

ORDINANCE NO. 795

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DARRINGTON, SNOHOMISH COUNTY, WASHINGTON, ADDING CHAPTER 5.05 OF THE TOWN OF DARRINGTON MUNICIPAL CODE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DARRINGTON, WASHINGTON AS FOLLOWS.

- **Chapter 5.05 - SHORT-TERM / BED and BREAKFAST RENTAL LICENSE**

- **5.05.010 - Purpose.**

The purpose of this chapter is:

A. To provide for the establishment and operation of short-term / bed and breakfast rental uses in commercial districts;

B. To ensure that all short-term rental uses operate under and comply with the same local requirements.

C. To ensure compatibility with residential neighborhood contexts, where applicable;

D. To preserve Darrington's community and neighborhood character; and

E. To promote public health, safety, and welfare.

- **5.05.020 - Definitions.**

As used in this chapter:

"Advertise" means communication that provides notice of the availability of a short-term / bed and breakfast rental or induces or encourages any person to rent a short-term / bed and breakfast rental in the Town of Darrington.

"Applicant" means any person, firm, partnership, association, joint venture, corporation or an entity, combination of entities or consortium who seeks or seeks approval of a short-term / bed and breakfast rental license under the authority of this chapter.

"Bed and breakfast inn" means a private residence, portion thereof, or accessory structure, where sleeping quarters are provided as transient accommodation and food service may be provided to guests consistent with requirements and limitations provided in this title. Owner/Operator must reside on-site while guests are present.

"Dwelling unit" A residence that includes cooking, sleeping and bathroom facilities, or any combination of such, irrespective of whether the dwelling unit is a single building or forms part of a building

"Guest" means any person registered by rental agreement to reside on site during the rental period up to the maximum number identified in the short-term rental license.

"Licensee" means the person to whom a short-term bed and breakfast rental license is issued.

"Local contact" means a person identified by the owner who is available twenty-four (24) hours a day, seven days a week, to be present on the property within one hour to respond to any complaint involving the short-term / bed and breakfast rental at all times the property is rented or used on a transient basis.

"Owner" means the person holding fee title to the real property that is the subject of the short-term / bed and breakfast rental license.

"Short-term rental" means a dwelling unit used for transient accommodation.

"Transient accommodation" means a dwelling unit or sleeping unit provided for monetary compensation for periods of thirty (30) or fewer consecutive days.

- **5.05.030 – Short-term / Bed and Breakfast Applicability.**

All short-term / bed and breakfast rentals must have required inspections and issued a license from the Town of Darrington before being offered for rent.

- A. Short-Term / Bed and Breakfast Rentals are permitted uses within commercial zones.
 1. Short-Term / Bed and Breakfast Rentals do not require a land use permit but require an annual license.
 2. Number of units allowed on commercial zoned property is determined by Department of Health septic approvals.

- B. No more than one (1) Short-Term / Bed and Breakfast Rentals are allowed on any one residential zoned tax parcel of land.
 - 1. Short-Term / Bed and Breakfast Rental in a residential zone also requires a Conditional Use Permit.
 - 2. All Short-Term / Bed and Breakfast Rental that were established in a residential zone, prior to this municipal code must bring the licensing requirement to code.
- C. Short-Term / Bed and Breakfast Rentals are not permitted uses on industrial zoned properties.

- **5.05.040 - Short-term / Bed and Breakfast rental—License required.**

No person, firm or corporation shall advertise or operate a short-term bed and breakfast rental without having first obtained a short-term / bed and breakfast rental license from the Town. Evidence of operation includes, but is not limited to, advertising, online calendars showing availability, guest testimony, online reviews, rental agreements or receipts. Licenses shall have an effective term of one year. Licenses shall be issued to the owner and shall not be transferrable. Prior issuance of a license to a property or property owner shall not guarantee renewal of a current license or granting of a future license to the same property owner or property.

- **5.05.050 - Short-term rental / Bed and Breakfast—License and renewal application—Review—Conditions.**

A. Application shall be made on forms provided by the town, which shall include the following, at a minimum:

1. Property owner's signature;
2. Current Washington State business license number;
3. Contact information for the designated local contact;
4. Number of sleeping rooms and maximum number of guests;
5. Site plan showing required parking spaces;
6. Floor plan showing sleeping rooms and the egress route;

7. Copy of the rental agreement form;
8. Proof of an annual building/fire inspection an inspection shall be required prior to issuance or renewal of a license.
9. For license renewals, the licensee shall identify any notice of violation or concern including any compliance order or citation issued by the Town, or any concern or complaint identified by a neighbor, related to the short-term / bed and breakfast rental use during the licensing period and shall document how the violation or concern has been addressed.
10. If applicable, a signed letter from a current, authorized officer of the condominium / homeowners association approving the use of the unit as a short-term / bed and breakfast rental; and
11. Application fees per the current fee resolution.

Supplemental information may be required by the Town to ensure the facility and its operation comply with applicable regulations and provide for public health, safety, and welfare.

B. The town city clerk shall review the application for a new license and, if determined to comply with all conditions and licensing requirements, shall issue a short-term / bed and breakfast rental license, which may include reasonable conditions of approval to ensure that the purposes of this chapter are achieved. For renewing licenses, if the town city clerk determines that any past violation or concern has not been adequately addressed, or that a history of past violations is detrimental to the public health, safety, and welfare, the town city clerk may determine that the permit is ineligible for approval of renewal. If approved, such approval shall be provided to adjacent property owners. If denied, the reasons for denial shall be stated in writing.

C. A party aggrieved of the approval, denial, or conditioning of a short-term / bed and breakfast rental license may file to appeal such action with the town clerk-treasurer, within fourteen (14) days of issuance of the license. If the fourteenth (14th) day is a weekend or holiday, the appeal period is extended to the next working day. The appellant shall clearly state the basis for the appeal, relief sought, and alternative conditions of approval, if applicable. All appeals of the town city clerk's decision to approve, condition, or deny a short-term / bed and breakfast rental license shall be consolidated and heard by the hearing examiner, who may affirm or reverse

the original decision and may revise conditions of approval. The hearing examiner's decision shall be the final administrative remedy.

- **5.05.060 – Additional Regulations on Short-Term / Bed and Breakfast Rental**

- A. Short-Term / Bed and Breakfast Rentals buildings shall not exceed maximum capacity at any time.
- B. Applicant ensures appropriate snow removal
- C. Applicant ensures proper trash and garbage management.
- D. Parking shall not obstruct traffic, pedestrian circulation, or public safety.
- E. The applicant is responsible for regulating the occupancy of the property and noise created by the occupants of the property.
- F. If applicable, a Snohomish County Department of Health Food Service Establishment permit
- G. Documentation on the suitability from the Snohomish County Department of Health of the septic system. Applicant must provide adequate sanitary rest rooms.
- H. Valid State of Washington Business License
- I. Valid Town of Darrington Business License

In addition to the regulations in the Town of Darrington Municipal Code, short-term / bed and breakfast rentals are also subject to the regulations and taxations required by the State of Washington as described in WAC 458-20-166, WAC458-20-211, and Chapter 64.37 RCW.

- **5.05.070 - Suspension or revocation of license—Criteria and appeal.**

- A. The town city clerk may suspend or revoke a short-term / bed and breakfast rental license when the licensee, officer or partner thereof, or another person with legal interest in the license:

1. Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the town that may affect or relate to the licensed business;
2. Fails to comply with any condition of approval of an issued license;
3. Fails to timely or appropriately respond to complaints raised by neighbors or the Town;
4. Has obtained a license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
5. Is convicted of, forfeits bond upon, or pleads guilty to any offenses related to the operation of the licensed business;
6. Makes a misrepresentation or fails to disclose a material fact to the Town related to any of the required conditions for a short-term / bed and breakfast rental license;
7. Violates any zoning, building, life or public safety, or health regulation or other material regulation of the town with respect to the premises in which the business is located; or
8. Is indebted or obligated to the Town for past due fees or taxes.

B. When the town city clerk determines there is a reasonable basis for suspending or revoking a license issued under this chapter, he/she shall notify the licensee of the Town's intention to suspend or revoke such license by regular and certified mail to the address appearing on the most recent short-term / bed and breakfast rental license application. The notice shall state the reason for the suspension or revocation, the date that the suspension or revocation will become effective, and the appeal process. Suspension or revocation of the license shall become effective fourteen (14) days after the date the notice is mailed unless the licensee, within such fourteen-day period, files an appeal of the action with the town clerk-treasurer. The licensee shall state why the criteria in part A. do not apply to his/her business or what errors are alleged on the part of the Town in determining one or more criteria are met. All appeals of suspension or revocation of an issued short-term / bed and breakfast rental license shall be consolidated and heard by the hearing examiner, who may affirm or reverse the original decision and may revise the conditions of approval. The hearing examiner's decision shall be the final administrative remedy.

C. If a license is suspended or revoked, all operation of the short-term / bed and breakfast rental shall cease upon the effective date of the suspension or revocation unless the administrative appeal process has been initiated, in which case the suspension or revocation shall be stayed during the pendency of the appeal. A suspended license shall not be reinstated until the town city clerk determines, in writing, that the basis of the suspension, together with any new conditions applied to the license, have been adequately addressed. If revoked, no new short-term / bed and breakfast rental license shall be issued for the site for the remaining term of the revoked license.


• **5.05.080 - Violation—Penalty.**

A. Any person who advertises or operates a short-term / bed and breakfast rental without a valid short-term / bed and breakfast rental license or who violates any other provision of this chapter, or a condition of license approval shall be guilty of a violation of this chapter for each day during which the business is so engaged in or carried on. Any person who fails or refuses to pay a fee required under this chapter, or any part thereof, on or before the due date shall be deemed to be operating a business without having obtained a license.

B. Any person guilty of a violation of this chapter shall be subject to a civil penalty not to exceed five hundred dollars (\$500.00) per violation and/or suspension or revocation of an issued short-term rental license or issuance of a future license. Each day of violation shall be considered a separate offense.

C. A business failing to obtain or maintain a currently valid license and operating a short-term / bed and breakfast rental within the town is hereby declared to be a public nuisance. Any remedy provided by this code with respect to a public nuisance is in addition to other remedies provided under this chapter or as may be allowed by law.

Passed and approved by the Town Council at a regular meeting this 9 day of Oct, 2024.


Daniel O. Rankin, Mayor

ATTEST:

Dianne Davis

Dianne Davis, Town Clerk/ Treasurer