

Ordinance No. 2022

An Ordinance Adopting a Moratorium on the Acceptance, Processing or Approval of Applications for Certificates of Authority to Collect Transient Room Taxes and the Registration of New Hotels in Residential Zones within the City under HRMC Chapter 5.09 (Hotel Tax), and Declaring an Emergency

The City Council for the City of Hood River adopts the following findings:

WHEREAS, ORS 320.300 to 320.350 authorize local governments to create a licensing program for transient lodging facilities and impose and collect a Transient Lodging Tax on a per-night, per-room basis; and

WHEREAS, the City of Hood River has implemented the statutory authority in ORS 320.300 to 320.350 by adopting HRMC chapter 5.09 (Hotel Tax), which requires operators of “hotels” to register with the City and to collect a per-night, per-room hotel tax; and

WHEREAS, “hotel” for purposes of the City’s transient room tax under HRMC chapter 5.09 is broadly defined to include the following:

...any structure or any portion of any structure which is occupied or intended or designed for transient occupancy for less than a thirty-day period, for dwelling, lodging or sleeping purposes, and includes any hotel, inn, bed and breakfast, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, roominghouse, apartment house, public or private dormitory, fraternity, sorority, public or private club, space in mobile home or trailer parks or similar structure, or portions thereof so occupied, provided such occupancy is for less than a thirty-day period;”

This description necessarily includes short-term vacation rentals in otherwise single-family dwellings; and

WHEREAS, the city is in the process of establishing new regulations in HRMC Chapter 5.09 for the operation of Hotels in single-family dwellings in the City’s residential zones, including short-term vacation rentals that are otherwise required to register under HRMC 5.09.070, obtain a certificate of authority to operate a transient lodging facility and pay to the City a per-night, per-room hotel tax; and

WHEREAS, during this deliberative process the City Council recognizes a need to halt temporarily the issuance of certificates of authority to operate “hotels” in single-family dwellings in the City’s residential zones to allow the Council sufficient time to formulate and adopt new regulations as part of HRMC chapter 5.09; and

WHEREAS, absent such a moratorium on the licensing of new “hotels” in single-family dwellings in the City’s residential zones under HRMC chapter 5.09, the City runs the risk that any soon-to-be-adopted regulations will be nullified because many would-be operators of short-term vacation rentals will obtain a certificate of authority under HRMC 5.09.070, become nonconforming with regard to those new regulations and thereby avoid their effect; and

WHEREAS, the City Council duly noticed and held a public hearing on a proposed moratorium on new hotels in the City’s residential zones at its regular meeting on May 23,

2015, at which time the Council accepted public testimony on the issue.

NOW THEREFORE, based on the foregoing, the Hood River City Council ordains as follows:

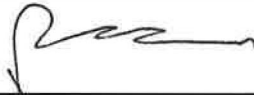
Section 1 - Moratorium. The City shall halt the acceptance, processing and approval of applications under HRMC chapter 5.09 for Certificates of Authority to Collect Transient Room Taxes and the registration of new Hotels in single-family dwellings in the City's residential zones.

Section 2 – Sunset. The moratorium declared herein shall expire automatically without further action of the City Council 6 months after the date of adoption, unless repealed sooner by Council action.

Section 3 – Emergency Clause. Due to the need to protect the public health safety and welfare through the consistent implementation and enforcement of Transient Lodging regulations without lapses or uncertainty, especially in the City's residential zones, an emergency is hereby declared to exist which warrants this Ordinance and moratorium taking effect immediately upon adoption by the Council.

Adopted, approved and effective this 23rd day of May 2016.

Becky Brun	Yes/No/Abstain
Mark Zanmiller	Yes/No/Abstain
Laurent Picard	Yes/No/Abstain
Kate McBride	Yes/No/Abstain
Susan Johnson	Yes/No/Abstain
Peter Cornelison	Yes/No/Abstain
Paul Blackburn	Yes/No/Abstain



Paul Blackburn, Mayor

Attest:



Jennifer Gray, City Recorder

Approved as to form:



Daniel Kearns, City Attorney