

TRINIDAD CITY HALL
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Stan Binnie, Mayor
Gabriel Adams, City Clerk



ORDINANCE NO. 2009-02

AN INTERIM URGENCY ORDINANCE OF THE CITY OF TRINIDAD
REGULATING SHORT-TERM VACATION RENTALS

The City Council of the City of Trinidad does ordain as follows:

SECTION 1. Interim Urgency Ordinance

This is an Interim Urgency Ordinance necessary for the immediate preservation of the public peace, health, and safety. The City Council finds that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of use permits or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare. This Interim Urgency Ordinance shall go into effect immediately.

SECTION 2. Findings and Declarations

The City Council finds and declares the following facts constituting this necessity are as follows:

- a. There has been a significant increase in the number of short-term vacation rentals in the City of Trinidad over the past few years;
- b. These vacation rentals have the potential to alter the residential character neighborhoods with impacts related to traffic, parking, noise, occupancy, septic system capacity, and the quality of life in the City of Trinidad;
- c. Trinidad residents have indicated growing concern over the impacts of short-term vacation rentals;
- d. The Trinidad Zoning Ordinance does not include any provisions regarding short-term vacation rentals. Therefore, the City has no way to regulate such rentals and they have heretofore been allowed in any residential zone with only a business license; and
- e. A moratorium is necessary to allow the City time to study the matter and consider how to regulate short-term vacation rentals in the future.

SECTION 3. Definition of Short-Term Vacation Rentals

The term "short-term vacation rental" means and applies to every person carrying on the business of renting residences or apartments for a period of less than 30 days. The term does not apply to hotels, motels, campgrounds or other such commercial establishments.

SECTION 4. Moratorium on the Issuance of Business Licenses for the Purpose of Short-Term Vacation Rentals

A moratorium on the issuance of business licenses for the purpose of short-term vacation rentals is hereby in effect for six months from the effective date of this Ordinance. The City Clerk shall issue no business licenses for this purpose, and any business license issued during this six-month purpose shall not be valid for this purpose.

SECTION 5. No Effect on Current, Valid Business Licenses

This Interim Urgency Ordinance in no way affects any business license currently valid and in effect for the purpose of short-term vacation rentals.

Passed, approved, and adopted at a regular meeting of the City Council of the City of Trinidad, on the 12th day of November, 2009, by the following roll call vote:

AYES: Ratzlaff, Binnie, Bhardwaj, Fulkerson
NAYS: Morgan
ABSTAIN: None
ABSENT: None

Attest:

Gabriel Adams
Trinidad City Clerk

Stan Binnie
Mayor

Government Code § 65858. Interim ordinance; adoption or extension; expiration; subsequent ordinances; definitions

(a) Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a county, city, including a charter city, or city and county, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the legislative body for adoption. The interim ordinance shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.

(b) Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice pursuant to Section 65090 and public hearing, in which case it shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may by a four-fifths vote extend the interim ordinance for 22 months and 15 days.

(c) The legislative body shall not adopt or extend any interim ordinance pursuant to this section unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare. In addition, any interim ordinance adopted pursuant to this section that has the effect of denying approvals needed for the development of projects with a significant component of multifamily housing may not be extended except upon written findings adopted by the legislative body, supported by substantial evidence on the record, that all of the following conditions exist:

(1) The continued approval of the development of multifamily housing projects would have a specific, adverse impact upon the public health or safety. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date that the ordinance is adopted by the legislative body.

(2) The interim ordinance is necessary to mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1).

(3) There is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1) as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.

(d) Ten days prior to the expiration of that interim ordinance or any extension, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

(e) When an interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first interim ordinance or any extension of the ordinance as provided in this section.

(f) Notwithstanding subdivision (e), upon termination of a prior interim ordinance, the legislative body may adopt another interim ordinance pursuant to this section provided that the new interim ordinance is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance.

(g) For purposes of this section, “development of multifamily housing projects” does not include the demolition, conversion, redevelopment, or rehabilitation of multifamily housing that is affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or that will result in an increase in the price or reduction of the number of affordable units in a multifamily housing project.

(h) For purposes of this section, “projects with a significant component of multifamily housing” means projects in which multifamily housing consists of at least one-third of the total square footage of the project.

Government Code § 65090. Public Notice for Plans

(a) When a provision of this title requires notice of a public hearing to be given pursuant to this section, notice shall be published pursuant to Section 6061 in at least one newspaper of general circulation within the jurisdiction of the local agency which is conducting the proceeding at least 10 days prior to the hearing, or if there is no such newspaper of general circulation, the notice shall be posted at least 10 days prior to the hearing in at least three public places within the jurisdiction of the local agency. [...]