



EXCERPT FROM LANGLEY MUNICIPAL CODE

Ch. 5.40 Short-Term Rental License

5.40.010 Purpose

The purpose of this chapter is to establish a licensing system for all short-term rentals (“STR”) and to provide criteria to limit the number of Type IV short-term rentals in the City.

5.40.020 Short-term rental – Definitions

Terms related to short-term rentals that are defined in Section 18.22.070 have the same meaning in this Chapter

5.40.030 Short-term rental – License required

- A. No person, firm or corporation shall advertise or operate a short-term rental within the City without having first obtained a short-term rental license from the City.
- B. Licenses shall be issued to the owner or STR operator, shall not be transferrable except by inheritance and do not run with the land except as otherwise permitted in this code.
- C. The number of Type IV short-term rental licenses to be issued in one year are limited to 30.
- D. Short-term rental license fees shall be established by City Council by resolution.
- E. For Type IV STR, only one short-term rental license shall be issued per owner.
- F. The maximum number of accessory dwelling units (ADU), attached or detached, used as short-term rentals shall be limited to 50.
- G. Short-term rental licenses shall expire on December 31st of the year for which they are issued.
- H. A Langley business license is required for both the owner and manager of a short-term rental in addition to the short-term rental license.

5.40.040 Short-term rental – license application issuance and renewals

A. Applications for new licenses and renewals shall be made on forms provided by the City, which shall include the following at a minimum, the following:

1. Property owner’s signature
2. STR manager’s signature
3. Applicant’s signature
4. Current City of Langley business license number
5. For STR types I and III, a declaration that this is hosted short-term rental as defined in this chapter.
6. Contact information for the STR manager who is able to respond twenty-four hours a day, seven days a week to any complaints. The local contact must be within a 20-minute drive of the short-term rental.
7. Number of guest rooms
8. Site plan showing required parking for residents and guests
9. Floor plan showing guest rooms and the egress routes
10. Copy of Island County health department approval, if food is served
11. Copy of Island County health department approval, if the dwelling unit is served by an on-site septic system

12. Proof of a building inspection within five years of application. If the City building official has not inspected the building within five years or if documentation is not available, an inspection shall be required prior to issuance or renewal of a license. Where an inspection is not required, a life-safety self-assessment demonstrating compliance with the licensing requirements shall be submitted on forms provided by the City.
13. Application fee per the current fee resolution.
14. Links to online listing platforms used for this short-term rental, or, for STRs which are not currently being operated at the time of application, this information may be provided to the City after approval; and
15. Supplemental information may be required by the City to ensure the facility complies with applicable regulations and provides for public health, safety, and welfare.

B. The City Planner shall review the application and, if determined to comply with all zoning and licensing requirements, must issue or renew a short-term rental license, provided in the case of Type IV short term rentals one of the limited number of licenses is available. The approval may include reasonable conditions to ensure that the purposes of this chapter are achieved. If denied, the reasons for denial shall be stated in writing.

- C. A short-term rental license may be renewed if the owner and STR manager meets the renewal requirements including:
1. Paying the renewal fee;
 2. Having been deemed by the City to be in substantial compliance with the provisions of the LMC for the past year;
 3. Providing written confirmation as to how any complaints related to the operation of the short-term rental raised by neighboring residents and property owners during the preceding year were resolved.
 4. Verification that the required lodging taxes have been remitted to the Washington State Department of Revenue for an existing short-term rental.
 5. Documenting and describing any changes that have occurred to the information on the current short-term rental application.

D. For Type I, II, and III licenses, renewal applications shall be submitted between November 15th and December 15th of each year for the following year's license. Any Type I, II, or III renewal applications submitted after December 15th or which do not include the necessary information for approval may not be issued a license renewal prior to expiration of the current year's license.

E. Beginning August 5, 2019, Type IV license applications shall be processed on a first come, first served basis. If the number of Type IV license applications exceeds the number of Type IV licenses to be issued by the City, applications shall be selected at random for processing. For each year thereafter, renewal applications shall be submitted between September 1st and September 30th each year in order to be considered for the following year's license. Renewal applications shall be processed prior to issuance of any new licenses applied for during that time to ensure the number of available licenses has not been exceeded.

F. A party aggrieved by the approval, denial, or conditions of a short-term rental license or renewal may file an appeal of such action with the City Planner, together with the administrative appeal fee per the current fee resolution, within fourteen days of the determination. If the fourteenth 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 to the City Planner's decision to approve, condition, or deny a short-term rental license shall be consolidated and heard by the Hearing Examiner as soon as reasonably possible, who may affirm or reverse the original decision and may revise conditions of approval, pursuant to LMC Chapter 18.37. The hearing examiner's decision shall be the final administrative remedy.

5.40.050 – Suspension or revocation of license – Criteria and appeal

A. The City Planner may suspend or revoke a short-term 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 of the City that may affect or relate to the licensed business;
2. Fails to comply with any condition of approval of an issued license;
3. Has obtained a license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
4. Is convicted of, forfeits bond upon, or pleads guilty to any offences related to the operation of the licenses business;
5. Makes a misrepresentation or fails to disclose a material fact to the city related to any of the required conditions for a short-term rental license;
6. Violates any zoning, building, life, public safety, or health regulation, or other material regulation of the City with respect to the premises in which the business is located; or
7. Is indebted or obligated to the City for past due fees or taxes.

B. When the City Planner determines that there is a reasonable basis for suspending or revoking a license issued under this chapter, he or she shall notify the licensee of the City's intention to suspend or revoke such license by regular and certified mail to the address appearing on the most recent short-term 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 days after the date the notice is mailed unless the licensee, within such fourteen-day period, files an appeal of the action with the City Planner, together with the appeal fee per the current fee resolution. The licensee shall state why the criteria listed in LMC 5.40.050(A) do not apply to the business and/or what errors are alleged to have been made by the City in making its determination. Appeals shall be heard by the hearing examiner, whose decision shall be the final administrative remedy.

C. If a license is suspended or revoked, all operation of the short-term rental use 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 pending the outcome of the appeal. A suspended license shall not be reinstated until the City Planner determines, in writing, that the basis for the suspension, together with any new conditions applied to the license, have been adequately

addressed. If revoked, no new short-term rental license shall be issued for the property for the remaining term of the revoked license.

5.40.060 – Violation – Penalty

A. Any person who advertises or operates a short-term rental without a valid short-term rental license or who fails to comply with any other provision of this chapter or a condition of license approval shall be deemed to be in 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 found to have violated any provision of this chapter shall be subject to a civil penalty not to exceed \$500 per violation and /or suspension or revocation of an issued short-term rental license. Each day of violation shall be considered a separate offense.

C. Failure to obtain or maintain a currently valid license and operating a short-term rental within the City shall constitute a public nuisance pursuant to LMC Chapter 8.12. 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.

18.22.070 – Short Term Rentals - General

A. The purpose of this chapter is to:

1. Provide an alternative form of tourist accommodation for visitors who prefer a residential setting;
2. Prevent unreasonable burdens on services and impacts on residential neighborhoods posed by short term rentals;
3. Establish special regulation to ensure short term rentals will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods in which they are located; and
4. Provide supplemental standards for short-term rentals in zoning districts where the use is permitted as a principal or accessory use.

A. Applicability

1. The provisions of this chapter shall apply to all new STRs that are approved after the date of adoption of this ordinance.

B. Short-term rental regulations

The following regulations shall apply to short-term rentals:

1. General
 - a. No short-term rental shall operate without having obtained a Short-Term Rental license pursuant to Chapter 5.40 and a business license in accordance with Chapter 5.04.
 - b. Guest rooms may be located in the principal dwelling unit and/or an accessory dwelling unit.
 - c. One guest room may accommodate a maximum of two adults and a maximum of two children under six years of age.
 - d. In residential zone districts, one non-illuminated sign not exceeding four square feet is permitted. In commercial zone districts, one non-illuminated sign not exceeding eight square feet is permitted.
 - e. A short-term rental in residential zone districts shall not change the residential character of the outside of a building, either by use of materials, signage, or lighting, except as provided in this code.
2. Health and Safety
 - a. All short-term rentals shall comply with requirements of adopted building codes pursuant to LMC Chapter 15.01 for smoke and carbon monoxide detectors and egress windows in all guest rooms. A functioning fire extinguisher with a minimum 2A-10BC rating located on a means of egress routes, as approved by the building official, shall be maintained. The means of egress route shall be posted in each guest room in readily visible location.
 - b. All guest rooms shall meet the building code requirement for a sleeping room at the time they were created or converted and shall be within a building approved for habitation by the Building Official.

- c. Food service and/or the sale of food, if provided, shall comply with all laws, rules and regulations regarding food handling and shall comply with all the laws, rules and regulations as established by the Island County Public Health Department.
 - d. For any short-term rental that is served by on-site septic, the maximum number of bedrooms that may be rented shall comply with the as-built septic permit on file with the Island County Public Health Department.
- 3. Home Occupation Use
 - a. A Type I or II Home Occupation may be permitted on the same property as a hosted short-term rental.
- 4. Management
 - a. A copy of the STR permit and license and all applicable rules and regulations shall be included with the STR rental contract and posted within the STR unit in a prominent place within 10 feet of the door.
 - b. For non-hosted STRs, a STR manager shall be available twenty-four (24) hours per day, seven (7) days per week during all times that the property is rented or used on a transient basis. The STR manager must be available to respond to complaints and arrive at the STR site within 20 minutes at all times during the rental period.
- 5. Nuisance
 - a. The use of a residential unit for a short-term rental shall not violate any applicable conditions, covenants, or other restrictions on real property.
 - b. Events or commercial functions are prohibited in any short-term rental in a residential zone district.
 - c. Small, informal non-commercial gatherings of family and friends of short-term rentals guests are permitted, provided the gatherings are not a disturbance to the surrounding neighborhood.
 - d. Short-term rentals located in or adjacent to residential zone district shall not infringe upon the right of neighboring residents to reasonable peaceful occupancy of their homes.
 - e. Quiet time for short-term rentals is between 9:00 pm and 9:00 am in a residential zone district as per Ch. 8.10.020.E.
 - f. Outside amplified sound shall not be allowed at any time associated with the short-term rental.
 - g. No outdoor fires are permitted.
- 6. Parking
 - a. STR Types I and II shall provide one parking stall per guest bedroom room in addition to the residential requirements as per Ch. 18.22.130.
 - b. The residential parking requirements for STR Type I located in duplex and multi-unit buildings are not required to be provided.
 - c. STR Types III and IV shall provide one parking stall for each of the first three (3) guest bedrooms and one additional parking stall for four or more guest bedrooms.

7. STR Density
 - a. If the dwelling unit is a duplex building only one short-term rental is permitted.
 - b. If the dwelling unit is located in a multi-unit building a maximum of 25% of units may be permitted as a short-term rental.
 - c. The maximum number of accessory dwelling units (ADU), attached or detached, used as short-term rentals shall be limited to 50
 - d. The number of Type IV short-term rental licenses to be issued in one year are limited to 30.

8. Applications (initial and renewal) shall be made on forms provided by the City, which shall include the following at a minimum:
 - a. The property owner's signature
 - b. The STR manager's signature
 - c. The applicant's signature
 - d. The current City of Langley business license number
 - e. For STR types I and III, a declaration that this is hosted short-term rental as defined in this chapter.
 - f. Contact for the owner or STR manager who is able to respond twenty-four hour a day, seven days a week to any complaints. For non-hosted short-term rentals, the local contact must be within a 20-minute drive of the short-term rental.
 - g. The number of guest rooms
 - h. A site plan showing required parking for residents and guests
 - i. A floor plan showing guest rooms and the egress route
 - j. Copies of Island County Public Health Department approval, if food is served
 - k. Copies of Island County Public Health Department approval, if the dwelling unit is served by an on-site septic system
 - l. Proof of a building inspection within five years of application. If the City has not inspected the building within five years or if documentation is not available, an inspection shall be required prior to issuance or renewal of a license. Where an inspection is not required, a life-safety self-assessment demonstrating compliance with the licensing requirements shall be submitted on forms provided by the City.
 - m. An application fee per the current fee resolution.
 - n. Links to on-line listing platform used for the short-term rental. For STRs which are not operating at the time of application, this information may be provided to the City after approval.
 - o. Supplemental information as may be required by the City to ensure the facility complies with applicable regulations and provides for public health, safety, and welfare.

D. Short-Term Rental Type I (Rooms)

1. Is a hosted short-term rental and the owner or STR manager shall reside on-site when guests are present.
2. The number of guest rooms shall be limited to no more than two.
3. Is permitted as an accessory or secondary use in all residential zone districts.
4. Is approved by the Planning Official pursuant to LMC 5.40.040 and 18.36.025.

5. Short-term rental type I licenses are not transferable except by inheritance.

E. Short-Term Rental Type II (B&B Inns)

1. STR Type II is hosted and the owner or STR manager shall reside on-site when guests are present.
2. The number of guest rooms shall be limited to no more than six.
3. Is permitted as a principal (conditional) use in all residential zone districts and is permitted as a principal use in all commercial zone districts.
4. Is approved by the Hearing Examiner pursuant to LMC 5.40.040 and 18.37.070
5. Short-term rental type II license are transferable.

F. Short-Term Rental Type III (Commercial)

1. STR Type III may be hosted or non-hosted.
2. Is permitted as a principal use in the commercial zone districts
3. In the CB and NB zones short term rental use is not permitted on the first floor and/or street level of the building.
4. Is approved by the Planning Official pursuant to LMC 5.40.040 and 18.36.025
5. Short-term rental type III licenses are transferable.

G. Short-Term Rental Type IV (Limited)

1. STR Type IV is non-hosted.
2. Is permitted in a dwelling unit or ADU and the maximum number of guest rooms shall be limited to no more than five.
3. Is approved by the Planning Official pursuant to LMC 5.40.040 and 18.36.025.
4. The total number of Type IV licenses is limited as regulated in LMC 5.40.030.
5. Short-term rental type IV licenses are non-transferable.
6. The ownership of a Type IV short-term rental in residential zone districts is limited to no more than one per individual or household or one per business entity that has ownership of a residential unit.

18.22.080 – Violation – Penalty

A. Any person who operates a short-term rental in violation of this chapter or a condition of permit 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 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 \$500 per violation and/or suspension or revocation of an issued short-term rental license. Each day of violation shall be considered a separate offense.

C. Any person failing to obtain or maintain a currently valid permit and operating a short-term rental within the City is hereby declared a public nuisance pursuant to LMC Chapter 8.12. 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.

Definitions – related to Short term rentals

“Events or commercial functions” include banquets, parties, weddings, meetings, charitable fund raising, commercial or advertised activities or gatherings for direct or indirect compensation.

“Guest” means an overnight occupant renting the short-term rental for a specified period of one night and no longer than thirty days, and visitors of the overnight occupants.

“Owner” means any person who, 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, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building dwelling unit, or portion thereof. For purposes of LMC Chapter 5.40 and Sections 18.22.070 - .085, a person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement shall be considered an owner.

“Primary residence” means a person’s usual place of return for housing where one makes their home and conducts their daily affairs, including, without limitations, paying bills and receiving mail. A primary residence is generally the dwelling unit with the residential address used on documentation related to identification, taxation and insurance purposes, including, without limitation, income tax returns, medical service plans, voter registration, pay check stubs, lease or rental agreement, mortgage agreements, bank statements, driver’s licenses, valid state identifications, and/or vehicle registrations.

“Short-term rental” or “STR” means a lodging use, other than a hotel or motel, in which a dwelling unit or portion thereof or accessory dwelling unit is provided to guests by a short-term rental operator for a fee for fewer than 30 consecutive nights. A dwelling unit or portion thereof that is used by the same individual or individuals for 30 or more consecutive nights is not a short-term rental.

“Short term rental – hosted” means a short-term rental where the owner with the majority interest in the residential property, or an owner holding an equal shared interest if no other owner owns a greater interest or a lessee acting as a resident STR manager, occupies the dwelling unit or accessory dwelling unit as his or her principal residence and offers the dwelling or a habitable portion thereof for the short-term rental by others, and is generally present during the occupancy.

“Short-term rental - non-hosted” means a dwelling unit, accessory dwelling unit or portion thereof, that is offered as a short-term rental where the owner or shared ownership interest does not occupy the dwelling or accessory dwelling unit offered for short-term rental.

“Short-term rental manager” or “STR manager” means a person or company responsible for the day to day operation of the short-term rental. STR managers may be professional property managers, realtors, property owners or other designated persons. STR manager information must be kept up to date and must be identified on the City business license and short-term rental license.