



MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: May 12, 2016

RE: May Meeting VDU Agenda Item

So I made changes to the ordinance where I got specific direction from the Commission at the last meeting. The biggest decision that was made related to the definitions of vacation rentals and how to classify them. A classification of hosted versus non-hosted was the preference. And there is to be no allowance for 'homestays' or any kind of short-term rentals to tourists that do not require a license. Therefore, the existing home occupation section of the zoning ordinance will be amended to remove that allowance, which has been added to the ordinance. Note that Word altered the colors, so that the most recent changes are in red, the April changes are in blue, and the changes prior to that are in green.

The other significant changes had to do with the cap and distance restrictions. The Planning Commission decided that a cap on unhosted STRs of 15% of the housing stock in the UR zone, or 19, was most appropriate. In addition, the Commission determined that the existing number of VDUs in the SR zone, which is 6, or approximately 20% of the housing stock, is appropriate.

The Planning Commission also provided some direction as to the distance restriction of 150 ft. It seemed like the Commission was fine with measuring that distance from the center of the property. That makes measurement on the ground a challenge, but it would most likely be done through remote mapping anyway. It also helps account for larger properties where a measure from the property line may provide more distance than is really necessary. Note that the way the language is currently written, the 150 ft. circles can overlap, but can't touch the other STR property. I wasn't completely clear whether this is what the commission intended or whether the intent would be that the circles would not overlap, which would equate to a 300 ft. minimum distance between each STR. I provided the maps that I had previously given you for further consideration and discussion.

A question also came up about the water use limitations, and whether that should be reduced or a requirement included for drought tolerant landscaping. I did not get any specific direction though. But I did provide some materials that I

prepared for the original ordinance when the issue was being discussed. The focus at that time was to limit water use to protect the septic system but also how to provide an appropriate allowance for landscaping.

Transferability

At the meeting, transferability was discussed extensively. It was found that there are many options to consider. The Planning Commission requested a summary of these options that were discussed.

1. No transferability. The language in the current version of the ordinance fits this option: “*STR Licenses shall run with the landowner and shall automatically expire upon sale or transfer of the property.*” The City Attorney had some concern about a strict no transferability clause, because it is easier to challenge, and because such a hard and fast rule may not fit every situation adequately. However, it is a common limitation in STR ordinances.
2. Transfer once. This was suggested as a way to basically ‘grandfather’ existing STRs by allowing them to transfer the license / permit once. There is a strong objection from current VDU owners and managers to not allowing transferability. However, the Planning Commission has indicated its support of no or limited transferability as essential for getting the number of existing VDUs and distances between them down to within the new standards in a timely manner. This one time transfer was seen as a compromise and possibly less risky in terms of potential litigation. The City’s Attorney’s response was that this should be a very safe approach, but that it wasn’t necessary; not allowing a permit transfer would not be considered a taking as long as there is justification for it.
3. City review of transfers. This option was suggested by the City Attorney. Giving the City discretion over transfers should tend to significantly reduce the risk of this section of the ordinance being overturned by a court. The City would be able to deny transfers for a variety of sound reasons, including too many complaints or violations, or if the STR does not meet current standards such as a cap or minimum distance. As a reminder, I included the language suggested by the City Attorney below. He did note that the language was meant to be an example, not a final. The reviewing body could be the City Manager or Planning Commission instead of the City Council.

Upon the transfer of any portion of title in a property with a VDU license associated with the property or upon the change of more than 50% of the shareholders of any corporation, beneficiaries and/or trustees of any trust, or members of any LLC owning real property associated with a VDU license, the VDU license shall terminate unless a new application or renewal application for a VDU License meets current City of Trinidad requirements for a VDU and in the discretion of the City Council the property remains an appropriate location for short-term rentals.

4. Time limits. There are probably some sub-categories under this topic.
 - A. We discussed some kind of amortization period for VDUs that don't meet current standards. They are given a period of time (e.g. 5 years) to recoup their investment before the license is revoked. This would be necessary should the City consider any kind of ban.
 - B. Another example that was discussed was the Cannon Beach model, where permits are granted for 5 years. Cannon Beach has a cap, and once the five years are up, the available permit is then granted to someone on the waiting list through a lottery system. This option is viewed as increasing the fairness of STR licenses and giving everyone in town an equal opportunity to obtain one. It would also help to avoid investors purchasing properties to use exclusively as STRs with no intention of ever living there. However, it would not necessarily accommodate existing, long-time VDUs that aren't causing problems.
 - C. Finally, there is also an option to combine these possibilities. In particular, the idea of a time limit on permits with a City review each time they expire seemed to have some support. This could be anywhere from 1 to 5 years (or more). Then once the permit expires, the City would review it for conformance with the existing STR regulations as well as any history of complaints and / or violations. This may be a good way to speed up the process attrition, reduce the number of VDUs and increase the distance between them. However, it would likely be a significant amount of work when the first permits expire, because they will all expire at the same time, and there will be many do not meet the new requirements. Clear guidance for deciding whether to renew a permit or not should be provided.

Ordinance Examples

I also wanted to provide you with some other ordinance examples summarized below:

- First, I said I would provide you with the City of Napa ordinance as an example of one that has separate regulations for hosted and non-hosted vacation rentals.
- Second, I would like to remind you about attachment to the January 20, 2016 Supplemental staff report. That document had a number of sample sections from various ordinances addressing the difference issues that have come up. This might be a good time to take another look at that. In particular, there are some sample distance restrictions from SLO County. And there are some Cannon Beach examples for license renewals and transferability that you might find useful. If you no longer have a copy of that, you can download it from the City's website and / or request a paper or electronic copy from Gabe.
- Third, I provided some ordinance sections from Indian Wells. The first is from their STR ordinance dealing with administrative citations. The second is their noise ordinance. That would be separate from the STR ordinance, but could be recommended to the City Council as a good example.

- Finally, I provided one section from the Palm Springs ordinance below that was not included in the January attachment, but I thought had some useful ideas for ensuring renter responsibility.

Section 5.25.070 Operational requirements and standard conditions

(f) Prior to occupancy pursuant to each separate occasion of rental of a Vacation Rental, the Owner or the Owner's agent or representative shall enter into a written rental agreement with a Responsible Person where (1) the Responsible Person will provide the Responsible Person's name, age, address, and a copy of a government issued identification; (2) establishes and sets out the terms and conditions of the rental agreement, including without limitation occupancy limits, noise prohibitions, and vehicle parking requirements; (3) requires the Responsible Person to acknowledge and agree that he or she is legally responsible for compliance of all occupants of the Vacation Rental or their guests with all provisions of this Chapter and/or the Municipal Code; (4) the Owner or the Owner's Agent provides a copy of the "Good Neighbor Brochure" to the Responsible Person; and (5) the Responsible Person provides a list of all guests by name; and (6) the Responsible Person provides a list of all guests' vehicles, including license plate numbers. Each rental agreement shall be maintained by the Owner or the Owner's Agent for a minimum of four (4) years and shall be readily available for inspection upon request of the City Manager.



ORDINANCE 20##14-01

AN ORDINANCE OF THE CITY OF TRINIDAD
AMMENDINGDDING REPEALING EXISTINGSECTION 17.56.190 AND ADDING A NEW
SECTION 17.56.190 AND AMENDING SECTION 17.56.060 TO OF TITLE 17 OF THE
TRINIDAD MUNICIPAL CODE (ADDING AMMENDING REPEALING EXISTING SECTION
6.26 AND ADDING A NEW SECTION 6.26 AND AMENDING SECTION 6.06 OF TO THE
COASTAL COMMISSION CERTIFIED ZONING ORDINANCE), AND AMENDING SECTION
17.56.060 OF THE TRINIDAD MUNICIPAL CODE (AMENDING SECTION 6.069 OF THE
COASTAL COMMISSION CERTIFIED ZONING ORDINANCE)
AND AMENDING SECTIONS 17.56.160 AND 17.56.180 OF THE TRINIDAD MUNICIPAL
CODE (AMENDING SECTIONS 6.16 AND 6.18 OF THE COASTAL COMMISSION
CERTIFIED ZONING ORDINANCE)

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

ORDINANCE 20162-0#4, SECTION 1:

There is hereby added to the Trinidad Municipal Code a new Section, Section 17.56.190, replacing the existing Section 17.56.190 (and hereby added to the Coastal Commission certified Zoning Ordinance a new Section 6.26, replacing the existing Section 6.26), "City of Trinidad Vacation Dwelling Unit Short Term Rental Ordinance," which shall read as follows:

Section 17.56.180 (6.26) Regulations for Vacation Dwelling Units Short Term Rentals

Sections:

17.56.190 (6.26).A	Short Title
17.56.190 (6.26).B	Definitions
17.56.190 (6.26).C	Purpose
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17.56.190 (6.26).E	Effect on Existing Vacation Dwelling Units
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17.56.190 (6.26).G	Non-Permitted Uses
17.56.190 (6.26).H	VDU Standards
17.56.190 (6.26).I	Tourist Occupancy Tax
17.56.190 (6.26).J	Audit
17.56.190 (6.26).K	Dispute Resolution
17.56.190 (6.26).L	Violations—Penalty
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17.56.190 (6.26).N	Ordinance Review

17.56.190 (6.26).A

Short Title.

This Section shall be known and may be cited as "City of Trinidad Vacation Dwelling Unit Ordinance Short Term Rental Ordinance."

17.56.190 (6.26).B

Definitions.

#. Dwelling.

A single family dwelling, or a dwelling unit within a duplex or multi-family dwelling, not to include mobile homes in a mobile home park.

1. Good Neighbor Brochure.

Good Neighbor Brochure. "Good Neighbor Brochure" means a document prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the brochure shall include provisions for maximum occupancy and visitors, off-street parking, minimizing noise, establishing quiet hours, ~~and~~ minimizing disturbance to neighbors and environmentally sensitive habitat areas, and penalties for violations.

2. Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings of no more than the maximum allowed occupancy of 20 people or less consistent with normal residential use.

#. Existing STR.

An STR that had a valid VDU license as of the effective date of this ordinance.

~~#. Homestay.~~

~~An owner-occupied dwelling in which no more than two bedrooms are rented for transient use to up to four occupants total, not including residents, and in which the owner also stays overnight in the dwelling while it is rented. Residents plus occupants shall not exceed two people per bedroom, plus two people.~~

#. Host

A long-term resident that lives on the property, either in the Short Term Rental, or in another legal dwelling unit on the property, and who sleeps on the property while the STR is being rented, and who is responsible for overseeing or managing the STR while it is being rented.

#. Hosted Short Term Rental

A Short Term Rental with a Host. The host must be present on the same property as the Short Term Rental at all times between the hours of 10pm and 6am while it is being rented for Transient Use.

~~(San Jose defines 'Host Present' as: "means the Host is present on the premises of the dwelling unit that is being used for Incidental Transient Occupancy during the term of the Transient Occupancy at all times between the hours of 10pm—6am." This standard would be easier to verify and enforce than the "stays overnight" requirement in the 'Homestay' definition above.)~~

3. Occupant.

"Occupant" within this Section means a person, not a host, renting or occupying an STR in accordance with this section and staying overnight therein. ~~any person who exercises occupancy of a Vacation Dwelling Unit (VDU) Short Term Rental, or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days, or less, counting portions of calendar days as full days. Any such person so occupying space in a VDU shall be deemed to be a tourist until the period of 30 days has transpired.~~ As used in this Section, "occupant" does not include children aged 5 or under.

~~(This definition seems overly complicated. It came from the definition of tourist in the TOT ordinance. And as is, complicates occupancy requirements if there is a caretaker or other residents living in the VDU. However, I have also included provisions for that possibility in other sections as well. Most ordinances do not actually define occupant or renter. That may be because it is defined elsewhere in the Code, or because the definition is considered common sense. The City of Napa defines 'Renter' as "a person, not the owner, renting or occupying a vacation rental unit in accordance with the terms of this section.")~~

~~# —Owner-occupied.~~

~~“Owner-occupied” means the “domicile” of a person, as defined by California Elections Code Section 349, which generally means the place in which the person’s habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intent of returning. At a given time, a person may only have one domicile.~~

~~(San Luis Obispo defines ‘Owner Occupancy’ as: “a lawfully permitted dwelling that is occupied by the owner(s) named on the property deed as their primary residence and is occupied by them for the major portion of the year.” San Jose defines ‘Primary Residence’ as: “a permanent resident’s usual place of return for housing as documented by motor vehicle registration, driver’s license, voter registration or other such evidence.” Santa Monica defines a ‘primary residence’ as “considered to be a legal residence for the purpose of income tax and/or acquiring a mortgage.”)~~

#. Responsible Person (or Responsible Party).

Means the occupant of an STR who is at least twenty-five (25) years of age and who shall be legally responsible for compliance of all occupants of the STR and / or visitors will all provisions of this Section.

~~(This definition was adapted from Palm Springs, but it should be noted that a number of other ordinances that I reviewed define the Responsible Party as what this ordinance currently calls the ‘Local Contact Person.’)~~

4. Transient Use.

“Transient use” means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is 30 consecutive days, or less.

#. Short Term Rental (STR)

“Short Term Rental” (STR) means a rental of any dwelling unit, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than a Homestay or a Bed and Breakfast.

~~(The effect of these regulations on the existing Bed and Breakfast should be considered. Should that use be included as an STR, or a different kind of use subject to a Use Permit and only allowed in certain zones?)~~

~~#. —Short Term Rental: Type 1 (STR:1)~~

~~As described in my memo, I need some direction on how to define this.~~

5#. Non-hosted Short Term Rental: Type 2 (STR2) Vacation Dwelling Unit.

“Short Term Rental: Type 2 Vacation Dwelling Unit” (STR2VDU) means a non-owner-occupied dwelling without a host, which is rented for transient use, and no one but the occupants and visitors of the occupants live in use the dwelling while it is rented for use as a short term rental and the entire dwelling unit is rented for the purpose of overnight lodging for a period of not more than 30 days other than (1) ongoing month-to-month tenancy granted to the same renter for the same unit, (2) one less-than-30-day rental per year, or (3) a house exchange for which there is no payment. Short Term Rentals may include the use of accessory structures associated with a residence (e.g. garages, game rooms, etc.), but accessory structures that are not legal dwelling units shall not be, by themselves, a non-hosted short term rental. means any structure, accessory structure, or portion of such structures, which is contracted for transient use. As used in this Section, the definition of “Vacation Dwelling Unit” encompasses any structure or any portion of any structure which is occupied or intended or designed for occupancy by tourists for dwelling, lodging or sleeping purposes, and includes any home or house, tourist home or house, mobile home or house trailer at a fixed location except when located within a mobile home park or RV park, or other similar structure or portion thereof. “Vacation Dwelling Unit” does not include home exchanges or a short-term rental one time in a calendar year.

STR Watch List

"STR Watch List" means one or more Short Term Rentals that the City Manager has identified on the basis of good cause as STRs that warrant a higher level of oversight, scrutiny, review, or monitoring.

6. Visitor.

"Visitor" means someone staying temporarily at a VDU, such as guests of occupants, but that is not an "occupant" and not staying at the VDU overnight.

17.56.190 (6.26).C

Purpose.

The purpose of this Section is to provide for the renting of single- and multi-family dwellings, and accessory dwelling units, for periods of thirty consecutive days or less, as transient visitor accommodations, consistent with all other provisions of the General Plan and Zoning Ordinance, and to ensure that ~~Vacation Dwelling Units~~Short Term Rentals are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located.

17.56.190 (6.26).D

Application Requirements.

1. Initial Application.

a. Each VDU must procure a VDU License. ~~Existing VDUs must obtain a VDU License within 3 months of the adoption of this ordinance.~~ A VDU License issued pursuant to this Section shall also serve as a business license for rental activity pursuant to Chapter 5.04 of the Trinidad Municipal Code. The VDU License shall identify the existence of a VDU at a particular address and declare the number of bedrooms in the VDU and its intended maximum occupancy.

b. A site plan and floor plan must be submitted along with the VDU License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that addresses the requirements of this Chapter shall also be provided.

c. ~~At the time of application for a new STR, the dwelling shall be subject to inspection by the building official. The purpose of the inspection is to determine the conformance of the dwelling with applicable City regulations, the Uniform Building Code (date) and Zoning Ordinance. Prior to the issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Official/Inspector to conform with applicable codes. This does not mean that the dwelling has to be brought into conformance with current building codes unless, in the opinion of the Building Inspector, the work is necessary to protect public health and safety.~~

d. Each application for a VDU License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single ~~limit and an executed agreement to indemnify, defend and hold the city harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the registration of a VDU.~~ In addition, the applicant shall sign an acknowledgement that they will operate the STR in accordance with all applicable rules and regulations, including this section, and that they can will be held responsible for the behavior of their occupants and visitors in accordance with this Section.

(The hold harmless agreement was removed based on the suggestion of the City Manager. It has been an issue for some owners, and the City Attorney has assured him that it is not necessary to protect the City anyway.)

e. An initial VDU License Fee, as set by resolution of the City Council, will be charged for the first year of each VDU's operation.

f. The City will notify all property owners within ~~4~~300 feet of a VDU property of the VDU License within 7 days of its issuance or re-issuance. This notice may be combined with the required 24-hour emergency contact phone number notice required in subsection 3.b below. STR License information,

including license number, address, maximum occupancy and 24-hour contact, will be posted on the City's website.

g. Upon initial application for a VDU License, the City shall provide all VDU licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to environmentally sensitive habitat areas, water resources, and septic systems from the vacation rental use of the residences. Such protective measures include, but not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.

2. VDU-STR License Renewals.

STR licenses shall be renewed annually. Renewals must be submitted by ~~on~~ February 1. New STRs that received a license after October 1 do not need to renew their license until the February after the license has been in place for a year. The fee for annual renewals for subsequent years shall be set by resolution of the City Council. Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal application. Existing STRs that have not have an initial inspection as required by §17.56.190.D.1.c will be subject to such an inspection.

Although the renewal process includes a staff review of City records and other pertinent information specific to complaints, if any, that have been received about the particular STR, it is the intention of the City of Trinidad that there is a presumption that an application for renewal of a STR License for an existing VDU will be approved as long as all applicable standards are still met unless or until such time as the permit is revoked pursuant to §17.56.190.L (violations) or 17.56.190.H.12 (refer to license activity requirement if included) or until the VDU license expires pursuant to 17.56.190.D.3 (refer to property transfer) or if it is voluntarily withdrawn.

(This section mentions staff review of complaints as part of the renewal process. This should probably have more detail if that is to be the case, such as if a property has had over a certain number of complaints, only a provisional license will be granted. There is more discussion of provisional licenses or a license watch list in the violations and enforcement section.)

3. License Transferability.

Zoning Permits-STR Licenses shall run with the landowner and shall automatically expire upon sale or transfer of the property.

4. Application Wait List

It is the City's intention to maintain ### VDU Licenses. When an STR license becomes available, the City will accept a new application for a VDU License. The City will maintain a waiting list of property owners who are interested in obtaining a VDU License for their dwelling unit. A property owner may place his or her name on the waiting list at any time, but only once per property. Names will appear on the waiting list in the order in which they are received. When an opportunity for a new VDU License arises, the City will select the first name from the waiting list. That person will have 4590 days to submit a complete VDU License application, along with any other associated permit applications (Use Permit, OWTS Operating Permit, etc.). If the person so selected does not obtain a VDU License within 180 days, the next name will be selected from the waiting list.

53. Contact Information.

a. Local Contact Person.

Each VDU must designate a local contact person on the VDU License form. That person may be either the owner or the property manager, and that person must live within 205 miles of Trinidad so that he/she can and be able to respond personally to an emergency within 30 minutes.

(Should the local contact person and 24-hour emergency contact be required to be the same?)

b. 24-Hour Emergency Contact Phone Number.

A 24-hour emergency contact phone number is required for each VDU. The 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the VDU. Any change to the emergency contact number shall be promptly provided to the Trinidad City Clerk and posted within the VDU.

The emergency contact phone number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 4300 feet of the VDU within 107 business days after the issuance or reissuance of a VDU License for the VDU.

The emergency contact information sent to neighbors may include further instructions in the case that a response from the 24-hour emergency contact number is not forthcoming. If there is an emergency or complaint, and the emergency contact person does not respond within a reasonable period of time, concerned persons will be encouraged to report ~~the an~~ emergency through the 911 emergency calling system or the Police or Sheriff's Department ~~for other complaints~~. It is unlawful to make a false report or complaint regarding activities associated with a VDU.

17.56.190 (6.26).E **Maximum Number of Short Term Rentals**

~~In order to preserve community character and an appropriate balance of residential, commercial and visitor-serving uses, the total number of Non-hosted STR permits issued by the City pursuant to this Section shall not exceed 19 in the UR Zone and 6 in the SR Zone##30.~~

17.56.190 (6.26).FE **Effect on Existing Vacation Dwelling Units.**

~~Existing VDUs, in excess of the number allowed in §17.56.190.E22, or that do not meet the minimum distance between VDUs in the UR zone as required by §17.56.190.GF, that hold a valid VDU license issued by the City, shall be allowed to continue to operate under that VDU license as long as the permit is renewed in accordance with §17.56.190.D.2 unless or until such time as the permit is revoked pursuant to §17.56.190.L (violations) or 17.56.190.H.12 (refer to license activity requirement if included) or until the VDU license expires pursuant to 17.56.190.D.3 (refer to property transfer). Each individual operating a VDU existing at the time the VDU Ordinance is adopted, including those currently holding a valid Trinidad Business License, shall be subject to the requirements of this Section of the Zoning Ordinance upon its adoption. The owner of an existing VDU which does not meet the requirements of this Section will not be issued a VDU License and shall not use the VDU structure for VDU purposes.~~

17.56.190 (6.26).GF **Location.**

~~VDU's STR's are permitted only in legally established dwelling units within any Special Environment, Suburban Residential, Urban Residential, and Planned Development zoning districts.- VDUs are also permitted in a legally established Accessory Dwelling Unit subject to meeting the requirements of this Section.- Each separate VDU must obtain its own, individual VDU License. There shall be no more than one VDU per parcel unless a Use Permit is approved by the Planning Commission.~~

~~Within the Urban Residential (UR) zone, no new STR shall be located within 150### foot radius around another existing STR. Distances shall be measured from the closest center of the property line of with the existing STR, to the closest property line of the property containing the proposed STR. This location standard can be modified through Planning Commission approval of a Use Permit.~~

(Note that these location exceptions are the only added exceptions in the ordinance. The only existing one was for parking. These exceptions will allow for the continued (or new) use of VDUs that are not causing problems but don't meet these new requirements. The use permit findings should work well for VDUs since they focus on neighborhood compatibility and address issue of noise, traffic, lighting, etc.)

17.56.190 (6.26).GH **Non-Permitted Uses.**

~~There shall be no permitted use of the VDU structure other than occupancy for dwelling, lodging, or sleeping purposes. Use for commercial events or events which are not hosted by the VDU's property owner are not permitted.No additional occupancy of the dwelling (with the exception of the property owner~~

and private, non-paying guests) shall occur. An STR shall only be used for the purposes of occupancy as an STR or as a full-time occupied unit. No other use (e.g. home occupation, temporary event, homestay, etc.) shall be allowed on the site.

17.56.190 (6.26).H VDU Standards

All VDUs will be required to meet the following standards:

1. Number of Occupants.

The maximum number of occupants allowed in a ~~STR~~VDU shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom VDU may have six occupants). ~~less any residents, hosts or caretakers (define one or more of these).~~ Except that in the Suburban Residential Zone, if the VDU has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. On properties that are less than 8,000 sq. ft. in areado not meet the minimum distance restriction of §1756.190.G, the maximum number of occupants allowed is two (2) persons per bedroom. Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design capacity of the septic system.

2. Off-Street Parking.

A VDU must provide at least one off-street parking space for every two occupants allowed in the VDU pursuant to Section 17.56.190 (6.26).H.1. The off-street parking space/s shall be entirely on the VDU property. VDU owner/operators shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system. Occupants will be required to utilize onsite parking prior to utilizing offsite and on-street parking as part of the rental contract but are not allowed to park onsite in undesignated parking spaces. Occupants and visitors shall be encouraged to not take up all of the available street parking of adjacent and nearby properties.

(Note that the intent of these additions is to minimize parking impacts, but the second part would not be enforceable.)

VDUs that have been in existence for a minimum of two years that can not feasibly comply with the parking requirements may apply for an administrative exception. Exception requests shall be made through the City Clerk and shall provide documentation (e.g. receipts or rental contracts) showing both that the VDU has been in active operation for a minimum of two years and the maximum rental occupancy over that period. The request shall include a detailed site plan and justification as to why the required parking spaces can not be accommodated on the site, as well as note where alternative parking is utilized. The City Planner shall only grant an exception to accommodate the documented maximum occupancy over the past two years. The City Planner may deny an exception request or approve the exception for fewer parking spaces than requested if the exception would be detrimental to the public health and safety.

(Should parking exceptions have a more formal process or require Planning Commission approval? Technically this section is probably no longer applicable because all existing VDUs have already been dealt with.)

#. Guest Registry

The STR owner or manager shall maintain an occupant and vehicle register for each tenancy of the STR. The register shall include the names, phone numbers, and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for City inspection upon request.

3. Water Use.

To prevent overloading of septic systems, each VDU shall be operated in a manner to ensure that the occupancy and use of a VDU shall not result in annual domestic water use greater than that

associated with the non-VDU use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.

Where it can be determined based on the Humboldt County Division of Environmental Health permit of file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the VDU License and application materials to allow for verification that the VDU water use did not exceed allowable volumes as described above.

If the City determines that the VDU use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the VDU owner/operator shall take constructive measures to reduce water use. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the VDU.

4. Septic System.

Each VDU's owner or property manager must provide proof that the septic system for the structure in which the VDU is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each bathroom in the VDU and the kitchen.

5. Appearance and Visibility.

The outside appearance of the VDU structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as allowed by Section 17.56.160 (6.16)). The VDU shall not create any noise, glare, flashing lights, vibrations, or odors that are not commonly experienced in residential areas or that would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area.

6. Signs.

A single sign, legible from the property's street frontage, and no greater than 3 square feet in size may be attached to the VDU structure or placed immediately adjacent to the front of the VDU structure. The purpose of the sign is to notify the public that the structure is or contains a VDU. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the VDU. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

7. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the VDU.

8. Visitors.

The number of visitors to a VDU shall be limited to not more than ~~20~~ the allowable occupancy persons, including occupants, per parcel of the STR at any time. ~~If there is more than one VDU on a property, the 20 person maximum applies to the property, not each VDU.~~ Visitors are not allowed in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.

9. Noise.

Occupants of VDU properties and visitors shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 pm and before 8:00 am should be contained within the VDU and shall not be able to be heard by or offend any adjacent neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

10. Traffic.

Vehicles used and traffic generated by the VDU shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

11. Tenancy.

The rental of a VDU shall not be for less than two successive nights.

12. Minimum Activity.

STRs and hosted STRs shall be rented for a minimum of 60 nights per year in order to maintain a VDU License. If the STR owner / manager fails to document rentals of at least 60 nights per year, the City Manager may determine that license is inactive and ineligible for renewal.

(This requirement could go here or up in the license process section)

132. Good Neighbor Brochure.

Prior to occupancy pursuant to each separate occasion of rental of a VDU, the owner or the owner's agent shall provide a copy of the Good Neighbor Brochure to the occupants and ~~for~~ shall post the Good Neighbor Brochure in a clearly visible location within the VDU.

143. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren, the Volunteer Fire Department siren and real emergencies shall be included.

##. Transmittal of Rules

Prior to rental of an STR, the Responsible Person shall be provided with a list of rules and responsibilities, in a form approved by the City Manager. The Responsible Person shall initial each rule indicating that they have read it and sign an acknowledgement that infractions will not be tolerated and if any rules are broken, ~~they~~ occupants can be fined by the City, lose their security deposit and / or be evicted. In addition, the STR owner or manager shall meet at least one occupant on the day of their arrival in order to ensure that the rules are understood, and that the occupants have represented themselves correctly.

(Note that the idea of security deposits will have to be reviewed by the City Attorney and probably more added to the violations section to implement it.)

##. Administrative Standards and Rules

(a) The City Manager shall have the authority to impose additional standard conditions, applicable to all Short Terms Rentals, or Types, as necessary, to achieve the objectives of this Section. A list of all such additional standard conditions shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.

(b) The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this Section for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Chapter. A copy of such administrative rules and regulations shall be on file in the Office of the City Clerk.

Property Watch List

Notwithstanding the provisions of Subsection (##) above, upon a determination of good cause, the City Manager may impose additional or special standards or requirements for (1) the determination or placement of properties on the Property Watch List; (2) placement or imposition of special conditions or performance standards for Owners, Owner's Agents, Local Contact Persons, and their affected STRs on the Property Watch List; and (3) and removal of an STR from the Property Watch List.

17.56.190 (6.26).I Tourist Occupancy Tax.

The letting, leasing, or other contractual use of a VDU is subject to a Tourist Occupancy Tax ("TOT") and any other mandated taxes. Each VDU owner and/or manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.56.190 (6.26).J Audit & Inspection

Each owner and agent or representative of any owner shall provide access to each VDU [for inspection](#) and any records related to the use and occupancy of the VDU to the City at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this Section are being fulfilled.

17.56.190 (6.26).K Dispute Resolution.

By accepting a VDU License, VDU owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a VDU. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.

17.56.190 (6.26).L Violations

1. Penalty

Violations of this Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 17.76.050 (7.20) [\[the referenced section could also use a possible amendment\]](#) of the Zoning Ordinance. Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these VDU regulations by way of nuisance abatement action. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

2. Revocation

If the VDU owner or property manager is deemed by City staff to be negligent in responding to an [emergency situation complaint](#) more than two times in a 12-month period, or if more than two documented, significant violations, [defined below](#), occur in any 12-month period, the VDU License may be revoked. ~~Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement.~~ No revocation shall occur unless decided by a lawful majority vote of the Trinidad City Council and after written notice, served by first class mail, of at least 21 days was given to the owner of record and the local contact person as set forth in the VDU application. Revocation may be temporary or permanent depending on the nature and number of the violations.

[Complaint as used in this subsection means the need or requirement to contact the Local Contact Person to rectify a situation that is disturbing to a neighbor or resident. Complaints, and their resolution, must be reported to the City Clerk's office by the Local Contact Person within two business days of being received.](#)

(Would it be clearer to have these definitions in the definition section? Should provisions for a 'property watch list' (as used in Palm Springs) or other type of provisional / probationary license be included?)

[As used in this subsection, significant violation is a situation where the Local Contact Person is either unable to unwilling to rectify the situation within a timely manner, and / or when public safety personnel must be called to assist in resolving the situation. Examples of significant violations include, but are not limited to:](#)

- [\(i\) Failure of the local contact person, owner or manager to respond to a complaint within a timely manner \[timely manner may need to be defined\]](#)
- [\(ii\) The inability of City staff or the Sherriff's Dispatch to reach a contact person.](#)
- [\(#\) Failure to maintain or provide the required guest registry.](#)

- [\(iii\) Violation of the STR maximum occupancy, parking, noise and other requirements as set forth in Section 17.56.190.H.](#)
- [\(iv\) Failure to notify City staff when the contact person or contact information changes.](#)
- [\(v\) Failure to pay fees or TOT in accordance with this Section.](#)
- [\(vi\) Providing false or misleading information on a VDU License application or other documentation as required by this Section.](#)
- [\(vii\) Violations of state or County, or City health regulations](#)

[Examples of acceptable documentation of significant violations include, but are not limited to:](#)

- [\(i\) Copies of citations, written warnings or other documentation filed by law enforcement.](#)
- [\(ii\) City file information.](#)
- [\(iii\) Advertisements for the VDU](#)
- [\(iv\) Signed affidavits and / or photographic evidence from neighbors or other witnesses](#)
- [\(v\) Other documents which substantiate allegations of significant violations.—](#)

[3. The City Manager shall have the authority to determine what constitutes a significant violation, as necessary, to achieve the objectives of this Section. A list of all such additional significant violations shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.](#)

3. It is unlawful to make a false report to law enforcement regarding activities associated with vacation rentals.

17.56.190 (6.26).M Ordinance Review

This ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is meeting the needs of the community.

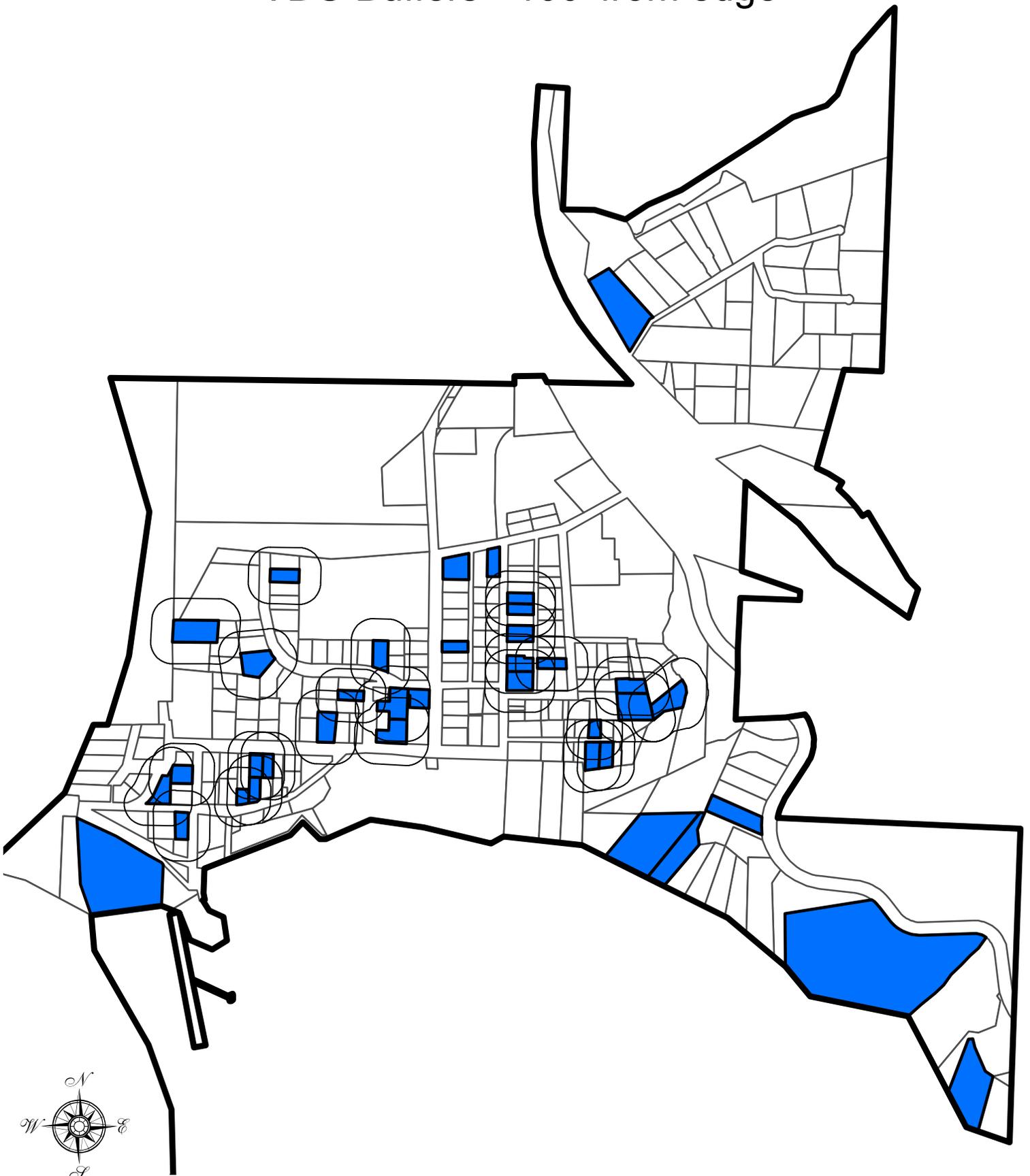
ORDINANCE 2016-##, SECTION 2:

[Revise Chapter 17.56, Section 17.56.060, Home Occupations, \(Article 6, Section 6.06, Home Occupations\) to read, in context, as follows:](#)

17.56.060 Home occupations.

[Home occupations, including but not limited to sewing, music studios, art studios, home and health care product distributors, bookkeeping, rooming and boarding, of not more than two persons, including tourists, shall be permitted as an accessory use to any dwelling subject to the following conditions:...](#)

VDU Buffers - 100' from edge



www.trinidad.ca.gov

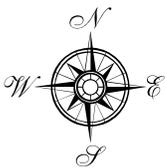
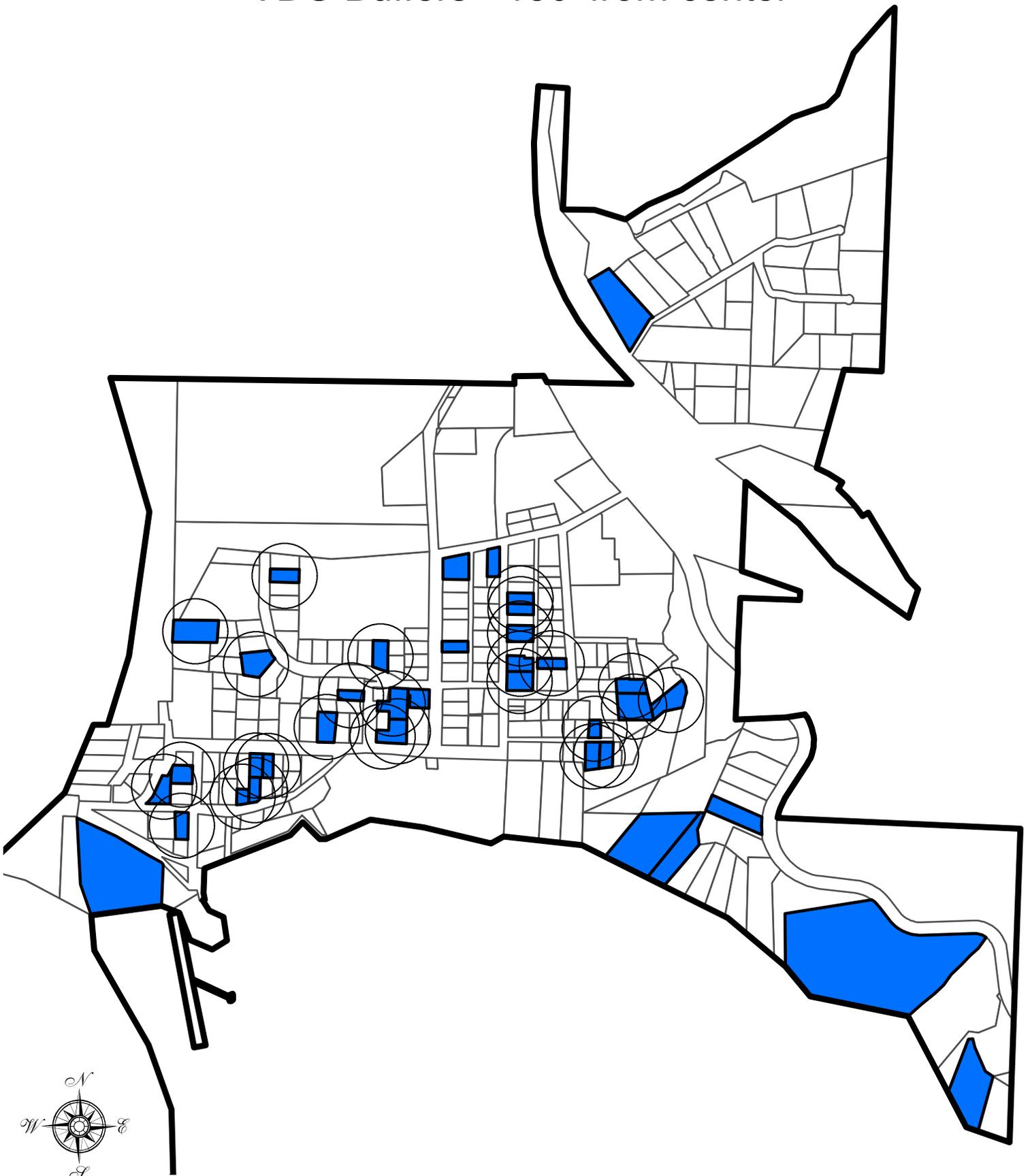


1" = 600 feet



1/15/16

VDU Buffers - 150' from center



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1" = 600 feet

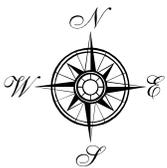
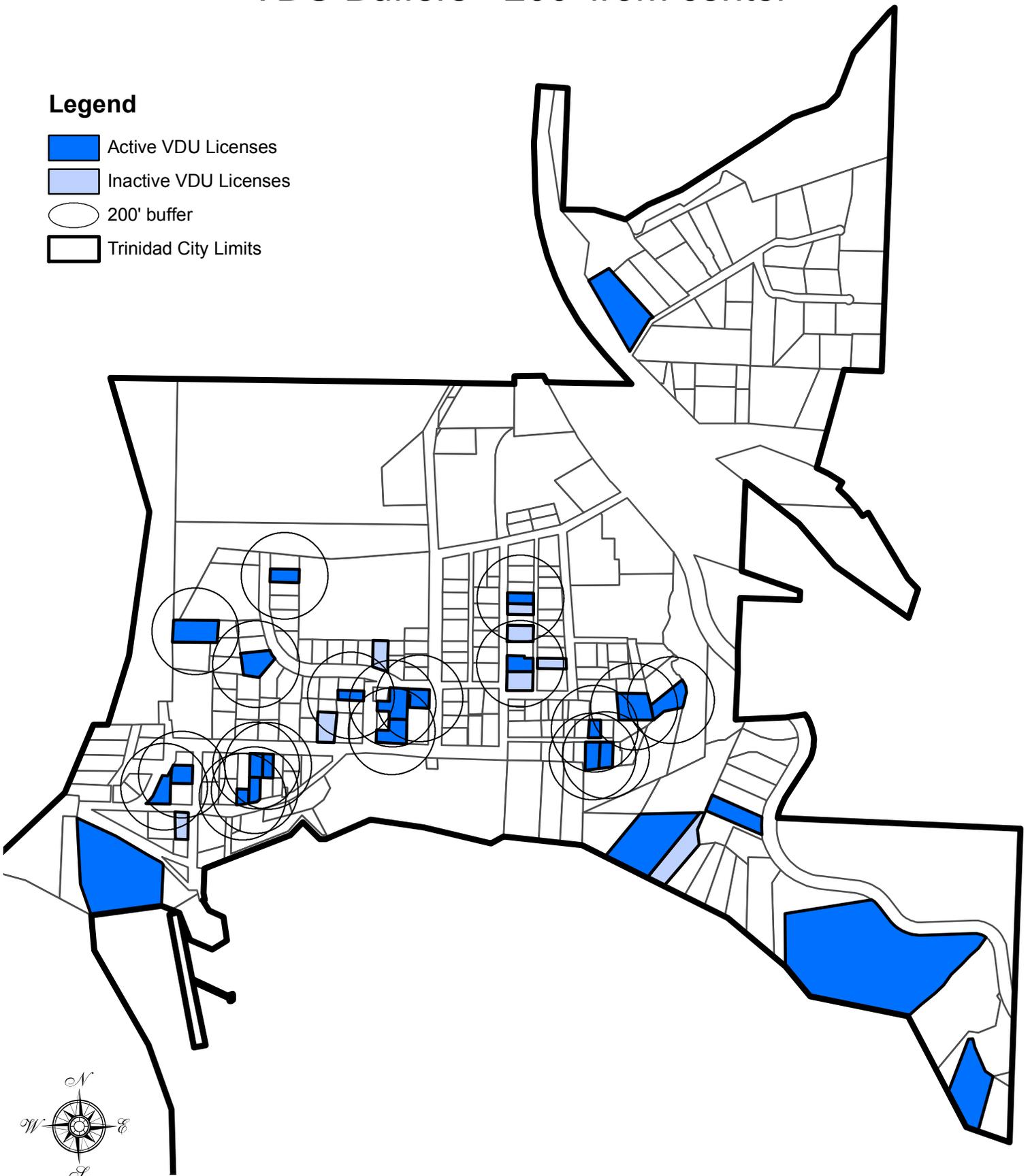


1/15/16

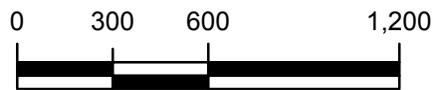
VDU Buffers - 200' from center

Legend

-  Active VDU Licenses
-  Inactive VDU Licenses
-  200' buffer
-  Trinidad City Limits



www.trinidad.ca.gov



1" = 600 feet

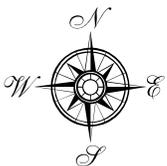
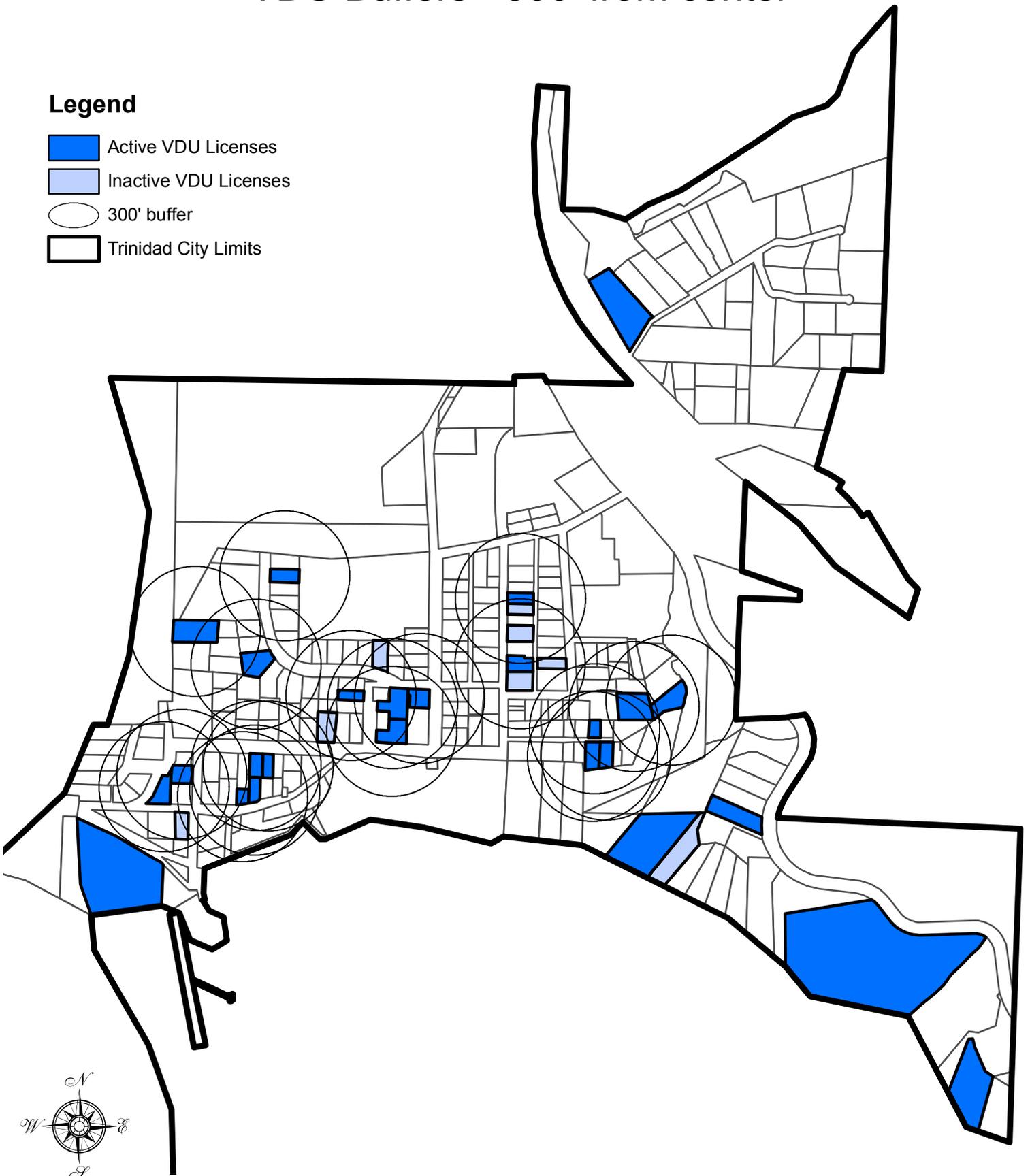


3/11/16

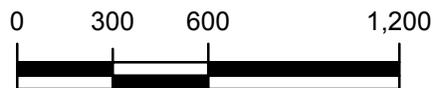
VDU Buffers - 300' from center

Legend

-  Active VDU Licenses
-  Inactive VDU Licenses
-  300' buffer
-  Trinidad City Limits



www.trinidad.ca.gov



1" = 600 feet



3/11/16

Water Use Data Notes

- Out of 176 water use accounts for residential properties (does not include trailer parks, but does include known multi-family properties), I was able to find reliable bedroom data from either the septic permit (1st choice) or project file information for 118 of them (67%)
- Out of the 118, only 5 properties used more water than the design flow of their septic systems (three 2-bdrm, and two 3-bdrm)
 - Two of these three 2-bdrm residences are licensed vacation rentals
 - One is on a relatively large corner lot (lower Edwards and Van Wycke) with a significant amount of formal landscaping
 - The other is on a large (1/2 acre) lot and underwent a significant remodel last summer, and so was not being rented, but did sustain a large water leak during July that created a huge spike in their water use (10,550 cu. ft.) that month (though the overall annual average was similar to the year before)
 - Of the two 3-bdrms, only one is a licensed vacation rental, and it only exceeds the design flow by 4.4%; this property is small, but also has formal landscaping
- I did not include the two 5-bdrm residences that I know about on the chart, but both are on large lots and do not come close to exceeding their design flows.
- In terms of the properties with unknown number of bedrooms (which also likely have older, undocumented or unpermitted septic systems), only two of the 58 properties exceed the 2-bedroom design flow (other than the Reinman apartment 4-plex, which has at least 4 bedrooms).
 - Neither are vacation rentals, and only exceed the 1203 cu. ft. 2-bdrm design flow by only 0.3% and 4.3%
 - The next highest VDU user averages 1034 cu. ft. per month
- Many VDUs tend to maintain a larger area of and more formal landscaping than many non-VDU residences.
- Many, if not most, VDUs also maintain hot tubs that must be changed on a more frequent basis than non-VDU residences.

Existing Language

To prevent overloading of septic systems, each VDU shall be operated in a manner to ensure that the occupancy and use of a VDU shall not result in annual domestic water use greater than that associated with the non-VDU use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a reasonable allowance for landscaping based on the lot size as provided in the table below.

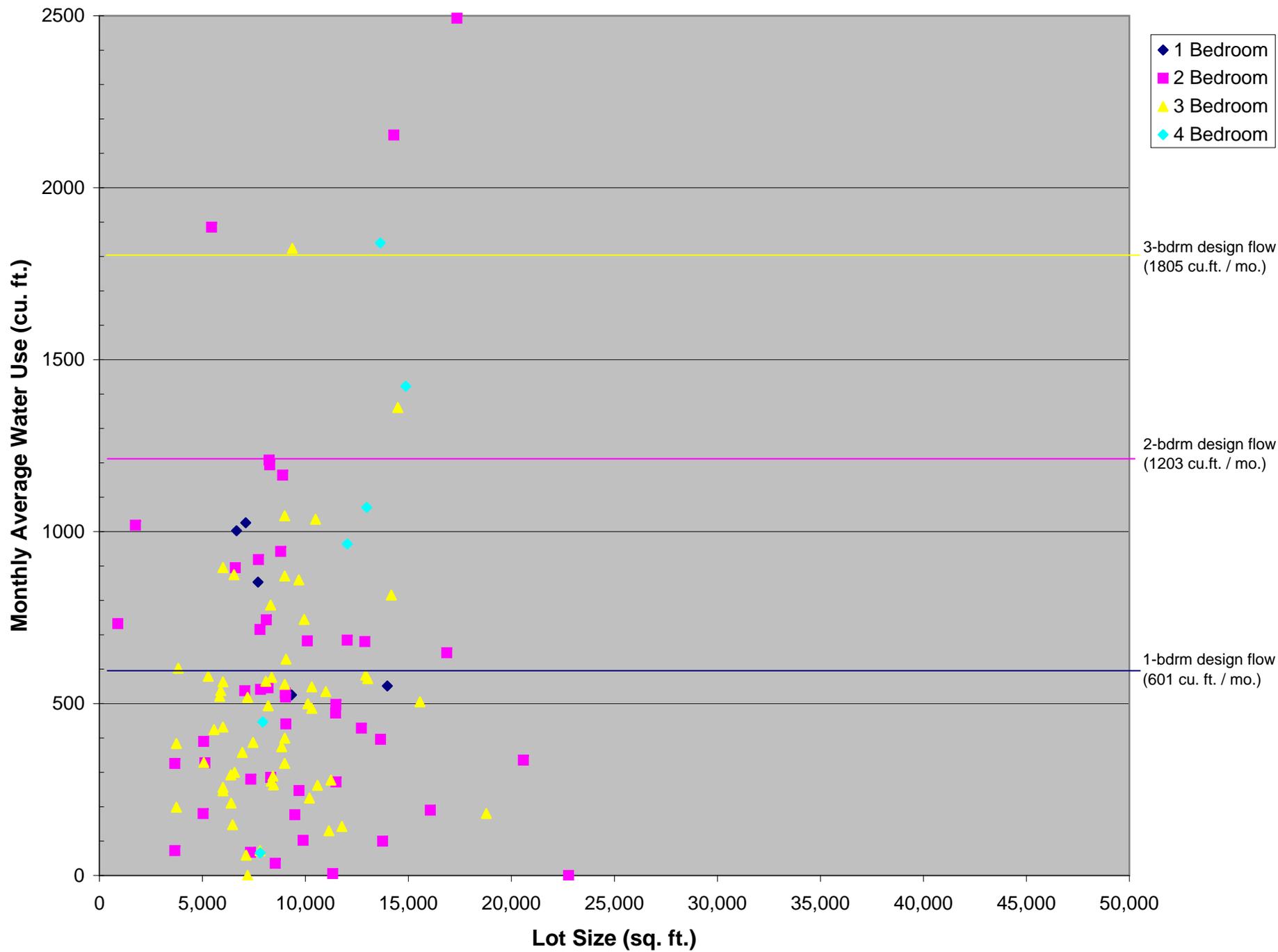
Where it can be determined based on the Humboldt County Division of Environmental Health permit of file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the VDU License and application materials to allow for verification that the VDU water use did not exceed allowable volumes as described above.

Proposed Options (for the highlighted text)

1. EPA Estimates that, nationwide, 30% of household water use goes towards landscaping. In California, that number is about 55%, but varies widely depending on the location. For the north coast, 30% seems like a reasonable amount. In this option, I would basically just replace 'reasonable' with '30%'.
2. I found a water use calculator on the 'Save our Water' website (<http://www.saveourh2o.org/water-use-calculator>) published by the Association of CA Water Agencies that indicates the following monthly volumes for water use based on lot sizes:
 - a. < 6,000 s.f. = 315 c.f. (2351 gallons)
 - b. 6,000 – 10,000 s.f. = 577 c.f.
 - c. 10,000 – 20,000 s.f. = 831 c.f.
 - d. > 20,000 s.f. = 1731 c.f.

I think either one would be fine. I think requiring that all VDUs bring their septic systems up to current standards would be more onerous, and, in my view, unnecessary considering the City's comprehensive OWTS program. I might add some language that would allow a property owner to meter inside water use separate from outdoor water use if they are exceeding the allowable amount. Then they would only be limited to their septic design flows inside.

In terms of the General Plan policies that you mentioned, I think just by regulating VDUs, including water use, septic standards and occupancy, that we will be implementing or furthering those policies. In addition, the City has been complying with those policies for new development since they were adopted in 1980, though of course the standards for septic systems have changed some since then, though not a whole lot.



ORDINANCE O2015-13

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING NAPA MUNICIPAL CODE SECTION 17.08.020 "RESIDENTIAL DISTRICTS", SECTION 17.10.020 COMMERCIAL DISTRICTS, SECTION 17.12.020 "RESIDENTIAL OFFICE AND OFFICE DISTRICTS" AND REPEALING EXISTING SECTION 17.52.515 AND REPLACING IT WITH A NEW SECTION 17.52.515 "VACATION RENTAL PERMITS"

WHEREAS, on April 7, 2009, and September 21, 2010, the City Council adopted Ordinance Nos. O2009-6 and O2010-16, as codified in Napa Municipal Code Section 17.52.515, which established regulations and procedures for the submittal of applications for, and the issuance and implementation of, permits for the operation of vacation rentals within the City; and

WHEREAS, pursuant to the requirements of Napa Municipal Code Section 17.52.515, in 2009, the City issued vacation rental permits to vacation rental businesses, and as of the City Council's consideration of this ordinance there are 41 vacation rental businesses operating under previously issued vacation rental permits (referred to herein as "2009 Permits"); and

WHEREAS, on June 2, 2015, the City Council heard public testimony regarding requested changes to the City's regulations of vacation rentals, and the Council directed City staff to prepare an ordinance to implement specified changes to previously adopted regulations, primarily related to a provision to allow the permitting of up to 60 new "hosted accommodations," and a provision to allow a conditional transfer of previously issued vacation rental permits from one business owner to a new business owner; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff and recommendations by the Planning Commission, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

SECTION 1: Findings. As required by Napa Municipal Code Section 17.66.080, the City Council hereby makes the following findings in support of the amendments to the zoning regulations set forth under this Ordinance:

A. The proposed amendment is consistent in principle with the General Plan.

The proposed amendments are consistent with the General Plan in that the amendments merely extend entitlements already granted which are consistent with the General Plan. Specifically, the proposed amendments are consistent with Land Use Goal LU-4 which seeks to preserve and enhance the residential character of existing neighborhoods. Providing for "Hosted Accommodations" allows the property owner to maintain the home as a residence and limits the non-residential use to a maximum of two rooms.

B. The public health, safety and general welfare are served by the adoption of the proposed amendment.

The proposed amendment is beneficial to the public health, safety and general welfare as it establishes performance standards to ensure the compatibility between vacation rentals and the residential character of neighborhoods in which they may be located. Performance standards include annual property inspections, house rules and quiet times in the evening hours.

C. If a rezoning to a district with a larger minimum lot size is proposed, effectively reducing the planned residential density, the City shall also find that the remaining sites in the Housing Element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to California Government Code section 65584; or if not, that it has identified sufficient additional, adequate and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

This finding is not applicable to this project because the project does not include any proposal to increase a minimum lot size nor does it eliminate any site designated in the Housing Element from future use as a housing site.

SECTION 2: Amendment. The Land Use Regulations table set forth in Subsection 17.08.020.B "Public and Quasi-Public Uses" is hereby amended to add "Vacation Rentals" in the appropriate alphabetical location within the table; with conditionally permitted with applicable standards or "CS" in each row under the columns labeled "RS", "RI", "RT" and "RM"; and "See standards Ch. 17.52" under the column labeled as "Added Use Regulations".

SECTION 3: Amendment. Table B – Downtown Specific Plan Area set forth in Subsection 17.10.020.C "Visitor Accommodations" is hereby amended to add "Vacation Rentals" in the appropriate alphabetical location within the table; with "CS" in each row under the columns labeled "DMU" and "DN"; and "See standards Ch. 17.52" under the column "Specific Standards Apply".

SECTION 4: Amendment. The Land Use Regulations table set forth in Subsection 17.12.020.B "Commercial Uses" is hereby amended to add "Vacation Rentals" in the appropriate alphabetical location within the table; with "CS" under the

column labeled "RO" and "See standards Ch. 17.52" under the column labeled as "Added Use Regulations".

SECTION 5: Amendment. Napa Municipal Code Section 17.52.515 is hereby amended by repealing the previous language in its entirety, and by adopting new language as set forth below:

"17.52.515 Vacation Rental Permits.

A. Scope, Purpose and Findings.

1. The purposes of this Section (which may be referred to as the "Vacation Rental Ordinance") are to:
 - a. Document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any vacation rental use within the City.
 - b. Establish that transient occupancy uses are not permitted or conditionally permitted in residential or non-residential zoning districts, unless either: (1) the City has approved a hotel use in a non-residential zoning district pursuant to Title 17, or (2) the City has approved a use permit for a bed and breakfast inn pursuant to section 17.52.060 of this Chapter, or (3) the City has approved a vacation rental permit pursuant to this Section.
2. The City Council hereby finds that unregulated transient occupancy uses in residential and non-residential districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located, and to the availability of housing stock in compliance with the Housing Element of the General Plan.
3. The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to vacation rental permits is necessary to protect the public health, safety and welfare. The purpose of this Section is to provide a permit system and to impose operational requirements to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density, to ensure the health, safety and welfare of renters and guests patronizing vacation rentals, and to impose limitations on the total number and types of permits issued in order to ensure the long term availability of housing stock in compliance with the Housing Element of the City of Napa General Plan.
4. The City Council hereby finds that the provisions of this Section which impose restrictions on commercial speech, pursuant to the restrictions on advertisements set forth in Subsection 17.52.515(E)(5), are necessary in order to advance the City's legitimate interest in preventing rental activity that

violates this Code, and in regulating fraudulent, misleading, or deceptive advertising. These restrictions on advertising are necessary in order to prevent advertisers from engaging in unlawful rental activity and from misleading the general public to think that a particular property in the City of Napa is available for transient occupancy if, in fact, the advertised property is not authorized to be used for transient occupancy purposes in accordance with this Section.

5. The City Council hereby finds that the City's regulation of vacation rental uses in accordance with this Section is a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this Section.

B. Definitions. As used in this Section:

"2009 Permit" means each of the 41 vacation rental permits which were in effect prior to July 1, 2015, and which were issued pursuant to City Ordinance Nos. O2009-6 and O2010-16 (former versions of vacation rental regulations). Each 2009 Permit shall be deemed by the City to be "approved" and "issued" "pursuant to this Section," as those phrases are used in this Section, including but not limited to Subsections 17.52.515(A)(1)(b), 17.52.515(D)(1), 17.52.515(E), 17.52.515(F), and 17.52.515(H).

"Advertise" means any communication that induces or encourages any person to rent for transient occupancy purposes, or that provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the City of Napa.

"Applicant" means any person, firm, partnership, association, joint venture, corporation, or an entity, combination of entities or consortium who seeks or seek approval of a vacation rental permit under the authority of this Section.

"Authorized Agent" means the person specifically authorized by an owner to represent and act on behalf of the owner and to act as an operator, manager and contact person of a non-hosted accommodation, and to provide and receive any notices identified in this section on behalf of the owner, applicant, permittee, or authorized agent.

"Bedroom" is as defined by Section 17.06.030 of this Code.

"Director" means the Director of the Community Development Department of the City, or a designee of the Community Development Director or City Manager.

"Enforcement Officer" means the Director, Chief Building Official, Fire Marshall, City Code Enforcement Officer, City Department Manager (to the extent

responsible for enforcing provisions of this Code), or any other City employee designated by the Director or City Manager to enforce this section.

"Guest" means an invitee of a renter or other person visiting a renter of a vacation rental unit who does not rent the unit.

"Hosted Accommodation" means a vacation rental business for which the owner resides at the vacation rental unit, and the owner sleeps at the vacation rental unit while it is being rented, and no more than two bedrooms are rented for transient occupancy pursuant to this Section.

"Non-hosted Accommodation" means a vacation rental business for which the authorized agent is not required to reside at the vacation rental unit which is rented for transient occupancy pursuant to this Section.

"Owner" means the person holding fee title to the real property that is the subject of a vacation rental permit.

"Permittee" means the person to whom a vacation rental permit is issued pursuant to this Section. To the extent that this Section identifies requirements of a Permit, or obligations of the Permittee, the owner and any identified authorized agent shall be jointly and severally liable as a "responsible person" (see Section 1.16.010).

"Renter" means a person, not an owner, renting or occupying a vacation rental unit in accordance with the terms of this Section.

"Reside," as used in this section, means the "domicile" of a person, as defined by California Elections Code Section 349, which generally means the place in which the person's habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.

"Transient Occupancy" is as defined by Section 17.06.030 of this Code.

"Vacation Rental" means any transient occupancy use for which the City has issued a vacation rental permit pursuant to this Section. The term "vacation rental" shall be used to include all vacation rental businesses operating pursuant to a "2009 Permit," all "hosted accommodation" vacation rentals, and all "non-hosted accommodation" vacation rentals.

"Vacation Rental Unit" means the structure in which the vacation rental use is permitted to operate, pursuant to a permit issued in accordance with this Section.

- C. The Director shall invite applications for vacation rental permits pursuant to this Subsection 17.52.515(C).

1. The Director shall issue a written notice inviting applications for vacation rental permits in accordance with this Section. Each written notice pursuant to this Subsection shall be published in accordance with California Government Code Sections 6060 and 6061, and the Director shall endeavor to use other reasonably available means of communications such as the City's internet website.
2. Each written notice inviting applications shall identify the date and time which applications must be received by the Director, not less than thirty days after publication of the notice.
3. Each written notice inviting applications shall refer to the permit requirements of this Section. Each application for a vacation rental permit shall include the following information, signed by the owner (and the authorized agent for non-hosted accommodations), documented in a form acceptable to the Director:
 - a. Identify the owner of the real property on which the vacation rental is proposed (include the name, mailing address, email address, and telephone number).
 - b. Identify whether the application is for a hosted accommodation or a non-hosted accommodation.
 - i. If the vacation rental is proposed as a hosted accommodation, provide adequate documentation that establishes the owner will reside at the vacation rental unit.
 - ii. If the vacation rental is proposed as a non-hosted accommodation, identify the owner's authorized agent (include the name, mailing address, email address, and telephone number). An authorized agent must be identified for each non-hosted accommodation; however, the authorized agent may be the owner, or a person other than the owner.
 - c. Identify the number of bedrooms and approximate square footage in the vacation rental unit, and the maximum number of overnight renters under the limitations imposed under Subsection 17.52.515(E)(4)(b). For hosted accommodations, identify the location of each room to be rented as a vacation rental.
 - d. Document that all designated bedrooms meet all local building and safety code requirements.
 - e. Identify the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants.
 - f. Acknowledge that the owner (and authorized agent for non-hosted accommodations) have read all regulations pertaining to the operation of a vacation rental, including this Section, the City's business license requirements (Chapter 5.04 of this Code), the City's transient occupancy tax requirements (Chapter 3.20 of this

- Code), and any additional administrative regulations promulgated by the Director to implement this Section.
- g. Provide a copy of the form rental agreement, rental rules and regulations and any associated materials as required by Subsection 17.52.515(E)(4).
 - h. Provide any other information as the Director deems reasonably necessary to administer this Section, as identified in the notice inviting applications.
 - i. Acknowledge and agree that claims, requests, objections and arguments not timely raised in the vacation rental permit application are and shall be deemed waived.
 - j. Agree that any and all use of the property for vacation rental/transient occupancy purposes shall cease upon the expiration or revocation of the vacation rental permit pursuant to Subsection 17.52.515(E)(1).
 - k. Agree to hold harmless, indemnify and defend the City against claims and litigation arising from the issuance of the vacation rental permit.
 - l. Certify the accuracy of the information submitted and agree to comply with all conditions of the permit.
- D. The Director shall evaluate permit applications, and process the applications for approval, conditional approval, or denial of vacation rental permits, pursuant to this Subsection 17.52.515(D):
1. The number of vacation rental permits issued pursuant to this Section shall not exceed 41 non-hosted accommodations and 60 hosted accommodations.
 2. For all applications that were received by the Director prior to the date and time on which applications were required to be received (pursuant to Subsection 17.52.515(C)(2)), the Director shall randomly select each application, and sequentially number each application in the order selected (the first selected application will be assigned the lowest application number, and the last selected application will be assigned the highest application number). A separate application list and application evaluation and issuance process will be established for: (a) hosted accommodations, and (b) non-hosted accommodations.
 3. Beginning with the application with the lowest application number, and proceeding sequentially with each application thereafter (subject to the numerical limitation on the number of permits that may be issued, as set forth in Subsection 17.52.515(D)(1)), the Director shall select and evaluate each application to determine if the requirements of this Section have been satisfied. The Director shall provide a written notice to the applicant identified on each selected application, and shall identify the date and time on which the following supplemental submittal must be received by the Director, not

less than thirty (30) days after the date of the notice. Each applicant shall provide the following supplemental submittal in a form acceptable to the Director:

- a. Payment of the application and processing fee established by City Council resolution based on the City's estimated reasonable costs to process and review the application materials.
 - b. A public notice mailing label submittal (to notify neighboring property owners, pursuant to Subsection 17.68.070(A)(3).
 - c. If the property that is the subject of the application is within 500 feet of a bed and breakfast inn (permitted in accordance with Section 17.52.060) or a vacation rental (approved or conditionally approved by the Director pursuant to this Section 17.52.515), the applicant shall submit supplemental information that establishes that the applicant will adequately mitigate potential adverse impacts of a concentration of transient occupancies on the character and livability of adjacent residential properties.
 - d. Provide any other information as the Director deems reasonably necessary to establish that the applicant will comply with all requirements of this Section, as identified in the notice.
4. If the Director determines that an applicant has failed to satisfy the application requirements of Subsections 17.52.515(C) or 17.52.515(D), the Director is authorized to provide written notice to the applicant of the determination of denial.
 5. If the Director determines supplemental evidence at a public hearing is warranted in order to determine whether an applicant adequately mitigated potential adverse impacts to the public health, safety, or welfare (e.g., due to concerns raised by neighbors, or to evaluate the impacts of a concentration of uses, under Subsection 17.52.515(D)(3)(c)), the Director shall notice a public hearing of the Planning Commission pursuant to Sections 17.68.070 through 17.68.100 of this Code. The Planning Commission is authorized to deny, approve, or conditionally approve the permit in accordance with the criteria set forth in this Section, particularly incorporating the requirements of Subsections 17.52.515(D)(6) through 17.52.515(D)(8).
 6. If the Director determines that an applicant has satisfied the application requirements of Subsections 17.52.515(C) and 17.52.515(D), and that the owner has borne the burden of proving that the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the Director shall provide written notice to the applicant that the vacation rental permit is conditionally approved, subject to compliance with the conditions identified by the Director in the notice. The notice shall identify the date and time on which the following supplemental submittal must be received by the Director, not less than ten (10) calendar days after the date of the notice.

- a. The applicant shall pay the annual inspection fee established by City Council resolution based on the City's estimated reasonable costs to perform the annual inspections identified in this Section.
 - b. The applicant shall comply, and provide documentation that the owner (and authorized agent for non-hosted accommodations) agree to comply, with all requirements of this Section and the permit, particularly including the rules set forth in Subsection 17.52.515(E)(4).
 7. Upon the Director's receipt of the documentation of agreement from the applicant (pursuant to Subsection 17.52.515(D)(6)(b)), the Director shall provide written notice to all property owners within 500 feet of the conditional approval of the vacation rental, to include:
 - a. A concise summary of the terms of the permit, including: (i) the maximum number of occupants permitted to stay in the vacation rental unit, (ii) the maximum number of vehicles which are allowed to be parked on the property, (iii) any special conditions or restrictions applied to the vacation rental permit, and (iv) how to obtain a complete copy of the permit and this Section.
 - b. The name of the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) of the vacation rental, and the telephone numbers at which the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) may be reached at all times, 24-hours per day.
 - c. The City of Napa Code Enforcement telephone number which members of the public may report violations of the vacation rental permit (including this Section and any conditions of approval).
 - d. The right of an interested person to file an appeal within ten (10) calendar days of the permit approval (pursuant to Section Chapter 17.70 of this Code), or to identify concerns related to a permit extension pursuant to Subsections 17.52.515(H) and 17.52.515(I).
 8. Each vacation rental permit issued pursuant to this Section shall be effective on the date determined pursuant to the provisions of Section 17.68.110 of this Code. Each vacation rental permit issued pursuant to this Section shall be subject to the appeal procedures set forth in Chapter 17.70 of this Code.
- E. Each vacation rental permit issued pursuant to this Section shall be subject to all of the following requirements:
1. Each vacation rental permit issued under the authority of this Section shall be valid for one year after the effective date, unless approved by the Director for a longer period under the terms of Subsections 17.52.515(H) and (I). Upon expiration or lapse of any vacation rental permit, it shall be of no further force,

validity or effect, and use of the property for transient occupancy purposes shall cease.

2. The owner shall comply with all requirements of the Business License Ordinance (Chapter 5.04 of this Code) and the Transient Occupancy Tax Ordinance (Chapter 3.20 of this Code) for the vacation rental use.
3. The owner shall comply with each of the requirements of this Subsection 17.52.515(E)(3). The owner shall permit the Enforcement Officer to conduct an annual inspection of the vacation rental premises to confirm compliance with this Section, and particularly including this Subsection.
 - a) The property address shall be visible from the street and in contrasting colors for quick identification by emergency responders.
 - b) Smoke detectors shall be installed per the California Building Code.
 - c) No double keyed dead bolts may be installed on exit doors.
 - d) A portable fire extinguisher shall be provided.
 - e) Exit doors may not be obstructed and/ or prohibited from fully opening.
 - f) Clearance from ignition sources such as luminaries, heaters and flame-producing devices shall be maintained in an approved manner.
 - g) Hot ashes or coals shall be disposed in a metal container with a tight-fitting lid and kept a minimum of ten (10) feet from the building.
 - h) BBQs and open fires must be in an approved appliance or enclosure.
 - i) No electrical wiring may be exposed or open in any outlet, switch or junction boxes.
 - j) The electrical breaker box shall be labeled for distribution to appliances and may not contain any open slots.
 - k) The garage firewall shall not have any penetrations in sheet rock.
 - l) An informational packet of emergency numbers shall be prepared for renters to direct them in the event of an emergency.
4. Each Vacation Rental Permit will be subject to the house rules set forth in this Subsection 17.52.515(E)(4). The permittee shall provide the Director with a copy of the house rules prior to rental of the vacation rental unit, and shall promptly notify the Director in writing identifying any changes to the house rules. Prior to each rental of a vacation rental unit, a copy of the house rules, the rental agreement, and the vacation rental permit shall be posted in a

prominent location inside the vacation rental unit, including, at a minimum, the following:

- a. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with them.
- b. The permittee shall limit overnight occupancy of the vacation rental to the specific number of renters designated in the permit, with the number of renters not to exceed two persons per bedroom meeting building and fire code requirements, plus two additional persons per vacation rental unit. Each bedroom that is a part of the vacation rental use shall have an emergency escape or rescue exit and shall comply with all applicable provisions and requirements of Title 15 of this Code. In no case may more than 10 persons be allowed to sleep at the vacation rental unit.
- c. The permittee shall limit the number of vehicles of overnight renters to the maximum number of overnight renters designated in the permit, and shall require overnight renters to utilize designated on-site parking spaces to the maximum extent possible.
- d. The permittee shall provide access to the garage of the residence if that area has been included in the determination of the number of available onsite spaces per this Code.
- e. It is the intent of the City to enforce sections of the Streets and Highways Code related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency access area.
- f. The permittee shall provide appropriate refuse and recycling service for the vacation rental business. Property shall be free of debris both onsite and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with Chapter 5.60 of this Code. Trash cans shall not be placed on the street prior to 24 hours before pick up day and shall be promptly removed from the street following service.
- g. Quiet times shall be 9PM to 7AM Sunday through Thursday evenings and 10PM to 7AM Friday and Saturday evenings.
- h. The permittee shall ensure that the renters and/or guests of the vacation rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct; provided, however, that the City does not intend to authorize, and the City does not authorize, the permittee to act as a peace officer or place himself or herself in harm's way.

- i. The permittee shall, upon notification that renters and/or guests of his or her vacation rental have violated any house rules (including any unreasonable noise or disturbances, disorderly conduct, or violations of this Code or state law) promptly act to stop the violation and prevent a recurrence of the violation.
 - j. Pool and hot tubs shall be adequately screened from adjacent properties to minimize noise impacts and shall have the hours of operation clearly posted adjacent to the facility. Hours shall comply with Subsection 17.52.515 (E)(4)(g).
 - k. Exterior lighting shall also be adequately shielded from adjacent properties to minimize light pollution impacts in accordance with Subsection 17.08.040(l) of this Code.
 - l. It is prohibited to use the vacation rental unit for any wedding, auction, commercial function, or other similar event that is inconsistent with the use of the property for transient occupancy in a residential neighborhood.
 - m. Pets may be permitted by vacation rental business owner, however the pet must be attended to at all times and must have current vaccinations.
5. Each written advertisement (whether paper or electronic form) for a vacation rental use shall include the "City of Napa Certified Vacation Rental" permit number as part of the rental offering. No person shall advertise the use of a building in a residential or non-residential zoning district of the City for a transient occupancy use unless: (a) the use is a hotel use in a non-residential zoning district approved by the City pursuant to Title 17, or (b) the use has a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this Chapter, or (c) the City has approved a vacation rental permit pursuant to this Section.
6. For each vacation rental use:
 - a. The owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) must be available by telephone at all times when the vacation rental is rented, 24-hours per day.
 - b. The owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) must be on the premises of the vacation rental unit within one hour of being notified (by a renter, or by the Director or Enforcement Officer) that there is a need for the owner (for a hosted accommodation) or the authorized agent (for a non-hosted accommodation) to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.
 - c. Only one rental agreement per vacation rental unit shall be in effect at any one time.

- d. It is a violation of this Section for any accessory second unit (as defined by Section 17.52.020 of this Code) to be used for transient occupancy purposes.
 - 7. For each hosted accommodation:
 - a. The owner must reside at the vacation rental unit, and the owner must sleep at the vacation rental unit while it is being rented.
 - b. The owner must reside and sleep in a bedroom that is not rented to any renter.
 - c. No more than two bedrooms may be rented for transient occupancy uses.
- F. Each vacation rental permit issued in accordance with this Section shall be personal to the owner to whom the permit is issued (hereinafter "Permitted Owner"), and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this Subsection 17.52.515(F). Any attempt to transfer a vacation rental permit, or use a transferred vacation rental permit, that is not transferred in accordance with this Subsection shall be void, and shall constitute a violation of this Code.
- 1. A Hosted Accommodation Vacation Rental Permit shall not be transferred by any person.
 - 2. A Non-Hosted Accommodation Vacation Rental Permit may be transferred by the permitted owner to a purchaser of the real property on which the permitted vacation rental unit is located, subject to the conditions set forth in this Subsection 17.52.515(F)(2). No purchaser shall operate a vacation rental use under the permitted owner's vacation rental permit until after the Director has approved the transfer of the permit in accordance with this Subsection.
 - a. Prior to the expiration of the permit, the permitted owner shall submit to the Director a written notice of intent to transfer the permit to the purchaser.
 - b. Prior to the expiration of the permit, the purchaser shall submit to the Director all submittals and fee payments required pursuant to Subsections 17.52.515(C)(3) and 17.52.515(D)(3).
 - c. The Director shall evaluate and process the purchaser's application for approval, conditional approval, or denial, in accordance with the criteria set forth in Subsections 17.52.515(D)(4) through 17.52.515(D)(8).
- G. On or before January 1, 2017, and at least once per calendar year thereafter, the Director shall establish and update, in writing, a waiting list of applicants for a vacation rental permit, and a list of available permits (one set for hosted accommodations, and one set for non-hosted accommodations).

1. Applicants included on the waiting list will include each application selected pursuant to Subsection 17.52.515(D)(2) for which: (a) a permit was not issued, and (b) the application was not denied pursuant to Subsection 17.52.515(D)(4). The order of applicants on the initial waiting list shall be as set forth in Subsection 17.52.515(D)(2).
 2. The list of available permits shall identify the number of permits that are unissued or no longer in effect (based on expiration, termination, or lapse).
 3. To the extent there are one or more permits identified on the list of available permits, the Director is authorized to evaluate permit applications, and process the applications for approval, conditional approval, or denial, in accordance with Subsection 17.52.515(D).
 4. If the Director determines that additional applications are warranted (based on a comparison of the number of applicants on the waiting list to the list of available permits), the Director shall issue a written notice inviting applications for vacation rental permits, which shall be published and processed in accordance with Subsections 17.52.515(C) and 17.52.515(D). Any applicants selected by the Director in accordance with this Subsections 17.52.515(G)(4) and 17.52.515(D)(2) shall be added to the waiting list beginning with a number higher than the highest number on the waiting list.
- H. Each vacation rental permit issued pursuant to this Section shall be subject to an annual permit review. No later than one year after the effective date of the permit, and no earlier than 275 days after the effective date of the permit, the owner shall submit to the Director the annual inspection fee along with all of the information set forth in this Subsection 17.52.515(H), documented in a form acceptable to the Director. For the purpose of this Subsection, "effective date" is as defined by Subsections 17.52.515(D)(8) and 17.52.515(I); and the first "effective date" of each 2009 Permit shall be April 1, 2016, unless otherwise specifically documented on the 2009 Permit.
1. The owner shall pay the annual inspection fee established by City Council resolution based on the City's estimated reasonable costs to perform the annual inspections identified in this Section. The owner shall document compliance with the requirements of Subsection 17.52.515(E)(3).
 2. The owner shall document compliance with all requirements of the Business License Ordinance (Chapter 5.04 of this Code).
 3. The owner shall document compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.20, particularly Section 3.20.060, of this Code). The owner shall also document each date on which the vacation rental was rented during the previous term of the permit. If the owner fails to document rentals of at least ten days during the permit term, the Director may

determine that the permit is inactive and ineligible for approval of an extended term.

4. The owner shall identify any notice of violation or concern (including any compliance order or citation issued by the City, or any concern or complaint identified by a neighbor) issued for the vacation rental use during the permit term, and shall document how the violation or concern has been addressed. If the Director 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, or welfare, the Director may determine that the permit is ineligible for approval of an extended term.
 5. The owner shall document that written notice was provided to property owners within 500 feet of the vacation rental unit, with the information required by Subsection 17.52.515(D)(7).
- I. Following an annual permit review (pursuant to Subsection 17.52.515(H)):
 1. If the Director determines that the permittee is in compliance with all requirements of this Section and the permit, the Director shall provide written notice to the permittee that the permit term is extended for one year, and the notice shall identify the newly established "effective date" of the permit.
 2. If the Director determines that the permittee has failed to comply with this Section or the permit, the Director shall either: (a) notice a public hearing of the Planning Commission pursuant to the criteria of Subsection 17.52.515(D)(5), or (b) provide written notice to the permittee that the term of the permit is expired.
 3. Upon expiration of any vacation rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.
 - J. At any time during the term of a vacation rental permit, the Director is authorized to initiate proceedings to revoke or modify the permit (or pursue any other remedy set forth in Title 1 of this Code), if the Director determines in his or her discretion that: (i) a vacation rental use is detrimental to the public health, safety, or welfare; (ii) the permittee has provided materially false or misleading information in any submittal required under this Section; or (iii) the permittee is in violation of, or has failed to comply with, any requirements of this Section or the permit. In the event that the Director determines that any of the conditions described above exists, the Director is authorized to issue a compliance order in accordance with the procedures set forth in Section 1.24.040 of this Code. If the permittee fails to cure the violations identified in the order within the time frame specified in the compliance order (which cure may include the Director's approval

of a modification to the terms or conditions of the permit), the Director or the Enforcement Officer may either:

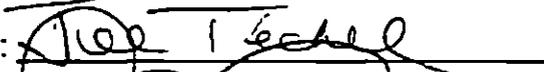
1. Pursue any of the remedies set forth in Chapter 17.72 of this Code; including, but not limited to, issuance of a stop order under Section 17.72.060, or notice a public hearing of the Planning Commission to consider a revocation or modification of the permit under Section 17.72.070.
 2. Pursue any of the remedies set forth in Chapter 1.16 of this Code, including, but not limited to, issuance of an administrative citation in accordance with Chapter 1.24 and Subsection 17.52.515(K).
- K. It is a violation of this Code, subject to enforcement pursuant to Chapter 1.16 of this Code, for any person to establish or operate a transient occupancy use in any residential or non-residential zoning district unless: (a) the use is in compliance with a hotel use in a non-residential zoning district approved by the City pursuant to Title 17, or (b) the use is in compliance with a vacation rental permit pursuant to this Section, or (c) the use is in compliance with a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this Code. In addition to the fines and enforcement costs set forth in Section 1.16.050 of this Code, and notwithstanding the limitations of Section 1.24.060 of this Code, the amount of the fine imposed for each violation of this Section 17.52.515 shall be:
1. \$500 for a first violation,
 2. \$750 for a second violation of the same code section within 12 months, and
 3. \$1,000 for each day of each additional violation of the same code section within 12 months.
- L. Any determination made by the City pursuant to this Section shall be final unless appealed pursuant to the requirements of this Subsection 17.52.515(L).
1. Any determination by the Director or the Planning Commission to: approve, conditionally approve, or deny a permit application (pursuant to Subsection 17.52.515(D)), to transfer a permit to a purchaser (pursuant to Subsection 17.52.515(F), to extend the term of a permit or to determine that a permit has expired following an annual review (pursuant to Subsections 17.52.515(H) and (I)), or to modify or revoke a permit (pursuant to Subsection 17.52.515(J)) may be appealed only in accordance with the requirements of Chapter 17.70 of this Code.
 2. Any enforcement action taken by the Director or the Enforcement Officer pursuant to Subsections 17.52.515(J)(2) or 17.52.515(K) may be appealed only by requesting an administrative hearing in accordance with the requirements of Sections 1.24.070 through 1.24.090 of this Code.
 3. Failure to timely appeal in the manner required by this Subsection 17.52.515(L) shall constitute a waiver of the appeal and a failure to exhaust

administrative remedies, and shall preclude any and all relief and claims arising in connection with the determination by the City pursuant to this Section."

SECTION 6: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 7: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

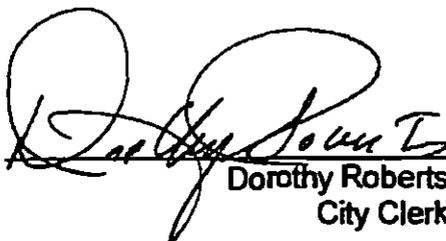
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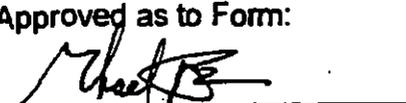
ATTEST: 
CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Dorothy Roberts, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 20th day of October, 2015, and had its second reading and was adopted and passed during the public meeting of the City Council on the 3rd day of November, 2015, by the following vote:

- AYES: Sedgley, Techel
- NOES: Luros
- ABSENT: Mott
- RECUSE: Inman
- ABSTAIN: None

ATTEST: 
Dorothy Roberts
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney

SECTION 9. Section 5.20.170 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"5.20.170 Administrative citation.

(a) The City, or the City's police authority as that term is defined by Section 11.08.060 of this Code, may issue an administrative citation to any occupant, invitee, renter, lessee or Owner of the Premises, or Managing Agency or Agent, for a violation of any provision of this Chapter.

(b) All complaints against a Short-term Residential Rental for any violation of this Code may be handled by the City's police authority on a 24-hour basis. Any police report where the City's police authority has concluded that a violation of this Chapter has occurred, may be submitted to the City's Code Enforcement Department for review, processing and issuance of an administrative citation. Each and every day, or portion thereof, that a violation of this Chapter exists constitutes a separate and distinct violation for which an administrative citation may be issued. Such an administrative citation shall be issued, notice given, and any appeals heard by the processes and in the manner prescribed by Sections 8.08.040 through 8.08.190 of this Code, as amended from time to time.

In addition or in the alternative, any violation of this Chapter may constitute a misdemeanor which may be subject to the maximum punishment therefor as allowed by law.

Responsible Person (Renter):

The City may issue and the Responsible Person for each Short-term Vacation Rentals may receive an administrative citation for any violation of the short-term rental ordinance, including without limitation violation of the City's noise ordinance, as follows:

1. First offense – Warning by City's police authority;
2. Second offense within any sixty (60) day period - \$500 fine;
3. Third and subsequent offenses within sixty (60) day period - \$1,000 fine.

Owner:

The City may issue and the Owner may receive an administrative citation for any violation of the Municipal Code, including without limitation the City's noise ordinance, by the Owner or Short Term Vacation Rental occupant as follows:

4. First offense - Warning by City's police authority;
5. Second offense within any twelve (12) month period - \$1,000 fine;
6. Third and subsequent offences within any twelve (12) month period - \$1,500 fine and revocation of their license to operate pursuant to Chapter 5.20.160 of this Code;
7. Any offense occurring during any permit revocation period - \$2,500 fine."

SECTION 10. Chapter 5.20 of the Indian Wells Municipal Code is amended by adding Section 5.20.180 to read as follows:

"5.20.180 Limited Registration Period.

(a) Owner(s), or Managing Agency or Agent on behalf of Owner(s), may register their Premises for operation as a Short-term Residential Rental, pursuant to requirements of Section 5.20.050, between the dates of July 6, 2015 and August 3, 2015 (the "Limited Registration Period"). The Owner of a particular Premises, or the Managing Agency or Agent of that Owner for that Premises, who registers the Premises as described above during the Limited Registration Period, may rent the Premises for the minimum stay duration set forth in Section 5.20.140(a), and the same Owner of such Premises (or such Owner's Managing Agency or Agent thereof) shall be grandfathered into future renewals for registration of such Premises annually.

(b) Owner(s), or Managing Agency or Agent on behalf of Owner(s), may register their Premises for operation as a Short-term Residential Rental, pursuant to requirements of Section 5.20.050 after August 3, 2015, and shall then be subject to the minimum stay duration set forth in Section 5.20.140(b)."

SECTION 11. Chapter 5.20 of the Indian Wells Municipal Code is amended by adding Section 5.20.190 to read as follows:

"5.20.190 Tennis Tournament Exception.

Owner(s), or Managing Agency or Agent on behalf of Owner(s), who register their Premises for operation as a Short-term Residential Rental pursuant to Chapter 5.20.180(b) may rent their property for a period of no less than seven (7) consecutive nights and seven (7) days in accordance with Section 5.20.140(a), during the period commencing one week preceding and ending three (3) days after conclusion of the annual professional tennis tournament held each March at the Indian Wells Tennis Garden ."

SECTION 12. Chapter 5.20 of the Indian Wells Municipal Code is amended by adding Section 5.20.200 to read as follows:

"5.20.200 Ordinance Sunset.

Notwithstanding any provisions in this Code to the contrary, beginning July 5, 2018, all Short-term Residential Rentals subject to this Chapter 5.20 shall no longer be permitted for less than twenty-nine (29) consecutive nights (28 consecutive nights if the rental covers the month of February during a non-leap year).

SECTION 13. Urgency Ordinance No. 688. Ordinance No. 688, and any ordinance extending all or part of the moratorium set forth therein, is hereby terminated in its entirety and superseded by amendments to Chapter 5.20 of the Code specifically set forth in Ordinance No. 685 and this Ordinance.

SECTION 14. CEQA. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

ORDINANCE NO. 684

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS,
CALIFORNIA, AMENDING CHAPTER 9.06 PERTAINING TO NOISE
VIOLATIONS AND ENFORCEMENT**

WHEREAS, excessive, unnecessary or offensive noise within the City is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the City; and

WHEREAS, the establishment or clarification of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of City inhabitants.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS,
CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

SECTION 1. Section 9.06.030(a) of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.030 Sound level measurement – General.

(a) Use of Sound Level Meter. Any noise level measurements made pursuant to the provisions of this Chapter shall be performed using a sound level meter as defined in Section 9.06.020. If the sound standard applied pursuant to this chapter is not measured in decibels, then sound level measurements are not required to establish a violation of this Chapter."

SECTION 2. Section 9.06.050(a) of Chapter 9.06 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.050 General noise regulations.

(a) General Prohibition. Notwithstanding any other provisions of this Chapter and in addition thereto, it is unlawful, between the hours of 10:00 p.m. to 7:00 a.m. for any person to make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of ordinary sensibilities from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates."

SECTION 3. Section 9.06.051 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.051 Declaration of certain acts constituting excessive noise.

The following activities are deemed to cause disturbing, excessive or offensive noises when they disturb the peace and quiet of any neighborhood or cause discomfort or annoyance to any reasonable person of ordinary sensibilities, and subject to the foregoing any of the following shall constitute prima facie evidence of a violation.

- A. Horns, signaling devices, muffler systems, car alarms, etc. intentionally or negligently initiated and unnecessary use or operation of horns, signaling devices, uncontrolled

muffler noises, car alarms on vehicles of all types including motorcycles, and other equipment.

- B. The operation of any sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker or sound amplifier or similar machine or device in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates, including without limitation emanating from any building, structure or vehicle in which it is located, or from the specific place on that property on which the source is resting, or moving at any one moment.
- C. The operation of any sound amplifier which is part of or connected to any radio, stereo receiver, compact disc player, cassette tape player, audible generating device or other similar device when operated in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates, or from the specific place on which the source is resting, or moving at any one moment, or when operated in such a manner as to cause a person to be aware of vibration at any distance from the specific place on which the source is resting, or moving at any one moment.
- D. The playing, use or operation of, or permitting to be played, used or operated, any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loudspeaker or sound amplifiers or other machine or device for the producing or reproducing of sound."

SECTION 4. Section 9.06.075 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.075 Duty to cooperate.

No person shall refuse to cooperate with, or obstruct, any authorized person charged with the enforcement of this Chapter when such authorized person is engaged in the performance of his/her duties."

SECTION 5. Section 9.06.080 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.080 Violations – Penalty.

Any person violating any of the provisions of this chapter is guilty of an infraction and shall be subject to the maximum punishment set forth in State Law or applicable City Code Section 8.08.060, provided that the first citation shall be a fine of \$250 and each subsequent citation shall be a fine of \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The provisions of this Chapter shall not be construed as permitting conduct not proscribed herein and shall not affect the enforceability of any other applicable provisions of law."