ads, or other reasonable**
7 **evidence) that the unit has historically been rented and occupied by more**
8 **than 16 persons.**
- 9 **c. The property on which the dwelling unit is located can provide, within**
10 **all applicable laws, off-street parking as required under LCC 4.440(4)**
11 **above. That requirement is one parking space per sleeping area, plus**
12 **one more.**
- 13 **d. For illustrative purposes, a dwelling with six sleeping areas may be**
14 **allowed a maximum of 20 persons (three per sleeping area, plus two**
15 **more) if a total of seven (7) lawful off-street parking spaces are provided.**
- 16 **e. Review of the request for a higher occupancy limit shall be made by the**
17 **County Licensing Authority which at its sole discretion shall make all**
18 **determinations as to whether or not to grant, partially grant, or deny a**
19 **request for higher occupancy.**

20 **(7) Notices to Renters. The owner must provide to each renter and post in a**
21 **prominent location in the dwelling, a list of rules including, but not limited to, rules on**
22 **required quiet times, available garbage service, parking locations and limitations on**
23 **occupancy.**

24 **SECTION 9.**

25 **4.445 Complaint Procedure**

1 **All complaints will initially proceed through the informal resolution process**
2 **provided herein. If the complaint is unresolved, then the more formal process shall be**
3 **utilized as set forth below:**

4 **(1) Step One. The complaining party shall attempt to communicate with the**
5 **contact person designated on the license, communicated in writing to the neighbor, and**
6 **posted at the short term dwelling. The complainant shall describe the problem and the**
7 **requested resolution.**

8 **(2) Step Two. The contact person shall promptly respond to the complainant**
9 **and make reasonable efforts to remedy any situation that is out of compliance with the**
10 **provisions of this Chapter. If that resolves the matter, the complaint process**
11 **terminates.**

12 **(3) Step Three. If the response from the contact person is not satisfactory to the**
13 **complaining party or the contact person does not believe that the problem violates this**
14 **Chapter, either party or both parties may next provide a written complaint to the**
15 **Lincoln County Licensing Authority, with a copy of the written complaint provided to**
16 **the other party by the complainant or the contact person. The written complaint shall**
17 **describe all efforts to resolve the problem. The Licensing Authority shall then attempt**
18 **to resolve the complaint with parties. The Licensing Authority may use community**
19 **mediation resources if it determines such resources are available and would help**
20 **resolve the complaint. If not mutually resolved by the parties, the Licensing Authority**
21 **shall issue a written determination to both parties to resolve the problem. If the**
22 **Licensing Authority finds that a violation of this Chapter occurred, the Licensing**
23 **Authority may undertake enforcement action as authorized in this Chapter and LCC**
24 **Chapter 10.**

25 **(4) Step Four. Either party may appeal the determination of the Licensing**
26 **Authority by filing a written appeal to the Board of Commissioners within thirty (30)**

1 days of the Authority's determination. The Board of Commissioners, or its designee,
2 shall hold an informal hearing on the appeal and issue a final decision.

3 (5) This procedure is separate from but complimentary with the procedures
4 used to revoke, cancel or deny renewal of a license, LCC, 4.450.

5 **SECTION 10.**

6 **4.450 Denial, Revocation or Nonrenewal of a License; Hearing**

7 Owners of short term rental units who hold a valid license under this Chapter
8 are required to comply with all applicable provisions of this Chapter and the Lincoln
9 County Code. In addition to the penalties for violation of any provision of LCC 4.405
10 through 4.460 punishable pursuant to LCC Chapter 10, failure to comply may subject
11 the owner to revocation or nonrenewal of a License as provided for in this section.
12 Appeal of denial of a license is also governed under these provisions.

13 (1) The following shall be grounds for considering revocation or nonrenewal of
14 the license:

15 (a) Three or more violations of this chapter or other provisions of the Lincoln
16 County Code related to the same short term rental within one (1) year. Violations
17 include, but are not limited to, complaints identified in LCC 4.445 which reached step
18 4 and a final determination was made that the problem as unresolved violated
19 provisions of this Chapter. Violations may also be determined by the Licensing
20 Authority for noncompliance with the provisions of this Chapter or other provisions of
21 the Lincoln County Code.

22 (2) Denial of a license may be appealed under the procedures set forth below.

23 (3) The County shall conduct a hearing if it wishes to consider the revocation or
24 nonrenewal of a short term rental license. The County will also hold a hearing if an
25 owner appeals denial of a license. All hearings will be conducted by the Board of
26 Commissioners or its designee. The County shall give thirty (30) days written notice to
27 all relevant parties of the time, date and place of the hearing, that the short term rental

1 permit may be revoked as a result of the hearing and of the allegations and violations
2 upon which revocation will be considered. At the hearing, each party shall have an
3 opportunity to be heard and present such witnesses, testimony and other evidence as
4 that party deems relevant to the issues. The procedure will be informal and no cross
5 examination will be allowed. The hearing may be continued at the discretion of the
6 County. At the conclusion of the hearing process, the Board of Commissioners or its
7 designee shall consider the evidence and issue a written order revoking the license, or
8 not renewing it, or denying the application as the situation warrants.

9 **SECTION 11**

10 **4.455 Nonliability of County**

11 Neither the County nor any official or employee of the County, including the
12 Lincoln County Licensing Authority shall be liable for any damages, claims from any
13 owner or third party relating to enforcement of any provision of LCC 4.405 through
14 **4.460.**

15 **SECTION 12**

16 **4.460 Severability**

17 Each section, sentence, clause, and phrase hereto is declared severable. If any
18 section, sentence, clause, or phrase of this chapter is adjudged by a court of competent
19 jurisdiction to be invalid, the decision shall not affect the validity of the remaining
20 portions of this Chapter.

21 **SECTION 13**

22 **This Ordinance takes effect December 1, 2016.**
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First Reading: 7/13/16

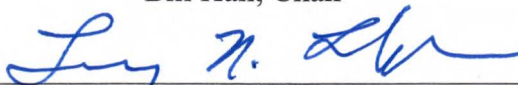
Second Reading: 8/3/16

DATED this 3 day of August, 2016

LINCOLN COUNTY BOARD OF COMMISSIONERS



Bill Hall, Chair



Terry N. Thompson, Commissioner



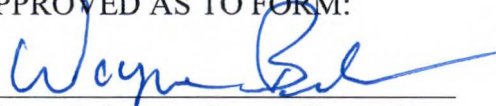
Doug Hunt, Commissioner

ATTESTED TO:



Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

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