



MEMORANDUM

To: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: July 25, 2016

RE: Final PC Recommendations on new STR Ordinance

This table, along with the amended VDU ordinance, represents the final recommendations of the Planning Commission to the City Council. I have incorporated the suggestions and votes from recent meetings along with some of the key reasons for those suggestions and decisions. For this meeting, you should consider whether any specific changes need to be made to this table or the ordinance before it goes to the Council. Then the Commission will vote on it as a whole.

ISSUE	PLANNING COMMISSION RECOMMENDATION	KEY REASONS	VOTE
Should there be any limit or cap on VDUs?	Yes	<ul style="list-style-type: none"> • Too many existing VDUs • Change community character • Neighborhood conflicts • Decreased affordability • Environmental Impacts • Impacts to services 	NA (general agreement)
Cap Details – How many, and what mechanism.	Fixed number by zone: <ul style="list-style-type: none"> • UR: 19 (15% of developed lots) • SR: 6 (20% of developed lots) • Note that percentages do not include second units 	For: Similar reasons as above Against: <ul style="list-style-type: none"> • Cap is too high • Cap is unfair 	4-1
Density / buffer restriction*	100 ft. from property lines (only within the UR zone)	For: <ul style="list-style-type: none"> • Reduce clustering/bottlenecks • Increase neighbors/residents Against: <ul style="list-style-type: none"> • Buffer is unnecessary • Buffer is too small 	3-2

ISSUE	PLANNING COMMISSION RECOMMENDATION	KEY REASONS	VOTE
Treat owner-occupied and/or hosted* differently?	Overall, no. But there was no general agreement on how to categorize STRs. Generally they should all be subject to the same caps and standards, but may want to incentivize one or another type (e.g. get priority in the lottery).	<ul style="list-style-type: none"> • Having a host present on the property reduces the likelihood of nuisance impacts (2) • Incentivizing owner-occupied benefits residents (1) • Limiting benefits to hosted, owner-occupied STRs does both of the above (1) 	2-1-1
Require 'activity' on License?	Yes - 60 days minimum activity (nights rented) per year.	<p>For: To ensure STRs (VDUs) are providing the intended benefits to visitors and providing TOT revenue to the City.</p> <p>Against: Unnecessary</p>	3-1 (While not present for the actual vote, the 5 th Commissioner is also in support)
License Term	<p>1) Annual renewals 2) With a 5 year maximum limit</p> <p>There was a suggestion to consider some sort of process to stagger the initial permit renewals (e.g. 2.5 and 5 years) so they don't all come up at once, but this complicates the lottery that is already affected by the buffer.</p>	<p>For:</p> <ol style="list-style-type: none"> 1) Review each year for compliance and complaints 2) Increase opportunities for all property owners and easier to remove later than add if necessary <p>Against (2):</p> <ul style="list-style-type: none"> • Too limiting • Harms VDUs/STRs that aren't causing problems 	1) 5-0 2) 3-2
Transferability of Permits	Not transferable except for specific exceptions for immediate family (spouse, kids) and family trusts.	<ul style="list-style-type: none"> • To reduce the influence of an STR license on property values • To allow more people a chance to have an STR 	5-0
If a cap goes into place that is lower than current VDU #, how do we get there?	<ul style="list-style-type: none"> • Lottery after amortization period, with each existing VDU in the UR zone going into the pool. 	<p>For: Balance speed (to get to cap) and fairness</p> <p>Against:</p> <ul style="list-style-type: none"> • Too complicated • Unnecessary 	4-1
How do we manage a waiting list for permits?	<ul style="list-style-type: none"> • Lottery 	Fairness: gives everyone a chance	(same as above)

ISSUE	PLANNING COMMISSION RECOMMENDATION	KEY REASONS	VOTE
Other Issues*:	Enforcement was the big issue, but others included definitions, and other minor amendments (e.g. removing the hold harmless agreement)	To provide clarification and clean up some issues that have been identified during the initial implementation of the existing ordinance.	Most of these were staff suggestions
Complaint process*	Adopt a formal STR complaint process (outside of the ordinance) based on the model provided and post on the City's website	<ul style="list-style-type: none"> • Ensure transparency • Ensure follow-up • Ensure all complaints are properly logged and tracked 	
Enforcement*	<ul style="list-style-type: none"> • The definitions for complaints and significant violations were clarified • The City Manager was given explicit authority to adopt administrative rules and put problem properties on a watch list • Beef up the "Good Neighbor Brochure" • Require "Guest Registry" • Require a Responsible Person to sign and acknowledge rules • Require "Meet and Greet" by owner or manager • Suggest the City adopt a noise ordinance • Suggest the City enact a tiered system for issuing administrative fines 	<ul style="list-style-type: none"> • It is important for the City to enforce STR regulations in order to maintain community compatibility • Neighbors have less recourse with STRs (e.g. civil suits) than with long term owners or tenants. • Having strong and clear consequences makes bad behavior less likely to occur in the first place • Ensure that the rules and consequences are adequately communicated to the occupants 	

*Not part of the original Council recommendation table



ORDINANCE 20##14-01

**AN ORDINANCE OF THE CITY OF TRINIDAD
ADDING-REPEALING EXISTING SECTION 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 (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)**

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

ORDINANCE 20162-0#1, 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
17.56.190 (6.26).D	Application Requirements
17.56.190 (6.26).E	Effect on Existing Vacation Dwelling Units
17.56.190 (6.26).F	Location
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
17.56.190 (6.26).M	Violations—Revocation
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, specific to each STR, 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.

3. Occupant.

"Occupant" within this Section means a person, not a host, owner, guest or tenant, 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.

#. Responsible Person.

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 with all provisions of this Section.

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 less than 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 (1) a permitted bed and breakfast (2) ongoing month-to-month tenancy granted to the same renter for the same unit, (3) one less-than-30-day rental per year, or (4) a house exchange for which there is no payment.

#. 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 and includes any forms as required by the City Manager 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 regulation. 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 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 be held responsible for the behavior of their occupants and visitors in accordance with this Section.

~~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 ~~107~~working 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 (license activity requirement) or until the VDU license expires pursuant to 17.56.190.D.3 (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. Initial License UR Zone Lottery.

After a _____ amortization period, all existing STRs within the UR Zone will be subject to a lottery in order to bring the number down to the established cap. All existing STRs within the UR zone shall be allowed to participate in the lottery. The City shall draw the first STR at random, and that owner shall be allowed to renew their STR license in accordance with this section. After that, the City will continue to draw STRs at random until the cap is met. If an STR is drawn and it does not meet the buffer, as required by §17.56.190.G, from another STR that has already been drawn, then the owner will not be allowed to renew that STR license and another name will be drawn. This process shall continue until the cap is met or there are no more names to draw. Once all the names are drawn, those that did not meet the buffer requirement shall be allowed to apply for (an exception) in the order in which their STRs were drawn.

(Since only the UR zone has a cap that is less than the existing number of VDUs, this section would only apply to the UR zone. I did not worry too much about the exact language at this time, which probably needs some tweaking, particularly if the lottery will be staggered.)

3. License Transferability.

STR Licenses shall run with the landowner and shall automatically expire upon sale or transfer of the property,- except that a one-time transfer between spouses, children or a family trust is allowed.

4. Application Wait List & Lottery

It is the City's intention to maintain 19 STR Licenses in the UR Zone and 6 in the SR Zone. When an STR license becomes available in one of those zones, the City will hold a lottery to allocate that STR License. The City will maintain a waiting list, for each zone, 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. The City will randomly draw a name from the waiting list for the appropriate zone. If the property meets the UR zone buffer restriction that owner will have 45 days to submit a complete VDU License application, along with any other associated permit applications (Use Permit, OWTS Operating Permit, etc.). If the property does not meet the UR zone buffer restriction, or if the person so selected does not obtain a VDU License within 180 days, the City will draw another name from the waiting list for that zone.

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? What is the difference between these? They both respond to emergencies.)

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.~~

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

~~Existing VDUs, in excess of the number allowed in §17.56.190.E??, 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 (minimum license activity requirement) or until the VDU license expires pursuant to 17.56.190.D.3 (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.~~

~~No new STR within the UR zone shall be located within 100feet from another existing STR. Distances shall be measured from the closest property line of 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 work well for VDUs since they focus on neighborhood compatibility and address issue of noise, traffic, lighting, etc. However, if licenses will be limited to 5 years and not transferable, then a new type of special permit will likely have to be created, because use permits legally run with the land.)

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, tenants, hosts or caretakers.~~ 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 do 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. ~~STRs that were previously granted a parking exception by the City may continue to operate under that exception for the term of their permit. 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.)

#. 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, 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.~~

(I don't know if this is really a standard, or if it should be in another section, such as licensing.)

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 or 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.

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:...