



**Agenda Sheet for City Council Meeting of:**  
06/12/2023

<b>Date Rec'd</b>	5/24/2023
<b>Clerk's File #</b>	ORD C36391
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	PLANNING & ECONOMIC
<b>Contact Name/Phone</b>	AMANDA BECK X6414
<b>Contact E-Mail</b>	ABECK@SPOKANECITY.ORG
<b>Agenda Item Type</b>	First Reading Ordinance
<b>Agenda Item Name</b>	065- SHORT-TERM RENTAL CODE AMENDMENTS

**Agenda Wording**

Code amendments to Chapter 17C.316 Short Term Rentals, and concurrent fee updates in Chapter 08 SMC.

**Summary (Background)**

Proposed amendments to short-term rental regulations aligned with strategies outlined in the Housing Action Plan and the City Council Implementation Plan. Proposal revises Chapter 17C.316; amends Sections 08.02.034, 08.02.066, 08.08.010; and adopts a new section 08.02.090. The proposed draft code has been developed to update permitting requirements in line with monitoring data to reflect the current utilization of this accessory land use.

Lease?	NO	Grant related?	NO	Public Works?	NO
<b><u>Fiscal Impact</u></b>			<b><u>Budget Account</u></b>		
Neutral	\$	#			
Select	\$	#			
Select	\$	#			
Select	\$	#			
<b><u>Approvals</u></b>			<b><u>Council Notifications</u></b>		
<b><u>Dept Head</u></b>		GARDNER, SPENCER	<b><u>Study Session\Other</u></b>		Study Session 3/14/23;
<b><u>Division Director</u></b>		MACDONALD, STEVEN	<b><u>Council Sponsor</u></b>		CP Beggs & CM Kinnear
<b><u>Finance</u></b>		ORLOB, KIMBERLY	<b><u>Distribution List</u></b>		
<b><u>Legal</u></b>		SMITHSON, LYNDEN	smacdonald@spokanecity.org		
<b><u>For the Mayor</u></b>		PERKINS, JOHNNIE	sgardner@spokanecity.org		
<b><u>Additional Approvals</u></b>			eschoedel@spokanecity.org		
<b><u>Purchasing</u></b>			tpalmquist@spokanecity.org		
			lgarcia@spokanecity.org		
			jrichman@spokanecity.org		
			tblack@spokanecity.org		

FIRST READING OF THE ABOVE  
ORDINANCE HELD ON

6/26/2023

AND FURTHER ACTION WAS DEFERRED

CITY CLERK

PASSED BY  
SPOKANE CITY COUNCIL:

7/10/2023

CITY CLERK



## Continuation of Wording, Summary, Budget, and Distribution

### **Agenda Wording**

### **Summary (Background)**

### **Fiscal Impact**

Select \$

Select \$

### **Budget Account**

#

#

### **Distribution List**

abeck@spokanecity.org

rbenzie@spokanecity.org

jchurchill@spokanecity.org

## **ORDINANCE NO. C36391**

AN ORDINANCE relating to the regulation of short-term rentals; amending Spokane Municipal Code (SMC) Sections 17C.316.010, 17C.316.020, 17C.316.030, 17C.316.040, 17C.316.050, 17C.316.060, and 17C.316.070; adding new sections 17C.316.065 and 17C.316.080 to Title 17C.316 of the Spokane Municipal Code, and setting an effective date.

WHEREAS, the short-term rental of a residential dwelling unit for fewer than thirty days is a permitted use in residential zones, but is not a currently permitted use in other non-residential zones of the Spokane Municipal Code; and

WHEREAS, the City's contractor, Granicus, has pulled short-term rental listings from the vacation rental platforms licensed in Washington State and determined that there are short-term rentals operating in zoning districts which do not currently allow a short-term rental use; and

WHEREAS, RCW 36.70A.600 encourages the City to take a number of actions in order to increase its residential building capacity and authorized the City to adopt a housing action plan; and

WHEREAS, as authorized by RCW 36.70A.600(2), Council Resolution RES 2021-0062 adopted the City of Spokane Housing Action Plan as a guide for future housing planning, policy development, and regulatory and programmatic implementation measures that increase housing options that are affordable and accessible for people and families of all incomes in the City; including the Implementation Plan, included as Appendix A within the Housing Action Plan, which outlines several strategies and policies to remedy the current housing crisis; and

WHEREAS, Housing Action Plan (HAP) Strategy B5 calls on the city to, "Study the local short-term rental market to reduce impact on housing affordability, neighborhood identity, and displacement;" and

WHEREAS, in adopting RES-2021-0062 the City Council outlined several code amendments and permit processes that the City should enact in support of Housing Action Plan Strategy B.5, namely City Council HAP Implementation Plan Strategies 1.5; 2.6, and 2.7; and

WHEREAS, on July 26, 2021, the Mayor of the City of Spokane proclaimed a housing emergency and directed the City to pursue actions to expand housing types, reduce overall development costs to increase development of affordable housing, and to streamline municipal procedures to support the development cycle; and

WHEREAS, the proposed regulations are intended to allow for an alternative form of lodging for visitors that prefer a more residential experience when staying in the City of Spokane; and

WHEREAS, the proposed regulations create a path to compliance for short-term rental units currently operating in zoning districts which do not permit the use, and clarify regulation of short-term rental units for both residential and other zoning districts; and

WHEREAS, the proposed regulations create a balanced system of permitting the short-term rental use in all zoning districts in proportion with their potential effect on surrounding properties and infrastructure, updating permit fees and taxes such that the Spokane Municipal Code is capturing the increased demand for this type of lodging, and tracking short-term rental units, permits, and renewals to ensure the health and safety of the public; and

WHEREAS, the City has complied with RCW 36.70A.370 in the adoption of this ordinance, avoiding any unconstitutional taking of private property; and

WHEREAS, on February 2, 2023, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Unified Development Code pursuant to RCW 36.70A.106; and

WHEREAS, on April 24, 2023, a Notice of Intent to adopt and request for SEPA agency comments was issued for the draft code. The comment period ended on May 9, 2023; and

WHEREAS, a State Environmental Protection Act (SEPA) Determination of No significance and Checklist were issued by Planning Services on April 24, 2023. The comment period ended on May 9, 2023; and

WHEREAS, prior to the Plan Commission public hearing, a legal notice of public hearing was published in the *Spokesman-Review* on April 26 and May 3, 2023 and the notice of the proposed amendment was distributed to the City's agency/interested party list and posted on the City's website at [www.ShapingSpokaneHousing.com](http://www.ShapingSpokaneHousing.com); and

WHEREAS, on May 10, 2023, the Spokane Plan Commission held a public hearing on the proposed amendment and heard testimony from the public, following which they voted to recommend the City Council adopt the proposed amendments; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the City of Spokane Plan Commission (Exhibit A) for the same purposes;

NOW THEREFORE, the City of Spokane does ordain:



Section 1. That Section 17C.316.010 SMC is amended to read as follows:

### **Section 17C.316.010 Purpose**

This chapter provides the requirements and standards under which residential dwelling units may be used for short-term rental use in ~~((residential))~~ zones where residential uses are permitted. The regulations are intended to allow for a more efficient use of certain types of residential structures in a manner which keeps them primarily in residential use, and without detracting from neighborhood character. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

Section 2. That Section 17C.316.020 SMC is amended to read as follows:

### **Section 17C.316.020 ~~((Description and))~~ Definitions**

- A. ~~((Description.))~~ Short-term rental. A short-term rental is ~~where~~ means a lodging use, that is not a hotel or motel, in which a residential dwelling unit, or portion thereof, or bedrooms in a residential unit are is rented to overnight guests by a short-term rental owner or operator for a fee for fewer than 30 consecutive days. There are two types of short-term rentals: A dwelling unit, or portion thereof, that is used by the same person for 30 or more consecutive days is not a short-term rental.
- ~~1. Type A. A Type A short term rental is where bedrooms or an entire dwelling unit are rented to overnight guests, and no commercial meetings are permitted to be held in conjunction with use of a short term rental. The Type A short term rental is an administrative permit.~~
  - ~~2. Type B. A Type B short term rental is where bedrooms or an entire dwelling unit are rented to overnight guests and commercial meetings are held. The Type B short term rental requires a type III conditional use permit according to Chapter 17G.060 Land Use Application Procedures.~~
- B. ~~Definitions.~~ For purposes of this chapter, the following words have the following meanings:
- ~~((1. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are prohibited with a Type A short term rental. A historic landmark that receives special assessment from the State may be open to the public for 4 hours one day each year; this is not considered a commercial meeting.))~~
- B. Short-term rental platform. A short-term rental or vacation rental platform (Platform) means a person that provides a means through which an operator may offer a dwelling unit, or portion thereof, for short-term rental use, and from which the person or entity financially benefits. Merely publishing a short-term rental advertisement for accommodations does not make the publisher a short-term rental platform.

((2)) C. Resident. An individual or family who resides in the dwelling unit. The resident can be the owner or operator of the short-term rental.

((3)) D. Operator. ~~((The owner or a person or entity that is designated by the owner to manage the short-term rental.))~~ Any person or entity that receives payment for owning or operating a dwelling unit, or portion thereof, as a short-term rental unit.

E. Owner. For the purposes of this chapter, any person or trust, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building, dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement is not considered an owner.

F. Primary residence. A dwelling unit occupied for more than six months each calendar year, as documented by driver's license, voter registration, utility bills, or other similar evidence.

Section 3. That Section 17C.316.030 SMC is amended to read as follows:

#### **Section 17C.316.030 Where These Regulations Apply**

A. The regulations of this chapter apply to short-term rentals in ~~((the following zones: RA, RSF, RSF-C, RTF, RMF, and RHD zones))~~ all zones where residential uses are permitted.

B. In zones where Retail Sales and Service uses are allowed, limited, or conditional uses, short-term rentals may be regulated either as a Retail Sales and Service use or as hotel-motel if they do not meet the regulations and standards in this chapter.

1. All such applications must complete the Change of Use/Occupancy process to establish a Retail Sales and Service use, as defined in 17C.190.270 SMC, and shall meet all applicable Building Code and Fire Code standards.

Section 4. That Section 17C.316.040 SMC is amended to read as follows:

#### **Section 17C.316.040 ~~((Type A))~~ Short-Term Rentals in Residential Zones**

A. ~~((Use-related regulations.))~~ Allowed Structure Types. A short-term rental is allowed only in a conforming residential structure or a residential dwelling unit within a mixed-use building.

1. ~~((Permit required. A Type A short-term rental requires a Type A short-term rental permit per .040 C below.))~~ A short-term rental is an administrative permit.

~~((2. — Allowed structure type. A Type A short-term rental is allowed only in the following residential structure types:~~

- ~~a. Single-Family Residence;~~
- ~~b. Attached house;~~
- ~~c. Duplex;~~
- ~~d. Apartments;~~
- ~~e. Condominiums; and~~
- ~~f. Accessory dwelling unit.~~
- ~~g. Manufactured Homes))~~

B. Maximum number of short-term rental units. Maximum short-term rental units are calculated by structure rather than per lot. The maximum number of short-term rental units within residential zones shall not exceed those listed below.

1. One short-term rental is allowed in a detached single-family structure, accessory dwelling unit, or an attached single-family structure. One short-term rental is allowed in one of the units of a duplex.
  - a. One short-term rental is allowed in both a detached or attached single-family structure and an accessory dwelling unit, subject to the owner occupancy requirements in [Section 17C.300.110\(B\) SMC](#).
2. All other multifamily or mixed-use buildings are limited to a maximum percentage of short-term rental units dependent on the below requirements:
  - a. Buildings that are fire sprinklered may have no more than twenty percent of the total number of residential units as short-term rentals within the building. All calculations will be rounded up to the nearest full unit.
  - b. Buildings that are not fire sprinklered must comply with current building and fire code regulations.
  - c. When calculating the maximum number of units results in a fraction, the units allowed are rounded up to the next whole number.

~~((B)) C. Standards. ((The following standards apply to Type A short-term rentals. Adjustments are))~~ A variance to the following standards is prohibited.

1. ~~((Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit.))~~ All short-term rentals must comply with the consumer safety and liability insurance requirements as listed in Chapter 64.37 RCW.
2. Bedroom requirements. The City's Building Official must verify that each bedroom to be rented to overnight guests:
  - a. ~~((Met))~~ Meets the current building code requirements for a sleeping room ((at the time it was created or converted));
  - b. Meets current fire code requirements;

- c. Common areas, such as but not limited to living rooms, lofts, or closets shall not qualify as sleeping accommodations for the purposes of determining maximum occupancy.
3. Number of ~~((overnight))~~ residents and guests. The total number of ~~((adults occupying a dwelling unit with a Type A short-term rental may not exceed two (2) adults per bedroom))~~ of residents and guests occupying a dwelling unit that includes a short-term rental may not exceed any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building or fire code, as provided in RCW 35.21.682.
- ~~((4. Employees. Nonresident employees are prohibited. Hired service for normal maintenance, repair and care of the resident or site, such as yard maintenance or house cleaning, is allowed.))~~
5. ~~Services to overnight guests and visitors. Serving alcohol and food to overnight guests and visitors is allowed, subject to other county and/or state requirements.))~~
- ~~((6))~~ 4. Parking. See [Spokane Municipal Code Chapter 17C.230 Parking and Loading](#)
- ~~((7))~~ 5. Advertising. All advertisements for the short-term rental must list short-term rental permit number and is subject to sign requirements of Chapter 17C.240 Signs.
- ~~((C.))~~ **D. ((Type A Short Term Rental Permit)) Permit Required.** The owner of a ~~((Type A))~~ short-term rental must obtain a permit ~~((from the Planning and Development Services Department))~~. The permit requires the owner to agree to abide by the requirements of this section and to comply with the requirements outlined in Chapter 64.37 RCW. ~~((, and document that the required notification requirements have been met:))~~
1. Notification. ~~((The owner must:))~~
- a. The owner or operator must ((Prepare)) prepare a notification letter that:
- i. Describes the operation and the number of bedrooms that will be rented to overnight guests; and
- ii. Includes information on how to contact the owner or operator by phone.
- b. Mail or deliver the notification letter to all recognized organizations and owners of property abutting and directly across the street from the short-term rental upon issuance of short-term rental permit.
2. Required information for permit. ~~((In order to apply for a Type A short-term rental permit, the owner or operator must submit to the Planning and Development Services Department:))~~
- a. Completed application form bearing the address of the property, the name, signature, address, and telephone number of the owner and operator if operator is not also an owner and emergency contact.
- b. A short-term rental application and permit fee established by [SMC 08.02.066](#).



- ~~((c. Proof of property insurance covering the property.))~~
- ~~((d.))~~ c. A copy of the owner's current City of Spokane business license.
- ~~((e.))~~ d. A copy of the notification letter and a list with the names and addresses of all property owners and organizations that received the letter.
- ~~((f.))~~ e. A site plan and floor plan.
- f. A completed and notarized Life Safety Compliance form.
- ~~((D.))~~ E. Renewal of and Revoking a ~~((Type A))~~ Short-Term Rental Permit. A ~~((Type A))~~ short-term rental permit must be renewed per the procedures in ~~((chapter 4.04))~~ Chapter 04.04 SMC and can be revoked according to the outlined procedures ~~((in chapter 4.04 SMC))~~ for failure to comply with the regulations of this chapter.
  1. ~~((In addition a))~~ A permit may be revoked for activities on site ~~((including))~~ such as nuisances, littering, or public disturbance as listed under Title 10 SMC ~~((under Chapter 10.08 Offences Against Public Health Chronic or public disturbance in Section 10.08D.090 Public Disturbance Noise))~~.
  2. For revocation of permit the owner or operator receives one warning of violation. ~~((In the case of non-compliance))~~ Non-compliance or a repeat of non-compliance in a 12 month period shall result in revocation of permit per a type two civil infraction as referenced in ~~((1.05.160))~~ SMC 01.05.160.
  3. When a ~~((Type A))~~ short-term rental permit has been revoked, a new ~~((Type A))~~ short-term rental permit will not be issued to the owner at that site for 2 years.
- F. Existing Approved Permits and Unit Caps. Existing approved short-term rental permits, which were active and approved prior to July 1, 2023, shall be allowed to grandfather the short-term rental use subject to the below requirements.
  1. The short-term rental permit must be active and approved prior to July 1, 2023.
  2. If the permit is not renewed a new short-term rental permit will be required and the unit cap stated in 17C.316.040(B) will be applicable.
  3. A grandfathered short-term rental permit may not further expand their short-term rental use beyond what is existing in the approved permit, nor may it expand beyond what would be permitted under 17C.316.040.

Section 5. That Section 17C.316.050 SMC is amended to read as follows:

**Section 17C.316.050 ((Type B)) Short-Term Rentals in Other Zones**

- A. ~~((Use-related regulations.))~~ Allowed Structure Types. A short-term rental is allowed only in a conforming residential structure or a residential dwelling unit within a mixed-use building. All other structures must complete the Change of Use/Occupancy process to establish a Retail Sales and Service use, as defined in 17C.190.270 SMC.
- ~~((1. Conditional use permit. A Type B short-term rental requires a Type III conditional use permit according to Chapter 17G.060 Land Use Application Procedures. The approval criteria are stated in SMC 17C.320.080 F, Institutional and Other Uses in Residential Zones.))~~
2. Allowed structure type. A Type B short-term rental is allowed only in the following residential structure types:
- a. Single Family Residence;
  - b. Attached house;
  - c. Duplex;
  - d. Apartments;
  - e. Condominiums; and
  - f. Accessory dwelling unit. Manufactured Homes))
- B. Maximum number of short-term rental units. Maximum short-term rental units are calculated by structure rather than per lot.
1. One short-term rental is allowed in a detached single-family structure, accessory dwelling unit, or an attached single-family structure. One short-term rental is allowed in one of the units of a duplex.
- a. One short-term rental is allowed in both a detached or attached single-family structure and an accessory dwelling unit, subject to the owner occupancy requirements in Section 17C.300.110(B) SMC.
2. All other multifamily or mixed-use buildings are limited to a maximum percentage of short-term rental units dependent on the below requirements:
- a. Buildings that are fire sprinklered may have no more than thirty percent of the total number of residential units as short-term rentals within the building. All calculations will be rounded up to the nearest full unit.
  - b. Buildings that are not fire sprinklered must go through the Change of Use/Occupancy process to establish a Retail Sales and Service use, as defined in 17C.190.270 SMC.
  - c. When calculating the maximum number of units results in a fraction, the units allowed are rounded up to the next whole number.

((B-)) C. Standards.

~~((1. — Maximum size. Maximum set through conditional use review.))~~

1. All short-term rentals must comply with the consumer safety and liability insurance requirements as listed in Chapter 64.37 RCW.

2. Bedroom requirements. The City's Building Official must verify that each bedroom to be rented to overnight guests:

a. ~~((Met))~~ Meets the current building code requirements for a sleeping room ~~((at the time it was created or converted))~~;

b. Meets current fire code requirements;

c. Common areas, such as but not limited to living rooms, lofts, or closets shall not qualify as sleeping accommodations for the purposes of determining maximum occupancy.

3. Number of residents and ~~((overnight))~~ guests. The total number of residents and ~~((overnight))~~ guests occupying a dwelling unit ~~((with a Type B short-term rental may be limited as part of a conditional use approval))~~ that includes a short-term rental may not exceed any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building or fire code, as provided in RCW 35.21.682.

~~((4. Employees. Nonresident employees for activities such as booking rooms and food preparation may be approved as part of the review. Hiring service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed. The number of employees and the frequency of employee auto trips to the facility may be limited as part of approval.))~~

~~((5. Services to guests and visitors. Serving alcohol and food to guests and visitors is allowed, subject to other county and/or state requirements.~~

6. Commercial meetings.

a. ~~Commercial meetings. Commercial meetings, as defined above, are regulated as follows:~~

i. ~~In all other zones, the number of commercial meetings per year shall be determined as part of a conditional use review. The maximum number of visitors or guests per event will be determined through the conditional use review. Adjustments to the maximum number of meetings per year are prohibited.~~

b. ~~Historic landmarks. A historic landmark that receives special assessment from the State may be open to the public for 4 hours one day each year. This does not count as a commercial meeting.~~

c. ~~Meeting log. The operator must log the dates of all commercial meetings held, and the number of visitors or guests at each event. The log must be available for inspection by city staff upon request.~~

~~((7. Appearance. Residential structures may be remodeled for the development of a short-term rental, subject to required approvals and permits. Structural~~



~~alterations may not be made that prevent the structure from being used as a residence in the future. Internal or external changes that will make the dwelling appear less residential in nature or function are not allowed. Examples of such alterations include installation of more than paving or required setbacks, and commercial-type exterior lighting.))~~

((8)) 4. Parking. See Spokane Municipal Code Chapter 17C.230 Parking and Loading.

((9)) 5. Advertising. All advertising for the short-term rental must include short-term rental permit number and is subject to sign requirements of Chapter 17C.240 Signs.

D. Permit Required. The owner or operator of a short-term rental must obtain a permit. The permit requires the owner and operator to agree to abide by the requirements of this section and to comply with the requirements outlined in Chapter 64.37 RCW.

1. Required information for permit.

- a. Completed application form bearing the address of the property, the name, signature, address, and telephone number of the owner and operator if operator is not also an owner, and an emergency contact.
- b. A short-term rental application and permit fee established by SMC 08.02.066.
- c. A copy of the owner's current City of Spokane business license.
- d. A site plan and floor plan.
- f. A completed and notarized Life Safety Compliance form..

E. Renewal of and Revoking a Short-Term Rental Permit. A short-term rental permit must be renewed per the procedures in Chapter 04.04 SMC and can be revoked according to the outlined procedures for failure to comply with the regulations of this chapter.

1. A permit may be revoked for activities on site such as nuisances, littering, or public disturbance as listed under Title 10 SMC.
2. For revocation of permit the owner or operator receives one warning of violation. Non-compliance or a repeat of non-compliance in a 12-month period shall result in revocation of permit per a type two civil infraction as referenced in SMC 01.05.160.
3. When a short-term rental permit has been revoked, a new short-term rental permit will not be issued to the owner at that site for 2 years.



Section 6. That Section 17C.316.060 SMC is amended to read as follows:

**Section 17C.316.060 Monitoring and Life Safety Review**

~~((All short term rentals must maintain a guest log book. It must include the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay, and the room assigned to each guest. The log must be available for inspection by city staff upon request.))~~

The City may inspect short-term rentals for compliance with Fire and Building code requirements and that the Life Safety Compliance form is accurately completed.

Section 7. That Section 17C.316.070 SMC is amended to read as follows:

**Section 17C.316.070 Pre-Established Bed and Breakfast Facilities**

~~((A. Nonconforming Use. Bed and breakfast facilities that were operating before June 14, 2006, which have not obtained a conditional use permit under Chapter 17C.315 SMC, may continue to operate subject to the requirements and limitations in SMC 17C.315.160.A.))~~

~~((B.))~~ Bed and Breakfasts with a Conditional Use Permit. Bed and breakfast facilities operating under an approved conditional use permit may chose to operate under [Chapter 17C.315 SMC](#) or this Chapter.

Section 8. That a new section 17C.316.080 is added to Title 17C.316 SMC to read as follows:

**Section 17C.316.080 Waiver of Permit Fees for Short Term Rentals**

The City shall be authorized to waive a portion of the permitting fees associated with use of property as a short term rental for those properties lawfully and continuously permitted as short term rental as of September 1, 2023. Upon application, the waiver could include a credit equivalent to the amount of the annual permit fees actually paid for the previous 3 years by the property owner or operator. The credit would be applied towards the future annual permitting fees. In no event, shall the credit be transferrable or result in a refund.

Section 9. That a new section 17C.316.065 is added to Title 17C.316 SMC to read as follows:

**Section 17C.316.065 Immunity, no warranty by city, and no private right of action**

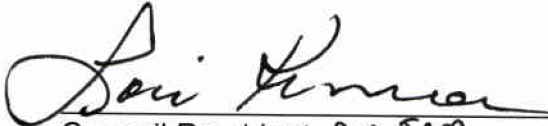
The purpose of this chapter is to promote the safety and welfare of the general public and not to create or designate any particular class of persons who will or should be specially protected by its terms. Nothing contained in this chapter is intended, nor shall be

construed, to create any liability on the part of the City or its employees for any injury or damage resulting from the failure of a short-term rental owner or operator, inspector, or other individual to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City or its employees. By enacting and undertaking to enforce this chapter, neither the City, its agents or employees, nor the City Council warrant or guarantee the safety, fitness or suitability of any dwelling in the city or any unit inspected under this program. Short-term rental owners, operators, and occupants shall take whatever steps they deem appropriate to protect their interest, health, safety and welfare. Nothing contained in this chapter is intended to create a private right of action.

Section 10: This ordinance shall be effective September 1, 2023.

PASSED BY THE CITY COUNCIL ON

July 10, 2023

  
Council President Pro Tem

Attest:

  
City Clerk

  
Mayor

Approved as to form:

  
Assistant City Attorney

7/19/23  
Date

September 1, 2023  
Effective Date

