

ORDINANCE NUMBER 649-AC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, AMENDING CHAPTER 12, ENTITLED "SHORT- TERM RESIDENTIAL RENTALS", IN THE NEEDLES MUNICIPAL CODE

WHEREAS, located on the Colorado River, Needles is a tourism and recreation center;
and

WHEREAS, short-term vacation rental platforms continue to boost the local tourism sector
in Needles; and

WHEREAS, in 2021 the Planning Commission appointed a subcommittee to work with the
City Attorney to draft a Short-Term Residential Rental Ordinance to establish a permit procedure,
maintenance and operational standards, for the use of legal residential dwelling units located in
the City as transient occupancies, to ensure the health and safety of occupants, guests, and the
surrounding residential neighborhood, and to minimize negative secondary effects associated
with such use; and

WHEREAS, a permitted structure for purposes of short-term residential use includes but is
not limited to a single-family dwelling unit, a condominium, apartment, and duplex. A short term
residential unit owner may use a permitted structure as a short-term residential rental unit only if
such owner has a current valid short-term residential unit permit and business license and complies
with the requirements of this Chapter and other applicable provisions of the Municipal Code and
other laws; and

WHEREAS, an application for a short-term residential rental unit permit shall be submitted
to the City on a pre-approved form; and

WHEREAS, a public hearing notice was published in the Needles Desert Star on
March 30, 2022.

NOW, THEREFORE, the City Council of the City of Needles does ordain as follows:

SECTION 1. Incorporation of Recitals. The recitals reflected above are true and
correct and are incorporated by this reference herein as the cause and foundation for the action
taken by the and through this Ordinance.

SECTION 2. CEQA. Pursuant to section 15060(c)(2) of the California CEQA Guidelines,
adoption of the subject Ordinance will not result in a direct or reasonably foreseeable indirect
physical change in the environment and therefore is not subject to CEQA. Additionally, pursuant
to section 15060(c)(3) the activity is not a "project" as defined in section 15378 because it has no
potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. The City Council HEREBY FINDS AND DETERMINES that facts do exist to
approve an amendment to the Needles Municipal Code ("Needles Code").

SECTION 4. The City Council HEREBY APPROVES Ordinance 649-AC amending the
Needles Code amending Chapter 12 to add Section 12-68.3 "Short-Term Residential Rentals" as
set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Chapter 12 of the Needles Code is hereby amended to add section 12-68.3 as follows:

SECTION 5. Effective Date. This action shall become final and effective thirty (30) days after this decision by the City Council as provided by the Needles Code.

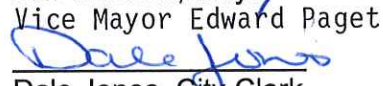
SECTION 6. Severability. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 7. Certification. The City Clerk shall certify to the adoption of this Ordinance.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 12 day of April, 2022, by the following roll call vote:

AYES: Council Members Campbell, Merritt, Belt and Longacre
NOES: Councilmember Evans
ABSENT: Mayor Williams
ABSTAIN: None

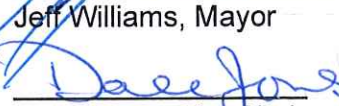
Attest:


Jeff Williams, Mayor
Vice Mayor Edward Paget

Dale Jones, City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 26 day of April, 2022.

AYES: Council Members Campbell, Merritt, Paget and Longacre
NOES: Councilmember Evans
ABSENT: Councilmember Belt
ABSTAIN: None

Attest:


Jeff Williams, Mayor

Dale Jones, City Clerk

(Seal)

Approved as to form:


John O. Pinkney, City Attorney

EXHIBIT "A"
to Ordinance No. 649-AC

CHAPTER 12-68.3

SHORT-TERM RESIDENTIAL RENTALS

Section

- 12-68.3.010 Purpose.
- 12-68.3.020 Applicability.
- 12-68.3.030 Definitions.
- 12-68.3.040 Permit Required.
- 12-68.3.050 Application Process.
- 12-68.3.060 Occupancy Standards.
- 12-68.3.070 Conditions of Operation.
- 12-68.3.080 Enforcement.
- 12-68.3.090 Suspension of Permit.
- 12-68.3.100 Revocation of Permit.
- 12-68.3.110 Hosting Platform Requirements.

12-68.3.010 Purpose.

The purpose of this Chapter is to establish a permit procedure, and maintenance and operational standards, for the use of legal residential dwelling units located in the City as transient occupancies, to ensure the health and safety of occupants, guests, and the surrounding residential neighborhood, and to minimize negative secondary effects associated with such use.

12-68.3.020 Applicability.

The standards and permit procedures of this Chapter apply to all persons involved, and at all times, as more fully set forth herein, the short-term residential rental unit where allowed in the City in compliance with the City's Zoning Ordinance, as may be amended from time to time, or in connection with a legal nonconforming residential structure located in a non-residential land use zoning district. "Short-term" means 30 days or less.

12-68.3.030 Definitions.

The definitions in this section are intended to apply to this Chapter only. Any term which is not specifically defined herein shall have the definition as provided elsewhere within the Municipal Code.

(a) Booking Transaction shall mean any reservation or payment service provided by a person who facilitates a short-term rental unit transaction between a prospective short-term residential rental unit renter and a short-term residential rental unit owner.

(b) Hosting Platform shall mean a marketplace in whatever form or format, which facilitates rental of a short-term residential rental unit through advertising, match-making or any other means, using any medium or facilitation, and from which the operator of the hosting platform derives revenues from providing or maintaining the marketplace.

(c) Inspections—Initial shall mean any inspection incident to the review of an application for an initial short-term residential rental unit permit. The City shall inspect the subject property to determine maximum occupancy and parking capacity for the property, and to verify compliance with the standards of this Chapter and of other applicable Municipal Code provisions.

(d) Inspections—Renewal shall mean the reinspection, upon the application for renewal of a short-term residential unit permit, whereby the subject property shall be inspected to ensure continued compliance with the standards of this Chapter and of other applicable Municipal Code provisions. Notwithstanding anything to the contrary, an applicant seeking renewal of a short-term residential rental unit permit shall comply with all applicable standards of this Chapter at the time of renewal.

(e) Potentially Affected Property Owner shall mean the owner of property that is located within the applicable distance from the short-term residential rental unit as set forth in the City's Land Use laws, as may be amended from time to time.

(f) Responsible Department shall mean the department or subdivision thereof designated by the City Manager to implement this Chapter.

(g) Short-Term Residential Rental Unit Owner shall mean the owner of a property, as shown by the most current legally prepared document that has been recorded by the County Recorder's Office that transfers, grants or imports total or partial ownership of a parcel, with a single-family dwelling unit that is being used as a short-term residential rental unit; any individual or organization working on behalf of such property owner; or any individual or organization that has the legal right to rent out, or allow the occupancy of a single-family residential dwelling unit as a short-term residential rental unit.

(h) Short-Term Residential Rental Unit Renter shall mean an individual who enters into an agreement or is authorized by the short-term residential rental unit owner, regardless of remunerations, the use of property as a short-term residential rental unit. Such renter is not considered a tenant or a person who hires a dwelling unit under Civil Code § 1940.

(i) Short-Term Residential Rental Unit shall mean a residential dwelling unit or portion thereof rented or otherwise used for residential transient occupancy by a transient lodger as defined in section 20-8.2 of the Municipal Code. Transient occupancy means occupancy for 30 consecutive calendar days or less.

12-68.3.040 Permit Required.

(a) A permitted structure for purposes of short-term residential use includes but is not limited to a single-family dwelling unit, a condominium, apartment, and duplex. A short term residential unit owner may use a permitted structure as a short-term residential rental unit only if such owner has a current valid short-term residential unit permit and business license and complies with the requirements of this Chapter and other applicable provisions of the Municipal Code and other laws. A separate permit shall be required for each dwelling unit used as a short-term residential rental unit when there is more than one legal single-family dwelling unit or a duplex on the parcel. An accessory dwelling unit, primary dwelling unit, guesthouse, casita, or other residential accessory structure may be permitted as a short-term residential rental unit when at least one of the dwelling units (primary dwelling, accessory dwelling unit, or caretaker dwelling) is occupied by the property owner or legal agent. This owner-occupancy requirement shall not apply to a parcel two acres or greater. A maximum of two legal dwelling units per parcel of land may be approved for separate individual short-term residential rental unit permits. An individual unit, such as an apartment or condominium, located within a multi-family residential project, is not eligible for a short-term residential rental unit permit.

(b) Short-term residential unit renters are subject to the uniform transient occupancy tax, if and when approved, as set forth in the Municipal Code as may be amended from time to time.

(c) A short-term residential rental unit permit is transferrable to the new owner of the rental unit in question, provided that the new owner informs the City of its desire to assume the responsibilities of holding the short-term residential rental unit permit in question within 30 days of taking title to the property. Within 30 days of taking title to the property, the new owner is also responsible to provide the City with the information necessary to satisfy the requirements of section 12-68.3.050(a)(1) through (7) herein, so that the City may be assured that the new owner understands its duties and responsibilities as the owner of a short-term residential rental unit.

(d) The annual permit fee is \$400.00 and may be amended from time to time.

12-68.3.050 Application Process.

(a) *Application.* An application for a short-term residential rental unit permit shall be submitted to the City on a pre-approved form. The required content of the form may be revised from time to time, but at a minimum shall require the following:

- (1) Property owner name and contact information.
- (2) Applicant name and contact information, if different from the property owner.
- (3) Address and Assessor's parcel number for the property containing the single-family dwelling unit, accessory dwelling unit or other permitted structure to be used as a short-term residential rental unit.
- (4) Total square footage of the single-family dwelling unit, accessory dwelling unit or other permitted structure to be used as a short-term residential rental unit.
- (5) The name of the managing agency, agent, or property manager, if different from the property owner, and a telephone number at which that party may be immediately reached

on a 24-hour basis. The managing agency, agent, property manager and/or the property owner will be contacted about such issues as Code violations.

(6) Acknowledgment that the permittee understands and agrees to operate the short-term residential rental unit in compliance with the regulations and requirements set forth in this Chapter.

(7) Acknowledgment of restrictions in the vicinity of the short-term residential rental unit regarding such things as parking and access to the river and boat launches and alternate parking and/or routes that may be used by the renter.

(b) *Notification Requirements.*

(1) The City shall provide notice of the application to all potentially affected property owners in the following circumstances:

(A) The application is submitted as a result of the issuance of a notice of violation due to the advertising of a dwelling unit for short-term residential rental use or use of a property as a short-term residential rental unit without a short-term residential rental unit permit.

(B) During the processing of the application, the City is made aware of circumstances that would lead it to reasonably believe that the property has been used in violation of this Chapter, including but not limited to that the property was used as a short-term residential rental unit without a short-term residential rental unit permit.

(C) Notice of application will be provided to neighboring property owners of properties that are located within 300 feet of the applicant's property.

(2) If there are additional costs to the City in providing notice to all potentially affected property owners, the cost of the permit application shall be changed to allow the City to recover those costs. The notice shall provide that comments may be submitted to the City up to 20 calendar days after the date of said notice.

(3) The City shall notify the applicant if the application is approved or denied at the applicant's mailing address as shown on the most recent application or otherwise filed with the City. Within ten calendar days of the issuance or renewal of a short-term residential rental permit, the City shall send notice to all potentially affected property owners informing them that a permit was issued. This notice shall contain, at a minimum, the following information:

(A) The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be immediately reached on a 24-hour basis;

(B) The phone number of the City's 24/7 short-term rental complaint line;

(C) The maximum number of occupants allowed in the unit;

(D) The maximum number of vehicles allowed to be parked on the property.

(c) *Operation During Application Process.* Notwithstanding section 12-68.3.040, while a new application for a short-term residential rental unit permit is pending, a dwelling may be used as a short-term residential rental unit for up to thirty (30) days provided that the unit has passed a physical inspection by the City and otherwise complies with the requirements of sections

12-68.3.060 and 12-68.3.070 any applicable requirements set forth in City's Building Code, as may be amended from time to time, and other law.

(d) *Application Denial.* An application for a short-term residential rental unit permit or renewal of a permit under this Chapter shall be denied by the City upon one or more of the following grounds:

(1) The application is incomplete, or the applicant has otherwise failed to comply with the requirements of this Chapter.

(2) The applicant or permittee provided material information that was knowingly incorrect or provided material information that the applicant should have reasonably known was incorrect, in the application for a permit under this Chapter.

(3) The short-term residential rental unit or property is not in compliance with the standards of this Chapter or other applicable Municipal Code provisions and has failed to pass the initial or renewal inspection.

(e) *Applicant Appeals.* An applicant may appeal the denial or conditional acceptance of an application for a short-term residential rental permit. Such appeal must be in writing and submitted to the City within ten days of the date of the notice provided pursuant to section 12-68.3.050(b)(3). When the tenth day is not a City business day, the time frame is extended to the second consecutive City business day following the tenth day. The appeal shall follow the procedure set forth in section 12-68.3.090(c).

(f) *Affected Property Owners' Appeals.* Potentially affected property owners may appeal the granting of a new short-term residential rental unit permit. All such appeals must be submitted to the City within ten days of the date of the notice provided pursuant to section 12-68.3.050(b)(3). When the tenth day is not a City business day, the time frame is extended to the second consecutive City business day following the tenth day. The ground for such appeal is limited to the claim that past use of the property as a short-term residential rental unit has not complied with one or more requirements of sections 12-68.3.060(b) through (d), or section 12-68.3.070, or that, based on competent evidence, any prospective use for such purpose will likely not comply with one or more of such requirements. Such appeal shall be heard in the same manner as specified in section 12-68.3.090(c). The applicant shall be provided notice of the hearing. If the potentially affected property owner prevails in the appeal, then the applicant's application shall be deemed to be denied and such decision shall be the final decision of the City. No further appeal shall be available at the administrative level.

(g) *Permit Renewal.* The short-term residential rental unit permit shall be renewed annually from application date of first submittal. Permit renewal shall be approved if the current conditions of operation and other standards in this Chapter have been met, the subject property passes the renewal inspection, and the applicable renewal fee is \$400.00 and may be amended from time to time. Renewal payments submitted after permit expiration are subject to a \$50 administrative fee and maybe amended from time to time. Continued use of a short-term residential rental unit is prohibited following permit expiration until renewal payment, including any administrative/delinquent fee, has been received by the City. Failure to submit renewal payment within 45 days of permit expiration, including any administrative/delinquent fee, shall result in immediate suspension of the short-term residential rental unit permit. The short-term residential rental unit owner shall be required to submit a new application, pay the applicable permit application fee, and be subject to the application process in Subdivision (a) above.

12-68.3.060 Occupancy Standards.

(a) *Compliance with Uniform Codes and Other Laws.* At the time of issuance of a short-term residential rental unit permit and thereafter, the short-term residential rental unit shall be in compliance with the California Fire Code, California Building Code, the National Fire Protection Association Standards or regulations, and any other applicable uniform codes, as adopted by the City, and other applicable laws and codes.

(b) *Occupancy Limits.* Occupancy limits per room for all short-term residential rental units shall be determined as follows:

(1) In order for a room to be considered habitable space for overnight sleeping purposes, it must be a minimum of 70 square feet. A 70 square foot room may sleep up to two (2) people. Each sleeping room occupied by more than one person shall contain not less than 50 square feet of floor area for each additional person.

(2) Kitchens, bathrooms, toilet rooms, halls, closets, storage or utility spaces, and similar areas are not considered habitable rooms for sleeping purposes, thus the square footage represented by these rooms shall not be used in the calculation for determining the maximum number of occupants.

(c) *Maximum Occupancy Limits.* Maximum occupancy limits per short term residential rental unit shall be determined as follows:

(1) Notwithstanding the allowances per subdivision (b) above, the maximum occupancy of a short-term residential rental unit shall not exceed six persons if the rental unit is smaller than 800 square feet.

(2) Notwithstanding the allowances per subdivision (b) above, the maximum occupancy of a short-term residential rental unit shall not exceed eight persons if the rental unit is smaller than 1,200 square feet.

(3) Notwithstanding the allowances per subdivision (b) above, on parcels smaller than one-quarter acre, the maximum occupancy of a short-term residential rental unit shall not exceed ten persons.

(4) Notwithstanding the allowances per subdivision (b) above, on parcels smaller than one-half acre, the maximum occupancy of a short-term residential rental unit shall not exceed 12 persons.

(5) Notwithstanding the allowances per subdivision (b) above, on parcels one-half acre to one acre, the maximum occupancy of a short-term residential rental unit shall not exceed 15 persons.

(6) Notwithstanding the allowances per subdivision (b) above, on parcels greater than one acre, the maximum occupancy of a short-term residential rental unit shall not exceed 20 persons.

(7) Notwithstanding the allowances per subdivisions (b) and (c)(1) through (6) above, the maximum occupancy of a short-term residential rental unit shall not exceed the occupancies supported by the on-site parking spaces as required by subdivision (d) below.

(d) *Parking.* All vehicles of short-term residential rental unit renters must be parked on the short-term residential rental unit property or adjacent thereto. No vehicle of renters shall be parked on neighboring properties or within the transportation right-of-way, or in any manner that would create an obstruction. ~~Parking shall be provided on-site at a ratio of not less than one parking space for every four renters. Short-term residential rental properties with occupancy limits of two renters shall be limited to two vehicles.~~ Parking spaces may include garage, carport, street parking, and driveway spaces, and may allow for tandem parking. On-site parking areas shall be kept free from any obstructions which would prevent use for vehicle parking. Only the approved parking areas/spaces pursuant to the short-term residential rental unit permit shall be used for vehicle parking. Pursuant to section 12-68.3.080(a)(2), violations of the parking requirements of this Chapter may result in vehicles being towed without notice. ~~Short-term residential rental unit renters shall abide by Article V of Chapter 13 of the Municipal Code, as may be amended from time to time, which includes but is not limited to Section 13-44.1 which prohibits parking and/or leaving standing for more than twelve (12) hours any boat, bus, camper, motor home, fifth wheel travel trailer, house car, travel trailer, construction equipment trailers, or any other recreational vehicle on any street, alley, or highway or any other public place.~~

12-68.3.070 Conditions of Operation.

The following are minimal requirements for short-term residential rental units. These are in addition to any other applicable requirements of this Chapter, other applicable provisions of the Municipal Code, or other law.

(a) *Prohibited Uses of Property.* A short-term residential rental unit may not be used for any transient occupancy other than the purposes described in the definition of short-term residential rental unit set forth in section 12-68.3.030(i), and in conformity with the requirements of this Chapter. A short-term residential rental unit shall not be used for any commercial activity, which includes but is not limited to weddings, wedding receptions, corporate retreats, business meetings or conferences, filming photography shoots, a fraternity party, or any other similar gathering, unless regulated under an approved City-issued permit.

(b) *Record Keeping.* The property owner or property manager shall maintain records sufficient to prove compliance with this Chapter and other applicable laws. These records shall be maintained so that they can be readily provided to the City and provided in such a manner that establishes that the property owner or property manager is routinely maintaining such records. Any records or documents required to be maintained pursuant to this Chapter shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City, its auditor, or a designated representative thereof.

(c) *Registration.* The short-term residential rental unit owner, as defined in section 12-68.3.030(g), shall administer registration prior to allowing occupancy of the rental unit. The registration shall include review of the short-term residential rental unit regulations with at least one adult renter of the rental unit. At the time of such registration, the renter shall be provided a complete written or digital copy of the rental unit rules and regulations, as well as disclosure of the penalties associated with violations. The registration material shall advise the renter of the occupancy and vehicle/parking limitations, responsibility to avoid nuisance behavior, and that the use of the rental unit for commercial activity, which includes, but is not limited to weddings, wedding receptions, corporate retreats, business meetings or conferences, fraternity parties, or any other similar gatherings shall be prohibited unless authorized by a City-issued permit. The registration material shall contain a space for an acknowledgement to be signed by the renter as having read, understood and agreed to all provisions. Registration materials shall be preserved for the term of the short-term residential rental unit permit, and shall be provided to the City, when

requested, to confirm compliance with short-term residential rental unit permit conditions of operation and regulations set forth in this Chapter. If the owner fails to provide adequate directions to the unit or fails to confirm acknowledgement and understanding of the rental unit rules and regulations, the conditions of operation of the short-term residential rental unit permit may be amended by the City to require in-person registration.

(d) *Advertising.*

(1) Advertising that promotes a short-term residential rental unit for a use that is not permitted or could not be permitted by this code or other law, is prohibited.

(2) All advertising, including real-estate magazines, fliers, newspapers, television or radio commercials, internet pages, or coupons, that promote the use of a short-term residential rental unit prior to approval of a short-term residential rental unit permit pursuant to section 12-68.3.040(a), shall be prohibited. All advertisements featuring a permitted short-term residential rental unit shall specify the maximum permitted number of occupants and vehicles for the rental unit.

(e) *Posted Notices within Unit.* The City-issued short-term residential rental unit permit shall be posted inside the unit on or adjacent to the front door, along with an exit/emergency evacuation map. In addition, each short-term residential rental unit shall have a clearly visible and legible notice posted in a prominent location within the unit, containing the following information:

(1) The address of the short-term residential rental unit.

(2) The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be immediately reached on a 24-hour basis.

(3) The maximum number of occupants permitted to stay overnight in the unit.

(4) The maximum number of vehicles allowed to be parked on the property.

(5) Notification of the arrangements that the owner has made to allow the renter to properly store and dispose of trash or refuse in accordance with the requirements of this Chapter.

(6) Notification that failure to comply with the requirements of this Chapter, including parking and occupancy standards, as well as public and private nuisance standards, is a violation of the Municipal Code, and that such violation may result in enforcement actions to address the violation. These may include actions to abate the nonconformity, the institution of criminal, civil, or administrative actions, or, under certain circumstances, the calling of law enforcement for the removal of guests and their vehicles from the property to the extent authorized by law. The notification shall state in a prominent format that users of the unit are prohibited from disturbing the peace of the surrounding neighborhood and that doing so is a violation of this Chapter and the rental agreement.

(7) Location of utility service connections, including how to access service connections and instructions necessary to disconnect the short-term residential rental unit from utility services in the event of an emergency.

(8) Phone numbers of local emergency medical and law enforcement services.

(9) Property boundary map for the purpose of deterring trespassing on other privately owned properties and identification of the approved parking area(s).

(f) *Call Response.*

(1) The short-term residential rental unit owner or agent shall be personally available by telephone on a 24-hour basis and maintain the ability to be physically present at the property within **sixty (60) minutes** in order to respond and remedy calls or complaints regarding the condition or operation of the unit or the behavior of persons on the property in violation of this Chapter or other law.

(2) On a 24-hour basis, within one hour of receiving a call or a complaint, the short-term residential rental unit owner must confirm whether or not the complaint is valid. If the complaint is valid the short-term residential rental unit owner shall immediately take corrective action within the lawful authority of the owner to abate the violation, or to cause the nuisance behavior that disturbs the peace of the neighboring properties to stop, for the entire duration of the occupancy of the person causing or allowing such violation or nuisance behavior. Such corrective action may necessarily include, under certain circumstances, the contacting of law enforcement, City officials, or other appropriate officials for the removal of guests and their vehicles from the property to the extent authorized by law.

(3) Calls or complaints about physical conditions or circumstances that constitute an immediate threat to the public health and safety shall obligate the owner to immediately contact the appropriate law enforcement, fire, or other authority.

(4) Each owner shall keep a written record of the times and type of complaints received, what response was undertaken by the owner, and when such complaints were resolved. This written record shall be made available to the City upon request and shall be retained by the owner for the term of the short-term residential rental unit permit.

(g) *Responsibilities of Owner to Prevent Nuisance Behavior and Maintain Neighborhood Peace and Quiet.* The owner shall take all lawful action necessary to ensure that renters and occupants abide by the terms of this Chapter and other applicable provisions of the Municipal Code and law. The owner must inform renters and occupants that they are not to violate any noise standards, parking standards, or otherwise create a public or private nuisance.

(h) *Loud and Disturbing Noise.*

(1) It is unlawful for any owner, renter, occupant, or guest located at a short-term residential rental unit to make, cause to be made, or allow to be made, either willfully or through failure to exercise control, any loud, excessive, impulsive, or intrusive noise that disturbs the peace or quiet or that causes discomfort or annoyance to any reasonable person of normal sensitivities in the area. Such types of noises or actions causing noises include, but are not limited to, yelling, shouting, hooting, whistling, singing, playing a musical instrument, emitting or transmitting any loud music or noise from any mechanical or electrical sound making or sound amplifying device, and the habitual barking, howling, or crowing of animals.

(2) The standard for enforcement of this subdivision is the "reasonable person" standard. The inquiry is whether the noise would disturb the peace or quiet or cause discomfort or annoyance to a reasonable person under the same or similar circumstances.

(3) Factors that may be considered in determining whether a violation of this Subdivision has been committed include, but are not limited to, the following:

- (A) The level of noise;
- (B) The level and intensity of the background (ambient) noise, if any;
- (C) The proximity of the noise to the residential unit in question;
- (D) The time of day or night the noise occurs;
- (E) The duration of the noise;
- (F) Whether the noise is constant, recurrent, or intermittent; and
- (G) Whether the noise is produced by a mechanical or electronic device.

(i) *Safety.*

- (1) Illegal fireworks are prohibited in the City.
- (2) The interior and exterior of the short-term residential rental unit shall be kept free of hazardous conditions at all times.
- (3) Spas/hot tubs shall be covered and locked when not in use.

(j) *Sanitation.*

- (1) Every short-term residential rental unit shall be cleaned after each occupancy change in order to make the unit sanitary.
- (2) If linens are provided for use by renters, said linens will be exchanged for clean linens after each occupancy.
- (3) The exterior of the short-term residential rental unit shall be maintained and kept free of debris.
- (4) Spas/hot tubs shall be maintained and cleaned as frequently as needed to preserve sanitary conditions.

(k) *Trash/Refuse.* Trash shall be deposited in approved trash collection containers on the short-term residential rental unit property. Trash containers shall be kept closed when not in use, never be permitted to overflow, and kept in a clean condition without excessive build-up of encrusted wastes in or on the container.

(1) Short-term residential rental unit owners shall procure trash collection service and trash collection containers from the City-approved refuse collection hauler when said service is available. A sufficient number of containers based on occupancy levels of the rental unit shall be procured.

(2) Trash shall be removed from the premises after each occupancy unless routine commercial trash collection is provided to the premises.

(l) *Animals.*

(1) *Control of Animals.* No person owning or having control of any animal shall permit such animal to stray or run at large upon any unenclosed area on or off the short-term residential rental unit property. No person may lawfully bring his or her dog off a short-term residential rental property unless the dog is restrained by a leash and the person is competent to

restrain the dog, or the dog is properly restrained and enclosed in a vehicle, cage, or similar enclosure.

(2) *Noise.* It shall be unlawful for any person owning or having control of any animal to be allowed to create excessive noise in violation of Subdivision (h) of this section.

12-68.3.080 Enforcement.

(a) *General.*

(1) Owners and renters of short-term residential rental units shall comply with the requirements of this Chapter and all other applicable sections of the Municipal Code and other law. A hosting platform shall comply with the requirements of section 12-68.3.100 and all other applicable sections of the Municipal Code and other law.

(2) In addition to any enforcement action and remedy authorized by this Chapter, a violation of any requirement of this Chapter may result in remedial action by appropriate members of City staff or any enforcement officer as defined in Chapter 2A of the Municipal Code without notice if providing notice is not reasonable considering the need for immediate remedial action, and/or if prior notice to the property owner or the renters, either verbal or written, has not resulted in appropriate remedial action by the property owner. If the violation consists of a violation of any of the parking requirements of this Chapter, then the remedy may include the towing of the vehicle or vehicles causing the violation of the parking requirement. Remedial actions taken under this Section, other than any criminal citations, are subject to appeal pursuant to Chapter 2A of the Municipal Code or other applicable provision, but no request for appeal shall stay the remedial actions taken pursuant to this Section.

(3) In addition to any enforcement action and remedy authorized by this Chapter, a violation of any requirement of this Chapter may be subject to the enforcement and remedy provisions of Chapter 2A of the Municipal Code and any other applicable enforcement and remedy provisions of the Municipal Code or provided under the law.

(b) *Uniform Transient Occupancy Tax—Failure to Pay.* Failure by the owner, or when applicable, a hosting platform to collect and remit to the Tax Collector the Uniform Transient Occupancy Tax may result in the Tax Collector pursuing any remedy against the owner or hosting platform, including imposing and collecting said tax from the owner or hosting platform, authorized under the City's transient Occupancy Tax if and when approved, as set forth in the Municipal Code as may be amended from time to time or other applicable law. Notwithstanding the duty imposed by section 12-68.3.110 (a), the use of a hosting platform to facilitate the rental of a short-term residential rental unit shall not relieve an owner of liability for violations of this Subdivision.

(c) *Administrative Subpoena.* The City may issue and serve an administrative subpoena as necessary to obtain specific information identified in section 12-68.3.110 regarding short-term residential rental unit listings located in the City. Any subpoena issued pursuant to this Subdivision shall not require the production of information sooner than 30 days from the date of service. A person that has been served with an administrative subpoena may seek judicial review during that 30-day period.

12-68.3.090 Suspension of Permit

(a) *Suspension of Permit.* A short-term residential rental unit permit may be suspended for the following reasons:

(1) *Substandard Building or Property or Unsafe Building or Structure.* Any violation of the requirements of the City's Building Code, as may be amended from time to time, that results in the issuance of a notice of defect or notice and order to repair. Notice of such suspension shall be provided pursuant to the requirements of the City's Building Code, as may be amended from time to time.

(2) *General Violations.* Any failure to comply with, or respond to, any notice of violation or other notice from the City requiring compliance with one or more requirements of this Chapter or other applicable provision of the Municipal Code or other law. Property owners shall be informed of such suspension in a written notice mailed using both certified mail with return receipt and first class service. In addition, although not required, the notice may also be posted on the property and/or mailed to any additional individuals or companies listed on the permit application.

(b) *Use of Property During Suspension and Stays.*

(1) When a short-term residential rental unit permit is suspended, the property or properties affected by the suspension shall not be used as a short-term residential rental until such time as the suspension is stayed or lifted.

(2) Permits suspended pursuant to section 12-68.3.090 (a)(1) will remain suspended until such time as the Building Official or his or her designee confirms that all violations have been corrected or the City's designee has ruled in favor of the appellant.

(3) Permits suspended for general violations, i.e., those under section 12-68.3.090(a)(2), will remain suspended until such time as the violations are abated, or the property owner can reasonably demonstrate substantive changes in the property management practices that would mitigate or correct these violations, or a City's designee has ruled in favor of the appellant. If an appeal hearing for a general violation cannot be scheduled within 14 calendar days after an appeal was filed or if the hearing is scheduled but, through no fault of the appellant, not held within 30 days after the appeal was filed, the suspension must be stayed through the date a ruling on the appeal is issued.

(c) *Appeals of Suspensions.* An appeal must be filed no later than ten days of the date the notice of suspension is issued. When the tenth day is not a City business day, the time frame is extended to the second consecutive City business day following the tenth day.

(1) The suspension of a permit pursuant to section 12-68.3.090 (a)(1) may be appealed for a hearing before the City's hearing official. The format and process of the appeal shall be as set forth in Municipal Code section 2A et seq. The decision of the hearing official shall be final and no further appeal within the City shall be available.

(2) The suspension of a permit for a general violation may be appealed to a City-designated hearing officer. The decision by the hearing officer shall be final and no further appeal within the City shall be available. The hearing procedure shall include the following:

(A) At least ten days written notice of the hearing shall be given to the permit holder prior to the hearing date. The hearing date may be postponed or continued by stipulation of the parties. If the permit holder does not respond or appear, no further hearing procedure shall be required.

(B) Witnesses shall swear or affirm to tell the truth. The oath or affirmation shall be taken by the hearing officer. The City shall present its case first, with oral testimony and documentary evidence or other evidence. The City shall have the right of cross-examination. The permit holder shall have the right to be represented and shall have the right of cross-examination. The permit holder may present his or her response after the City has presented its case. Both parties may thereafter present argument.

(C) No determination or order shall be based solely on hearsay evidence. The hearing officer shall make his or her determination within five working days of the end of the hearing, unless a party requests a greater period of time. The determination shall be in writing, and shall state the findings upon which the determination is made. The decision by the hearing officer shall be final and no further appeal within the City shall be available.

(3) The failure to appeal a suspension in a timely manner shall render the action to suspend final and no further appeal within the City shall be available.

12-68.3.100 Revocation of Permit.

(a) *Revocation of Permit.* A short-term residential rental unit permit may be revoked for the following reasons:

(1) The severity of a violation of a requirement of the City's Building Code, as may be amended from time to time, necessitated the immediate vacation of the property.

(2) The conditions or actions that resulted in the suspension of the permit have not been abated or addressed by a demonstrable change in the business practices associated with the short-term residential rental unit, within 60 days of the suspension being upheld on appeal or otherwise deemed final.

(3) The condition or the business practice that resulted in the suspension of the permit re-occurs within 12 months of the date the suspension was upheld on appeal or otherwise deemed final.

(4) A permit is suspended two times in a consecutive 24-month period, where said suspensions are either upheld on appeal or otherwise deemed final.

(5) The permit was obtained through fraud or deceit.

(6) The permit was issued in error.

(b) *Appeals of Revocation of Permit.* The revocation of a permit pursuant to this Chapter may be appealed for a hearing before the City's hearing official. The format and process of the appeal shall be as required by Municipal Code section 2A et seq. A decision by the hearing official may be appealed to the Planning Commission. The decision of the Planning Commission shall be final and no further appeal within the City shall be available.

(c) *New Application After Revocation of Permit.* A property owner of a short-term residential rental unit permit who has been issued a revocation pursuant to 12-68.3.100 above, shall not be permitted to submit another application for a permit within 12 months after a revocation is made final.

(d) *Suspensions or Revocations of Permits for Multiple Properties.* If is determined that the conditions or the business or management practices cause violations of this Chapter to occur on multiple properties of the same owner, the short-term residential rental unit permits for all of those properties may be suspended and/or revoked at the same time. In such circumstance all affected parties must be provided notice and the opportunity to appeal the suspension and/or revocation of the permit for every affected property.

12-68.3.110 Hosting Platform Requirement.

(a) For purposes of this Chapter a hosting platform shall be responsible for collecting all applicable uniform transient occupancy tax required by the City's Taxation Code, as may be amended from time to time, and remitting the same to the City. The hosting platform shall be considered an agent of the short-term residential rental owner for purposes of transient occupancy tax collections and remittance, as set forth in the City's Taxation Code, as may be amended from time to time, if the hosting platform collects payment for the rental. If a hosting platform does not collect payment for rentals, the short-term residential rental unit owner is solely responsible for the collection of all applicable transient occupancy taxes.

(b) Subject to applicable laws and procedures provided in section 12-68.3.080(c), when requested by the City, a hosting platform shall disclose, in a commonly used electronic format, the address of each short-term residential rental unit within the unincorporated San Bernardino Municipal listed on the hosting platform, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.

(c) A hosting platform operating exclusively on the internet, which operates in compliance with Subdivisions (a) and (b) above, shall be presumed to be in compliance with this Chapter, except that the hosting platform remains responsible for compliance with the administrative subpoena provisions of this Chapter.

(d) The provisions of this Section shall be interpreted in accordance with otherwise applicable state and federal laws and will not apply if determined by the City to be in violation of, or preempted by, any such laws.