

**CITY OF ROSLYN
WASHINGTON**

ORDINANCE NO. 1138

AN ORDINANCE OF THE CITY OF ROSLYN, WASHINGTON, ADOPTING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE AND APPROVAL OF APPLICATIONS FOR SHORT-TERM RENTAL PERMITS AND ASSOCIATED BUSINESS LICENSES WITHIN THE CITY OF ROSLYN, DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING THAT THE MORATORIUM WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses, specifically as provided by RCW 35A.63.220; and

WHEREAS, the City has received numerous complaints regarding unpermitted vacation rentals in the City of Roslyn ("City") and complaints regarding loud and raucous partying and other disruptive activities at vacation rental properties in the City and

WHEREAS, City Council sees problems with land use growth in the City of Roslyn ("City") under current regulations, is debating this growth in both general and specific ways, and finds that unless the City acts immediately, there may be adverse impacts on the City and its citizens; and

WHEREAS, the City needs additional time to consider possible amendments to the City's planning documents and development regulations to address these problems; and

WHEREAS, to promote the public health, safety and welfare the City Council deems it appropriate to impose a moratorium on Short-Term Rental License applications for a period of six months; and

WHEREAS, a public hearing was held on March 14, 2017 to consider said moratorium; and

WHEREAS, the City Council held an additional public hearing on March 28, 2017, and may adopt additional findings at the conclusion of said public hearing; and

WHEREAS, the City Council on March 28, 2017, and adopted a six-month moratorium on Vacation Rental licensing; and

WHEREAS, the Roslyn Planning and Historic Preservation Commission held an additional public comment opportunity on August 10, 2017; and

WHEREAS, the Roslyn Planning and Historic Preservation Commission held a special meeting on September 7, 2017; and

WHEREAS, the Roslyn Planning and Historic Preservation Commission on August 10, 2017 formally requested that the Roslyn City Council pass a six-month moratorium on the acceptance and approval of new applications for short-term rental permits and associated business licenses within the City of Roslyn; and

WHEREAS, the Roslyn Planning and Historic Preservation Commission on August 10, 2017 formally requested that the Roslyn City Council allow the renewal of existing, permitted, and licensed short-term rental permits and associated business licenses within the City of Roslyn during the six-month moratorium; and

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

Section 1. Preliminary Findings. The recitals set forth above are hereby adopted as the City Council's preliminary findings in support of the moratorium imposed by this ordinance. The City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 5 below.

Section 2. – Moratorium Imposed. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, a moratorium is hereby enacted on the acceptance and approval of applications for new short-term rental permits and associated business licenses within the City of Roslyn under Chapters 18.80 and 18.140 of the Roslyn Municipal Code.

Section 3. – No Unpermitted Uses. No use that constitutes or purports to be a short-term rental, as defined in the Roslyn Municipal Code, that engages or engaged in that activity without a valid permit and associated business license as required by Chapter 18.140 RMC shall be deemed to have been a legally established use under the provisions of the Roslyn Municipal Code and that use shall not be entitled to claim legal nonconforming status nor shall such use be entitled to continue. The moratorium imposed in Section 2 shall not apply to any short-term rental legally established and permitted prior to the effective date of this Ordinance.

Section 4. – Effective Period for Moratorium. The moratorium set forth in this ordinance shall be in effect for a period of six months from the date this ordinance is passed and shall automatically expire at the conclusion of that six-month period unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

Section 5. – Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council will hold a public hearing, at the City Council's regular meeting, at 7:00 p.m. at 201 S First Street in the Council Chambers, on Tuesday, January 9, 2018, or as soon thereafter as the business of the City Council shall permit in order to take public testimony and to consider adopting further findings.

Section 6. – Referral to Staff. The Planning and Historic Preservation Commission is hereby authorized and directed to study these issues and develop appropriate land use regulations for review and recommendation for inclusion in the zoning regulations or other provisions of the Roslyn Municipal Code. The City Planner is hereby authorized and directed to develop appropriate business licensing and other regulations for review and recommendation for inclusion in the zoning regulations or other provisions of the Roslyn Municipal Code.

Section 7. – Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 8. – Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 9. – Effective Date. The City Council hereby finds and declares that there is a potential that persons seeking to operate short-term rentals in the City of Roslyn could have negative secondary effects if not first addressed by adequate and appropriate regulations, and that, therefore, an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.


**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE 12TH DAY OF SEPTEMBER, 2017.**

CITY OF ROSLYN



Brent Hals, Mayor

ATTEST/AUTHENTICATED:



Brandi Taklo, City Clerk

Filed with the City Clerk:
Passed by the City Council:
Date of Publication:
Effective Date: