

CITY OF MORTON, WASHINGTON
ORDINANCE NO. 2021-05

**AN ORDINANCE OF THE CITY OF MORTON, WASHINGTON,
CREATING MORTON MUNICIPAL CODE CHAPTER 5.20 REGARDING
SHORT-TERM RENTALS; AMENDING SECTIONS OF MORTON
MUNICIPAL CODE TITLE 17; AMENDING ORDINANCE NOS. 2007-1
AND 2005-6 AS NECESSARY; AND PROVIDING FOR SEVERABILITY
AND ESTABLISHING AN EFFECTIVE DATE.**

RECITALS:

WHEREAS, the City of Morton, Washington (the “City”) is a Code City under the laws of the State of Washington; and

WHEREAS, pursuant to RCW 35A.11.020, the City may adopt and enforce ordinances of all kinds relating to and regulating the City’s local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, all references herein to “MMC” shall mean the “Morton Municipal Code,” and

WHEREAS, the City does not currently have any guidance on short-term rentals contained within the City limits; and Chapter 5.20 MMC is entitled “SHORT-TERM RENTALS”; and

WHEREAS, Ordinance No. 2005-6 was enacted on December 27, 2005 and Ordinance No. 2007-1 was enacted on August 27, 2007; and

WHEREAS, the Council desires to create Chapter 5.20 MMC and amend Title 17 MMC as set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

The following sections of the Morton Municipal Code (“MMC”) are hereby created and amended as follows:

Section 1. **Chapter 5.20 (Short-Term Rentals).** Chapter 5.20 MMC is hereby created to state:

Chapter 5.20
SHORT-TERM RENTALS

Sections:

- 5.20.010 City business license required.
- 5.20.020 Conditions of approval of a business license for short-term rentals.
- 5.20.030 Notice, approval, and/or denial of short-term rental business licenses.
- 5.20.040 Suspension or revocation procedure.
- 5.20.050 Appeal of a business license decision.
- 5.20.060 Penalties.

5.20.010 - City business license required.

- A. Purpose. It is the Intent of this chapter to recognize the desire of some property owners to rent their home or accessory dwelling unit (ADU) on a short-term basis and establish appropriate regulations to mitigate the disruption that short-term and vacation rentals may have on a neighborhood. This purpose and intent shall govern the Interpretation of the entire chapter.
- B. License Required. In addition to all required Washington state business license and registrations, any person desiring to rent their home, dwelling or ADU, herein referred to as the dwelling or rental, on a short-term or vacation rental basis shall make application for a business license pursuant to Chapter 5.04, and pay the license fee established by city resolution for this purpose. For purposes of this chapter, a "short-term or vacation rental" means the rental of a dwelling or portion thereof used for the purpose of providing lodging for periods of less than 30 days.

5.20.020 - Conditions of approval of a business license for short-term rentals.

- A. The following conditions of approval shall apply to business license applications for short-term or vacation rentals:
 - 1. Ensure that weekly solid waste collection is provided during all months that a rental is available for occupancy.
 - 2. Provide an operating "land line" telephone in the unit for emergency purposes.
 - 3. Local Property Representative. The property owner must designate a local property representative who shall be available 24 hours per day, seven days per week, for the purpose of: (a) responding within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental; and (b) taking remedial action to resolve any such complaints. The name, address, and telephone contact number of the property owner and the local property representative shall be kept on file at the city. The failure to provide the contact Information, failure to keep the contact Information current, failure to respond in a timely manner to complaints, or the occurrence of repeated complaints may result in the suspension or revocation of approval and/or civil or criminal penalties.
 - 4. Occupancy. Maximum occupancy of the rental shall be based on the International Building Code standards. The property owner shall be responsible for ensuring that the rental unit is in conformance with its maximum occupancy.

5. Restrictions on Use. A renter may not use a short-term rental for a purpose not incidental to its use for lodging or sleeping purposes.
 6. Parking. There will be no demand for parking beyond that which is normal to a residential area and no unusual or excessive traffic to and from the premises.
 7. Signage. No outdoor advertising signs related to the rental shall be allowed on the site.
 8. Informational Packet. A packet of Information shall be provided to renters and posted conspicuously in the common area of the short-term rental summarizing guidelines and restrictions applicable to the short-term rental use, including:
 - a. A copy of the property owner's business license;
 - b. Documentation of annual fire safety Inspection by the fire marshal;
 - c. Information on maximum occupancy;
 - d. Applicable noise and use restrictions;
 - e. Location of off-street parking;
 - f. Direction that trash shall not be stored within public view, except within proper containers for the purpose of collection, and provision of the trash collection schedule;
 - g. Best practices to limit use and conserve water;
 - h. Contact information for the local property representative;
 - i. The renter's responsibility not to trespass on private property or to create disturbances; and
 - j. Notification that the renter is responsible for complying with this chapter and that the renter may be cited or fined by the city for violating any provisions of this chapter.
 9. Insurance. The property owner shall maintain on file at the city an up-to-date certificate of insurance documenting that the dwelling is insured as a short-term or vacation rental.
 10. Inspection. The property owner or his/her designee shall maintain on file at the city an up-to-date certificate of inspection documenting that the dwelling complies with the provisions for transient accommodations in the International Building Code as adopted by the city and shall obtain an appropriate certificate of occupancy. It shall be the responsibility of the property owner to schedule and pass an annual safety Inspection.
 11. Compliance with City Ordinances. All short-term or vacation rentals must comply with all city codes and ordinances, including but not limited to Chapter 8.16, Nuisance Regulations, and Chapter 9.08, Public Peace and Decency. Failure to ensure compliance, or the occurrence of repeated complaints may result in the suspension or revocation of approval and/or civil or criminal penalties.
 12. Compliance with Regulations and Taxes. All short-term or vacation rentals must comply with all applicable local and state regulations including those pertaining to business licenses and taxes such as Washington State sales, transient lodging and business and occupation taxes.
- B. License Type, Duration and Expiration. A property owner engaging in the business of renting a dwelling on a short-term basis is considered a Standard Business. The duration of a business license for a standard business shall be one year, from January 1st to December 31st. The business license application and renewal procedures established in Chapter 5.04 shall apply.

5.20.030 - Notice, approval, and/or denial of short-term rental business licenses.

The procedures for the approval and denial of a business shall apply as established in Chapter 5.04. Applicants that do not comply with the conditions of approval as established in Section 5.20.020 shall be denied a business license or renewal of a business license.

5.20.040 - Suspension or revocation procedure.

If the City has reasonable cause to believe that any of the conditions imposed upon a short-term rental business under this chapter have been violated, the City shall follow the procedures established in Section 5.04.120 to revoke or suspend the business license.

5.20.050 - Appeal of a business license decision.

The procedures for the appeal of a business license decision, shall apply as established in Chapter 5.04.

5.20.060 - Penalties.

Any person violating any provision of this chapter shall be subject to the enforcement procedures, remedies, and the civil and criminal penalties provided in Chapter 1.16.

Section 2. **Section 17.04.435 (Short-term or vacation rental).** MMC 17.04.435 is hereby created to state:

Short-term or vacation rental means the rental of a dwelling, a portion thereof, or an accessory dwelling unit used for the purpose of providing lodging for periods of less than 30 days.

Section 3. **Section 17.16.020 (Permitted uses).** MMC 17.16.020 is hereby amended to state:

The following uses are permitted in the R-1 district:

- A. Single-family dwellings and their customary uses including single-family special needs housing and single-family government housing;
- B. Churches, community clubhouses, noncommercial art galleries, libraries, museums, schools, parks and other public facilities;
- C. Designated manufactured homes, as defined in Section 17.08.010, and with a manufacture date of not more than five years prior to the date of installation. The manufactured home must be installed upon a concrete or masonry foundation in accordance with the building code adopted by the city. A manufactured home shall bear the insignia of approval by the state of Washington or U.S. Department of Housing and Urban Development. Prior to occupancy, the manufactured home must be inspected by a city or county building inspector to meet all applicable building code and health and safety requirements and use a design and materials consistent with stick built home construction;
- D. Family day care homes, as defined in RCW 74.15.020 and meeting Washington State licensing requirements and all building and fire code requirements, and subject to the conditions set forth in the performance standards of this title;
- E. Adult family homes, as defined in RCW 70.128.175, meeting Washington state licensing requirements and all building and fire code requirements;
- F. Accessory dwelling units, subject to the following standards:

1.The accessory dwelling unit, defined in Section 17.08.010, shall not exceed eight hundred fifty (850) square feet.

2.Entrance to the accessory dwelling unit shall be hidden from the street fronting the primary residence.

- G. Short-term rentals pursuant to Chapter 5.20 provided that no more than one short-term rental shall be allowed on a single parcel. Where a single parcel of property contains a combination of any of the following: single-family dwelling, guest room, guest house; only one shall be eligible to function as a short-term vacation rental.

Section 4. **Section 17.16.030 (Secondary Uses).** MMC 17.16.030 is hereby amended to state:

The following uses are permitted in an R-1 district subject to a review by the planning commission at a public meeting and the attachment of conditions to insure compatibility.

- A. Playgrounds developed in conjunction with a school, park, or community clubhouse;
- B. Home occupation, subject to the condition set forth in the performance standards of this title;
- C. Rooms may be rented to not more than four persons in addition to the family occupying the single-family dwelling, provided there is compliance with all applicable ordinances of the city;
- D. Reserved;
- E. Agriculture;
- F. Cemeteries, provided sight obscuring fence or hedge is provided along all property lines other than street lines;
- G. Golf courses and country clubs, provided night lighting is directed away from all adjoining residential areas.
- H. Child care centers (see Section 17.08.010).
- I. Residential care facilities, as defined in RCW 70.128.175, meeting Washington state licensing requirements and all building and fire code requirements.
- J. Short-term rentals as defined by 17.04.435 and that meet the provisions of Chapter 5.20.

Section 5. **Section 17.20.020 (Permitted Uses).** MMC 17.20.020 is amended to state:

The following uses are permitted in the R-M district:

- A. Single-family, two-family and multiple-family dwellings, special needs housing and government housing and their customary uses;
- B. Churches, community clubhouses, noncommercial art galleries, libraries, museums, schools, parks and other public facilities;
- C. Designated manufactured homes, as defined in Section 17.08.010, and with a manufacture date of not more than five years prior to the date of installation. The manufactured home must be installed upon a concrete or masonry foundation in accordance with the building code adopted by the city. A manufactured home shall bear the insignia of approval by the state of Washington or U.S. Department of Housing and Urban Development. Prior to occupancy, the manufactured

home must be inspected by a city or county building inspector to meet all applicable building code and health and safety requirements and use a design and materials consistent with stick built home construction;

- D. Family day care homes, as defined in RCW 74.15.020 and meeting Washington State licensing requirements and all building and fire code requirements, and subject to the conditions set forth in the performance standards of this title;
- E. Adult family homes and residential care facilities, as defined in RCW 70.128.175 and meeting Washington state licensing requirements and all building and fire code requirements;
- F. Short-term rentals pursuant to Chapter 5.20 provided that no more than one short-term rental shall be allowed on a single parcel. Where a single parcel of property contains a combination of any of the following: single-family dwelling, guest room) guest house; only one shall be eligible to function as a short-term vacation rental.

Section 6. **Section 17.24.030 (Secondary Uses.)** MMC 17.24.030 is hereby amended to state:

The following secondary uses are permitted in any C-1 district:

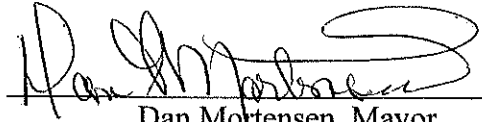
- A. A secondary use is permitted in any C-1 district in conjunction with, but subordinate to, any of the uses permitted in the previous section. Secondary uses may include: a dwelling unit in conjunction with and accessory to an essential or primary use and located within the same building as said use. Dwelling units shall be permitted on any floors above the ground floor of a building used as a commercial establishment.
- B. A planned unit development is permitted which integrates commercial and residential uses subject to Section 17.32.060 and the performance standards section of this title.
- G. A secondary use is permitted In any C-1 district In conjunction with, but subordinate to, any of the uses permitted in the previous section. Secondary uses may Include: a dwelling unit in conjunction with and accessory to an essential or primary use and located within the same building as said use. Dwelling units shall be permitted on any floors above the ground floor of a building used as a commercial establishment. Dwelling units used as short-term rentals must comply with the provisions of Chapter 5.20.

Section 7. **Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 8. **Effective Date.** This Ordinance shall take effect five (5) days after its publication, or publication of a summary therefore, in the City's official newspaper, or as otherwise provided by law.

Section 9. **Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

PASSED by the Council of the City of Morton, Washington, and **APPROVED** by the Mayor of the City of Morton at a regularly scheduled open public meeting thereof, this 28 day of June, 2021.



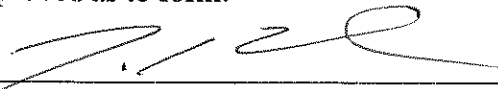
Dan Mottensen, Mayor

Attest:



Tammy Clevenger, City Clerk

Approved as to form:



James M.B. Buzzard, WSBA # 33555
City Attorney

Approved Reading:	_____ /2022
Publication Date:	_____ /2022
Effective Date:	_____ /2022