

ORDINANCE NO. 859

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, AMENDING CHAPTER 5.96 OF TITLE 5 OF THE CITY OF CATHEDRAL CITY MUNICIPAL CODE REGARDING SHORT TERM VACATION RENTALS

WHEREAS, on September 9, 2020 the City Council, having made numerous recitals and findings regarding the public peace, health, safety and general welfare being affected by the increasing number of Short Term Vacation Rentals, adopted Ordinance No. 842 establishing Chapter 5.96 of Title 5 of the Cathedral City Municipal Code; and

WHEREAS, Cathedral City residents have expressed concerns to the City Council that existing Short Term Vacation Rental (STVR) regulations are not being adequately enforced and the proliferation of STVRs is negatively affecting the quality of life within the City; and

WHEREAS, in practice, City Staff charged with enforcing the STVR regulations has come to learn that certain provisions of the STVR regulations, if amended, would better facilitate the City's enforcement efforts; and

WHEREAS, in late 2021 and early 2022, City Staff, with the participation of the City Attorney's office and a number of Cathedral City residents, reviewed Chapter 5.96 and other related provisions of the Code (STVR regulations) and identified areas to be recommended for amendment; and

WHEREAS, on January 26, 2022, City Staff presented to the City Council for discussion and direction, a report outlining recommended amendments to the STVR regulations to the City Council for discussion and direction; and

WHEREAS, the City Council finds that the proposed amendments are consistent with and enhance the existing STVR regulations; and

WHEREAS, the City Council finds the regulation of Short Term Vacation Rental units is in the best interest of the public health, safety and general welfare.

WHEREAS, STVRs (also known as commercial transient housing arrangements) are not traditional rentals or leases that convey a real property interest, but rather they are overnight accommodations offered for hire for periods of 30 days or less pursuant to a license agreement. In this respect, they are quite similar to a transient occupancy, hotel, motel, or bed and breakfast; and

WHEREAS, the City Council recognizes that unregulated STVRs can create disproportionate impacts related to their size, excessive occupancy, and lack of proper facilities; and

WHEREAS, the presence of unregulated STVRs in established residential neighborhoods can create negative compatibility impacts and nuisance violations,

among which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

WHEREAS, if not for the City's existing moratorium, permanently place on new STVRs by Ordinance 842, the conversion of long-term housing units to short-term rentals would have resulted in the loss of long-term housing for Cathedral City residents; and

WHEREAS, it is in the public interest that STVR uses be regulated in order to help preserve housing for long-term tenants and to minimize any potential deleterious effects of short-term rental properties on other properties in the surrounding neighborhoods in which they are located; and

WHEREAS, the City Council finds that there is a substantial interest in furthering the public health, safety and welfare by controlling density, by protecting the residential character of areas designated for residential use, by promoting home ownership and providing appropriate housing stock to meet the needs of the City, by establishing and enforcing minimum life safety standards, and by preserving the long-term rental housing market located within the City; and

WHEREAS, STVRs within the City are subject to the City's business licensing ordinance; and

WHEREAS, STVRs within the City are subject to the City's transient occupancy tax; and

WHEREAS, the City desires and intends to amend the Cathedral City Municipal Code to make express and clarify provisions concerning STVRs, promote accurate collection of the transient occupancy tax, and enhance and maintain the residential character of its residential zones by providing regulations for short-term residential rentals within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT OF CHAPTER 5.96 OF TITLE 5 OF THE CITY OF CATHEDRAL CITY MUNICIPAL CODE.

Chapter 5.96 [Short Term Vacation Rental Units] of Title 5 the City of Cathedral City Municipal Code is hereby amended to read as shown in Exhibit "A".

SECTION 2. OPERATIONAL REQUIREMENTS.

All existing STVR permits and any issued prior to the effective date of this Ordinance shall come into compliance with the standard operational requirements and conditions imposed under Section 5.96.050 of Exhibit "A" by no later than the thirtieth (30th) day following the effective date of this Ordinance. The standard operational requirements and conditions imposed under Section 5.96.050 of Exhibit "A" shall be applicable to all permits issued or renewed on or after the effective date of this Ordinance. The City will post this Ordinance on its website, will make copies of the Ordinance

available at City Hall, and will mail or email a copy of the Ordinance to all existing STVR permittees prior to the effective date of the Ordinance. Failure of any permittee to receive a copy of the Ordinance shall not excuse permittee's failure to comply with the requirements of the Ordinance. The City reserves the right to amend, modify, repeal, or readopt the Ordinance, including without limitation the right to discontinue issuance of new or renewed STVR permits.

SECTION 3. EFFECTIVE DATE.

This ordinance shall be effective 30 days from and after its final passage.

SECTION 6. SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Cathedral City hereby declare they would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. PUBLICATION.

The City Clerk is authorized and directed to cause this ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code (c).

INTRODUCED at the regular meeting of Cathedral City Council on the 23rd day of March 2022.

PASSED, APPROVED AND ADOPTED at the regular meeting of Cathedral City Council on the 13th day of April 2022.

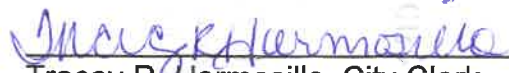
AYES: Councilmembers Gregory, Ross and Carnevale; Mayor Pro Tem Lamb and Mayor Gutierrez

NOES: None

ABSTAIN: None


Ernesto M. Gutierrez, Mayor

ATTEST:


Tracey R. Hermosillo, City Clerk

APPROVED AS TO FORM:

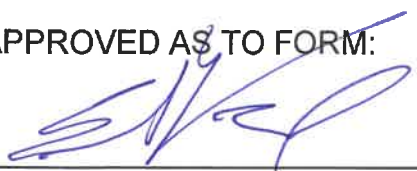

Eric S. Vail, City Attorney

EXHIBIT A

TITLE 5 BUSINESS REGULATIONS

Chapter 5.96 Short Term Vacation Rental Units

5.96.010 Purpose.

The purpose of this Chapter is to establish regulations for the use of privately owned residential dwellings as Short Term Vacation Rentals (STVR), to ensure the collection and payment of applicable transient occupancy taxes, and minimize the negative secondary effects of STVRs on surrounding residential neighborhoods. This Chapter also establishes a method to phase out STVRs within the City within two years from and after the effective date of ordinance 842, on October 9, 2020, except in (a) common interest developments with established CC&Rs that do not prohibit STVRs, and (b) home sharing as permitted under this code. This Chapter 5.96 does not provide any owner of residential property with the right or privilege to violate any private CC&Rs applicable to the owner's property that may prohibit the use of such owner's residential property as a STVR or for home sharing as discussed in this Chapter.

5.96.020 Definitions.

For purposes of this Chapter only, the following words and phrases shall have the meanings provided below. Terms not expressly defined below shall have the meaning provided in other applicable sections of the Cathedral City municipal code. Terms not defined in the municipal code shall have the meaning provided in a dictionary of the English language of common and current usage.

"Advertise" means the act of drawing the public's attention to a Short Term Vacation Rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

"Applicable laws, rules and regulations" means any laws, rules, regulations and codes (whether local, state or federal) pertaining to the use and occupancy of a privately owned dwelling unit as a Short Term Vacation Rental.

"Booking Service" means any reservation and/or payment service provided by a person or entity that facilitates a Short Term Vacation Rental transaction between an Owner and a prospective Occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the Short Term Vacation Rental transaction.

"City Manager" means that person acting in the capacity of the City Manager of the City of Cathedral City or designee.

"CC&Rs" means all legal documents establishing the declaration of covenants, conditions, and restrictions, recorded against a property that is part of a common interest development.

"Coachella valley" means the territory within the boundaries of the cities of Desert Hot Springs, Palm Springs, Cathedral City, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio, Coachella, and the unincorporated area of Riverside County that is within the territorial boundaries of the Palm Springs and Desert Sands Unified School District, and that portion of the Coachella Valley Unified School District located within Riverside County, as such boundaries may be adjusted from time to time as allowed for under the law.

"Common interest development" means a common interest development subject to the Davis-Stirling Common Interest Development Act, as further defined in California Civil Code section 4100, including without limitation homeowners associations, condominium owner associations and similar associations formed pursuant to the aforementioned Act.

"Disqualified space" means any publicly owned single family dwelling unit or multi-family dwelling unit, any dwelling unit subject to recorded affordability covenants, any privately owned multi-family rental housing, any property that is fractionally owned, any accessory dwelling unit built or permitted after January 1, 2020, or any portion of a dwelling unit rented separately from the main residential dwelling unit, including without limitation any garage, balcony, patio, yard, outdoor area or amenity, any recreational vehicle, any tent, space, lot, areas or site in any campsite, park or other property any commercial or industrial structure, any structure not built for habitable use, any barn, shed, storage unit, or tree house.

"Good Neighbor Brochure" means a document prepared by the City, as may be revised from time to time, which summarizes the general rules of conduct, consideration and respect pertaining to the use and occupancy of the Short Term Vacation Rental unit.

"Home sharing or home share" means a form of Short Term Vacation Rental of a privately owned qualifying residential unit located on property that is the primary residence of the owner(s), a portion of which, not exceeding fifty percent (50%) of the total bedrooms, is rented occasionally for occupancy, dwelling, lodging, or sleeping purposes for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full use days to another person or persons, incidentally to the normal occupancy by the owner(s), where at least one (1) of the owners occupies the qualifying residential dwelling, or an accessory dwelling unit located on the same property, for the duration of the rental contract. Home sharing or home share is not permitted in any disqualified space. Home sharing or home share does not include the use of a lodging facility, hotel, motel or a timeshare subject to Chapter 9.92 of this code. Unless expressly provided otherwise, all provisions of this Chapter that apply to Short Term Vacation Rentals are applicable to home sharing or home share.

"Hosting Platform" means a person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, Booking Services

through which an Owner may offer premises for an occupant on a short-term basis. Hosting Platforms usually, though not necessarily, provide Booking Services through an online platform that allows an Owner to advertise the premises through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be occupant pays rent directly to the Owner or to the Hosting Platform. Hosting Platform also means a marketplace that is created for the primary purpose of facilitating the short-term rental of a residential unit offered for occupancy for tourist or transient use for compensation to the offeror of that unit, and the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining that marketplace. "Facilitating" includes, but is not limited to, the act of allowing the offeror of the residential unit to offer or advertise the residential unit on the Internet Web site provided or maintained by the operator.

House trailer" means a trailer designed for human habitation. The term does not include manufactured housing.

"Local contact person" means the person designated by the owner or the owner's authorized agent or representative who shall be available twenty-four (24) hours per day, seven days per week for the purpose of: (1) responding in person within thirty (30) minutes to complaints regarding the condition, operation, or conduct of occupants of the Short Term Vacation Rental unit; and (2) taking remedial action to resolve any such complaints. The local contact person must be a resident of the Coachella valley.

"Managing agency or agent" means a person, firm, or agency representing the Owner of the Short Term Vacation Rental, or a person, firm, or agency owning or operating more than one (1) Short-term vacation rental.

"Multi-family rental housing" means any complex, structure or a portion of a structure zoned, used and/or designated as rental dwellings and that includes two (2) or more independent dwelling units. This includes, but is not limited to, duplexes, triplexes, apartments, and townhouses.

"Multiple Rentals" means the ownership or controlling interest of any number of real properties in excess of one residential property in the City used for purposes of Short Term Vacation Rentals as defined in this Chapter 5.96.

"Occupant" means an individual of any age that is present on the property during the duration of the Short Term Vacation Rental contracted stay. Persons hired by the owner to perform bona fide cleaning, maintenance, landscaping, construction, repair or similar services on the property will not be considered to be occupants, provided said persons are solely engaged in activities directly related to the services for which they were hired. Occupant also includes the primary residents of a dwelling who remain on the property during the duration of a home share.

"Owner" means the person(s) or entity(ies) that hold(s) legal and/or equitable title to the property used for a Short Term Vacation Rental.

"Owner's authorized agent," or "manager," or "managing agency" means an individual or business entity, or their representative, appointed by an Owner to solicit applications, execute agreements, or otherwise act on Owner's behalf in the rental of property as a Short Term Vacation Rental.

"Permit" and "Renewal Permit" means a permit that allows the use of a privately owned residential dwelling as a Short Term Vacation Rental pursuant to the provisions of this Chapter, and incorporates by consolidation the transient occupancy registration permit as required by Chapter 3.24; and, may also be referred to as "STVR permit" or "STVR operating permit".

"Property" or Premises means a residential legal lot of record on which a Short Term Vacation Rental is located and the actual single-family house or other residential dwelling unit, including all of its improved real property, which is used as a Short Term Vacation Rental or Home Share.

"Qualifying residential dwelling unit" means a residential dwelling unit that is not a disqualified space and that may be, including without limitation, any single family detached dwelling unit, any accessory dwelling unit built or permitted prior to January 1, 2020, any multi-family dwelling unit where the units are privately owned. including without limitation any duplex, triplex, quadraplex, or condominium, any mobile home or house trailer on a residential lot or within a mobile home park, or other similar structure or portion thereof as may be deemed qualified by the City.

"Recreational vehicle" shall mean a vehicle intended for temporary occupancy, with or without a motor, including without limitation any automobile, motorhome, travel trailer, truck campers, camping trailers, park trailers, fifth wheel trailers, house cars, trailer coaches, slide in or pop up campers, truck campers, tent trailers and any boat or house boat.

"Responsible person" means an occupant of a Short Term Vacation Rental who is at least twenty-five (25) years of age and who is legally responsible for ensuring that all occupants of the Short Term Vacation Rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject Short Term Vacation Rental unit, and who may be held liable for any violation of all applicable laws, rules and regulations set forth in this Chapter.

"Short Term Vacation Rental or STVR" means any privately owned qualifying residential dwelling unit or portion thereof, rented for occupancy, dwelling, lodging, or sleeping purposes for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full use days, in exchange for any form of monetary or non-monetary consideration such as, but not limited to, trade, fee, swap or any other in lieu of cash payment. A STVR shall not be and is not permitted for use in any disqualified space. A STVR does not include the use of a lodging facility, hotel, motel or a timeshare subject to Chapter 9.92 of this code.

"Transient occupancy tax" means the tax levied by the City in accordance with Chapter 3.24 of the Cathedral City Municipal Code. This tax is levied upon individuals or businesses engaged in the sale of sleeping accommodations to the public, which accommodations include, among others, Short Term Vacation Rentals.

5.96.030 Authorized agents or representatives.

An owner may authorize an agent or a representative to comply with the requirements of this Chapter on behalf of the owner. However, the owner shall not be relieved from any personal responsibility for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short Term Vacation Rental unit, regardless of whether such noncompliance was committed by the owner's authorized agent or representative or the occupants of the owner's Short Term Vacation Rental unit.

5.96.035 Permits required for Short Term Vacation Rental units; termination of Short Term Vacation Rentals; exceptions.

- A. All Permits. No person shall use any qualifying residential dwelling unit for a Short Term Vacation Rental without a valid STVR permit issued pursuant to this Chapter
- B. New Permits. Upon the effective date of Ordinance No. 842, no person or entity shall be issued a permit for a Short Term Vacation Rental, except for a new permit (1) to conduct home sharing in any qualifying residential dwelling unit, or (2) to operate a Short Term Vacation Rental in a qualifying residential dwelling unit within a common interest development as permitted under this Chapter.
- C. Renewal Permits. Upon the effective date of Ordinance No. 842, no person or entity shall be issued a renewal permit for a Short Term Vacation Rental that will be valid beyond January 1, 2023 except for a renewal permit (1) to conduct home sharing in any qualifying residential dwelling unit, or (2) to operate a Short Term Vacation Rental in a qualifying residential dwelling unit within a common interest development as permitted under this Chapter.
- D. Termination of Existing Permits. Effective on January 1, 2023, all existing STVR Permits previously issued by the City shall terminate; and permittees shall discontinue the use of any property for a Short Term Vacation Rental, and shall not advertise, offer to rent, or rent property for a Short Term Vacation Rental, unless expressly excepted above.
- E. Lessee of Long Term Rental Property. The lessee of a long term rental property shall not obtain a permit and is prohibited from using the property as a Short Term Vacation Rental. No person who has rented a Short Term Vacation Rental shall sublet such dwelling unit or any portion thereof to any other person or entity.
- F. Properties that are fractionally owned may not be used as Short Term Vacation Rentals

- G. Pursuant to this Chapter and any other applicable provisions of this Code, multiple rentals under one Short Term Vacation Rental permit are prohibited. Each Short Term Vacation Rental property shall require a uniquely numbered permit.

5.96.040 Short Term Vacation Rental / home share permit required—application and fee.

- A. The owner is required to submit an application signed by the owner and obtain a permit from the City, pursuant to the provisions of this section, before renting and/or advertising the availability of any Short Term Vacation Rental unit or home share unit. The owner may authorize an agent or representative to process the application.
- B. The permit must be renewed annually to remain valid. An invalid permit is equivalent to not having a permit. A permit shall not be renewed if there are unresolved City code compliance cases, outstanding City fines or fees or City liens on the property.
- C. Failure to obtain an initial new permit or renewal permit before renting and/or advertising the Short Term Vacation Rental shall result in fines, penalties and other remedies as provided in this Chapter, including but not limited to future denial.
- D. If a renewal application is not submitted and the fees not paid by the expiration of the existing permit, the owner shall have thirty (30) days from the expiration date of the existing permit to come into compliance with all provisions in this Chapter.
- E. The owner must submit the following information on a permit application form provided by the City:
 - 1. Identify whether the permit is for a Short Term Vacation Rental or a home share;
 - 2. The name, address, and telephone number of the owner of the subject Short Term Vacation Rental unit;
 - 3. The name, address, and telephone number of the owner's authorized agent or representative, if any;
 - 4. The name, address, and telephone number of the local contact person available twenty four hours a day;
 - 5. The address of the proposed Short Term Vacation Rental unit;
 - 6. The number of bedrooms and the applicable occupancy limit of the proposed Short Term Vacation Rental. If a home share, also indicate the number of bedrooms on the property proposed to be rented;

7. Photo of the front of the Short Term Vacation Rental unit sufficient to allow City to visually identify the unit, the minimum size of which shall be 4" x 5";
 8. Submit all information necessary for Transient Occupancy Tax (TOT) registration;
 9. An executed indemnification and hold harmless agreement in a form approved by the City Attorney;
 10. An executed consent to inspection form signed by the owner of the property; and
 11. Such other information as the City Manager or designee deems reasonably necessary to administer this Chapter.
- F. In addition to the requirements of subsection E above, for properties located in any area governed by a common interest development, the owner or the owner's authorized agent or representative must submit a letter from the association's governing board stating that the CC&Rs and rules and regulations of the common interest development do not prohibit Short Term Vacation Rentals to operate within the common interest development and on the subject qualifying residential unit.
- G. The permit application and any associated business licenses shall include an affidavit signed by the owner under penalty of perjury stating that all the information in the application is correct and that the owner maintains full responsibility that the Short Term Vacation Rental shall be advertised, rented, operated and maintained in compliance with this Chapter and all other relevant municipal codes.
- H. The owner must provide proof of Short Term Vacation Rental insurance that covers the rental of the property as a Short Term Vacation Rental with limits as may be established by the City Manager and amended from time to time. Proof of insurance shall be provided at the time of both initial and renewal permit issuance and shall remain in effect for the duration of the annual permit. Failure to maintain Short Term Vacation Rental insurance shall result in suspension of the permit.
- I. Each application shall contain an executed indemnification and hold harmless agreement in a form approved by the City attorney agreeing to indemnify, hold harmless and defend the City, the City Council of the City, individually and collectively, and the City representatives, officers, officials, employees, agents and volunteers from any and all claims, demands, damages, fines, obligations, suits, judgments, penalties, causes of action, losses, liabilities, or costs at any time received, incurred or accrued as a result of, or arising out of owner's or authorized agents or representative or local contact person's actions or inaction in the operation, occupancy use and/or maintenance of the property.

- J. The permit application shall be accompanied by the payment of an application, inspection fee and registration fee in an amount established by City Council resolution from time to time.
- K. The permit application shall be accompanied by a consent to inspection form signed by the owner of the property by which the owner agrees and consents to a health and safety inspection. The City shall conduct a health and safety inspection of the proposed Short Term Vacation Rental unit prior to issuing a new permit and prior to issuing any renewal permit. A health and safety inspection shall include verification of the number of bedrooms that were originally permitted and authorized under the original certificate of occupancy for the unit on the qualifying residential dwelling unit. The City shall also verify that no space has been converted into a bedroom or living space without all required permits.
- L. No initial or renewal permit shall be issued if the property to be used for Short Term Vacation Rentals does not have functioning smoke and carbon monoxide detectors, HVAC, electricity or plumbing, the structure has been substantially modified in any way that required a building permit from the City and a permit was not obtained, or the City determines that any other conditions are present on the property that would present a substantial threat to the health, safety or welfare of guests.
- M. If the Short Term Vacation Rental has a privately owned pool or spa, the City inspector shall confirm, prior to the issuance of a new STVR permit or renewal permit, that the pool or spa:
 - 1. Was built in compliance with a valid City issued permit; and
 - 2. Is currently operating safely in compliance with all applicable statutes, codes, rules and regulations.
- N. A permit application for a new STVR permit or for a renewal STVR permit shall be denied if the City determines any of the following grounds for denial exist:
 - 1. If, at the time the permit application is being submitted, the City has any open code or building compliance proceedings against the owner with respect to any building, structure, use or land use in the City.
 - 2. If the owner has had a prior permit suspended or revoked for any Short Term Vacation Rental property in the City within the past twelve (12) months.
 - 3. If the owner is delinquent in the payment of any outstanding fees, assessments or taxes owed to the City related to any property located in the City that is owned by the owner or is not current in submitting any monthly transient occupancy tax return forms due to the City.

4. If there is credible evidence that any governing documents, including CC&Rs, of a common interest development, or the rules or regulations enacted by the association governing the common interest development, prohibit the use of a property for Short Term Vacation Rental purposes.
 5. If the Short Term Vacation Rental or home sharing is to be conducted on a property where such use is prohibited under section 5.96.050(Q).
 6. If the owner fails to provide any of the required application information described in this section.
- O. If a new permit application is denied pursuant to Section 5.96.040(N), the applicant may apply again for a new permit after the passage of twelve (12) months from the date of denial.
- P. Subject to the restrictions on new permits in Section 5.96.035(B) within fourteen (14) days of a change of property ownership, change of owner's agent or representative, or any other change in material facts pertaining to the information contained in the permit application, the owner or owner's authorized agent or representative shall submit an application and requisite application fee for a new permit, which must be obtained prior to continuing to rent the subject property as a Short Term Vacation Rental. Changes to the owner's mailing and email addresses, advertising Uniform Resources Locator (URL) and changes of the local contact person may be done by email to the City in a format required by the City and shall not require an application for a new permit.
- Q. If the Short Term Vacation Rental is sold, otherwise disposed of, or after an event that results in the property no longer in use as a Short Term Vacation Rental, the owner of his or her agent or representative shall within seven (7) days cancel the permit and delete any and all advertisements of the STVR.
- R. Within thirty (30) days of the issuance of a new permit or renewal permit, the City shall mail a notice to all residences within one hundred and fifty (150) feet of the STVR notifying the residents that a permit has been issued and providing information regarding how to lodge complaints regarding the STVR, if any.
- S. Permits are subject to any and all amendments to this Chapter as may be enacted by the City Council from time to time; and to any and all changes to policies and procedures developed by the City Manager or his/her designee, consistent with this Chapter.

5.96.050 Standard operational requirements and conditions.

- A. The owner and/or owner's authorized agent or representative shall ensure that the property used for Short Term Vacation Rental is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject Short Term Vacation Rental unit, and shall further

ensure the occupants of the Short Term Vacation Rental do not create noise in violation of municipal code Chapter 11.96 or other disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short Term Vacation Rental.

- B. Upon notification that the responsible person and/or any occupant and/or guest of the Short Term Vacation Rental has created noise in violation of municipal code Chapter 11.96 or other disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject STVR, the owner, the owner's authorized agent or representative and/or the owner's designated local contact person shall promptly respond to immediately halt or prevent a recurrence of such conduct by the responsible person and/or any occupants. Failure of the owner, the owner's authorized agent or representative and/or the owner's designated local contact person to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the Short Term Vacation Rental within the time designated in the City's complaint protocols shall be subject to all administrative, legal and equitable remedies available to the City.
- C. The number of occupants allowed to be present at any Short Term Vacation Rental or home share shall be limited as follows:

Number of Bedrooms	Maximum Number of Occupants
0—Studio	2
1	2
2	4
3	6
4	8
5 or more	10

Children two (2) years of age or younger are not counted towards the occupant maximum.

Notwithstanding the foregoing, the occupancy limits may be exceeded if the owner or authorized representative obtains a special use permit for a special event pursuant to Chapter 9.68 of the City municipal code.

- D. During the period of a Short Term Vacation Rental, the owner, the owner's authorized agent or representative and/or the owner's designated local contact person shall be available twenty four (24) hours per day, seven (7) days per week for the purpose of responding within thirty (30) minutes to complaints regarding the condition, operation, or conduct of occupants of the Short Term Vacation Rental. The owner shall also ensure the responsible person is present at the STVR property during the duration of the rental period.

- E. In addition to the noise standards identified in Chapter 11.96 of the code, no radio receiver, musical instrument, phonograph, compact disk player, loudspeaker, karaoke machine, sound amplifier, or any machine, device or equipment that produces or reproduces any sound shall be used outside or be audible from the outside of any unit used for Short Term Vacation Rental. Any machine, device or equipment that amplifies music inside any Short Term Vacation Rental shall not be heard beyond the property line of the Short Term Vacation Rental at all times.
- F. Upon check in, the owner or owner's agent or representative shall:
1. Be present on-site to check in the responsible person. Video check in is also permitted;
 2. Obtain from the responsible person an "Informational Form," as provided by the City which contains:
 - a. The name, address and copy of the valid government identification of the responsible person;
 - b. A list of the names of all occupants of the STVR; and
 - c. A list of all vehicle information and license plate numbers of the responsible person and occupants and guests.
 3. Advise the responsible person, verbally and in writing, of the following:
 - a. The City's Short Term Vacation Rental provisions and regulations (e.g. music, noise, trash, occupancy limits, parking);
 - b. The responsible person must be a present occupant at the property during the duration of the STVR rental period; and
 - c. The Good Neighbor Brochure.
 4. Provide the responsible person with the local contact person's twenty four hour availability information;
 5. Require the responsible person sign the "Guest Agreement Acknowledgement" form as provided by the City. Both the "Informational Form" and the "Guest Agreement Acknowledgement" form described above shall be readily available on site during the time the property is rented for inspection upon request by any City officer responsible for the enforcement of the Short Term Vacation Rental laws and regulations or other City employees or contractors as designated by the City Manager, and shall be maintained by the owner for a minimum of three years; and
 6. Ensure a copy of the permit and good neighbor brochure shall be posted in a conspicuous place within the Short Term Vacation Rental property.

- G. Permitted Short Term Vacation Rental properties shall have walk up trash service for trash cans and are further required to have a total of two regular trash cans and two recycling trash cans provided by and through the City's waste management/trash service provider. Home shares and Short Term Vacation Rental units located in common interest developments with communal waste bins are exempt from this requirement. The owner, the owner's authorized agent or representative shall ensure compliance with all the provisions of Chapter 6.04 and section 13.80.090 of the City municipal code.
- H The owner, the owner's authorized agent or representative and/or the owner's designated local contact person shall post a copy of the permit and a notice in the form required by the City of the applicable regulations in a conspicuous place within the Short Term Vacation Rental.
- I. The owner and/or the owner's authorized agent or representative shall include the current permit number on or in any advertisement appearing in any newspaper, magazine, brochure, television trade paper, internet website, etc., that promotes the availability or existence of a Short Term Vacation Rental unit in a place or location deemed acceptable by the City Manager or designee. In the instance of audio-only advertising of the same, the permit number shall be read as part of the advertising. The maximum occupancy of the Short Term Vacation Rental unit, as provided for in subsection 5.96.050(C), shall be clearly identified in any advertisement. The Short Term Vacation Rental number must also be prominently and legibly included in the first line of the property description text in any advertisement in the following format: "City of Cathedral City STVR Permit No." followed by the assigned permit number. Additionally, the following shall be clearly identified in any advertisement:
1. Maximum occupancy;
 2. Requirements for compliance with the City's noise and outdoor activity standards and regulations;
 3. Maximum number of cars allowed;
 4. A statement that the Short Term Vacation Rental occupants shall respect the neighbors' privacy and peaceful enjoyment of their property;
 5. The applicable rate of the City's transient occupancy tax; and
 6. A photo of the front of the Short Term Vacation Rental.
- J. Unless otherwise provided in this Chapter, the owner of a Short Term Vacation Rental unit and/or the owner's authorized agent or representative shall be subject to and shall comply with all provisions of Chapter 3.24 concerning transient occupancy taxes, including, but not limited to, submission of a monthly or alternative return, which shall be filed monthly even if the Short Term Vacation Rental unit was not rented during each such month. The owner shall maintain

for a period of three years records in such form as the tax administrator may require to determine the amount of transient occupancy tax owed to the City. The tax administrator shall have the right to inspect such records at all reasonable times. Such records shall be maintained at the owner's premises or shall be available for delivery to the tax administrator within fourteen days after request. If advertising on an online platform and such platform provides monthly statement to an owner, the monthly statement shall be attached to the monthly transient occupancy tax reports

- K. All internet listing sites (e.g. website URLs) and listing numbers associated with a Short Term Vacation Rental shall be submitted within thirty days of approval of the permit and annually thereafter. Any change to internet listing sites (URL) shall be submitted to the City in accordance with Section 5.86.040(P).
- L. No fence or wall required by section 9.14.110, 9.16.110, 9.18.110, 9.20.110, 9.22.110, or 9.46.110 or any other provision of title 9 of the City's municipal code shall be removed, in whole or in part, from the rear or side yard of any Short Term Vacation Rental.
- M. Operation of a Short Term Vacation Rental includes but is not limited to any one or more of the following:
 - 1. Advertisement of the property means on any web based advertising, hosting platform, print media, bulletin, signage, radio, television or on any other medium for the purposes of promoting interest in, testing the market for, or soliciting the occupancy of a property for a period of thirty (30) consecutive days or less.
 - 2. An owner, agent or other representative of the owner has an interest in rental, exchange, trade, gift, or grant of a guest stay at a property of less than thirty (30) consecutive days or less.
 - 3. An owner, agent or other representative of the owner interacts with another party, whether directly or indirectly, through personal or digital/electronic contact with the intent to provide availability of the property for occupancy of thirty (30) days or less, or to complete a rental and/or reservation of the property for future occupancy of thirty (30) days or less.
- N. A maximum of one vehicle per bedroom of the STVR is permitted to park in the garage and driveway of the STVR or property or on the street. Vehicle parking in front of any mailbox is prohibited. The owner or the owner's authorized agent or representative shall ensure compliance with all applicable laws, rule and regulations related to parking of vehicles.
- O. The minimum duration of a Short Term Vacation Rental contract shall be four (4) days, three (3) nights. Properties used for a home share and Short Term Vacation Rentals in common interest developments are not subject to this minimum duration requirement.

- P. While present at the Short Term Vacation Rental property, should a City employee or agent ask to see the government issued identification of the owner or the owner's agent or representative and that individual is unable or refuses to provide such identification, then a citation will be issued to the owner. Should a City employee or agent ask to see the government issued identification of the responsible person and if the individual is unable or refuses to provide identification, then a citation may be issued to the owner. If no one responds or is willing to be identified as the responsible person, then a violation will be issued to the owner and the local contact person shall either locate the responsible person or evict the tenants from the Short Term Vacation Rental.
- Q. Short Term Vacation Rentals are prohibited in every disqualified space.
- R. All home maintenance and repairs (external and internal), garden and yard maintenance, and pool cleaning and maintenance shall not be performed between the hours of 5 p.m. on Friday through 8 a.m. on Monday, except in the case of an emergency or the occurrence of an unexpected event that reasonably warrants a timely or immediate response. Repairs and maintenance shall not be scheduled in advance to occur during the days and time specified in this subsection.
- S. In addition to the noise standards identified in Chapter 11.96 of the code, all use of outdoor amenities and/or outdoor games or any outdoor activities that create noise between the hours of 10 p.m. and 8 a.m. is prohibited. A sign stating these restrictions must be clearly visible near any such spa/pool or posted on all interior doors leading to the exterior amenities.
- T. All Short Term Vacation Rental contracts shall be filed with the City prior to occupancy or within twenty four (24) hours of execution of the contract of a Short Term Vacation Rental by occupants. The City shall utilize this information for transient occupancy tax collection and for code compliance purposes. The exact number of occupants shall be included in the contract as well as all City municipal code requirements regulating occupancy limits, noise, outdoor amplified music prohibition, public nuisance, parking, trash, and other code requirements related to Short Term Vacation Rental occupancy.
- U. The City Council shall promulgate, and may amend from time to time, protocols by resolution setting for the appropriate process for filing complaints regarding alleged violations of the municipal code occurring at a Short Term Vacation Rental unit or allegedly committed by the owner, occupants, local contact person, or other person.

5.96.060 Additional or modified operational requirements and conditions.

- A. The City Manager, or designee, shall have the authority to impose additional conditions on the use of any given Short Term Vacation Rental unit to ensure that

any potential secondary effects unique to the subject Short Term Vacation Rental are avoided or adequately mitigated.

- B. The standard conditions set forth herein may be modified by the City Manager, or designee, upon request of the owner or the owner's authorized agent or representative based on site-specific circumstances for the purpose of allowing reasonable accommodation of a Short Term Vacation Rental. All requests must be in writing and shall identify how the strict application of the standard conditions creates an unreasonable hardship to a property such that, if the requirement is not modified, reasonable use of the property for a Short Term Vacation Rental would not be allowed. Any hardships identified must relate to physical constraints to the subject site and shall not be self-induced or economic. Any modifications of the standard conditions shall not further exacerbate an already existing problem.

5.96.070 Violations, notices, remedies and penalties.

- A. The City Council shall establish fines, penalties, and other charges for violation of this Chapter by resolution, which may be amended from time to time.
- B. Notice of Violation / Administrative Citation
 - 1. The City may issue and the Owner may receive a notice of violation or administrative citation for any violation of this Chapter 5.96, or any other provision of this Code which is violated during a Short Term Vacation Rental including, without limitation, the City's noise ordinance, by the short-term vacation rental occupant.
 - 2. The City may issue a notice of violation or administrative citation to any occupant, invitee, renter, lessee or Owner of the Property, or Managing agency or agent, and/or Hosting Platform for a violation of any provision of this Chapter or other provisions of the Code pursuant to Chapter 13.
 - 3. Each and every day, or portion thereof, that a violation of this Chapter and/or Code exists constitutes a separate and distinct violation for which an administrative citation may be issued. Such notice of violation or administrative citation shall be issued, notice given, and any appeals heard in the manner and by the process prescribed by Title 13 of this Code, as amended from time to time.
 - 4. 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.
 - 5. The City may issue, and the Hosting Platform shall be subject to, an administrative citation for each violation of Section 5.96.080 of this Chapter. Each and every violation by a Hosting Platform carries a fine of

no less than \$1,000 per violation per day; or as that fine amount may be amended and set from time to time by resolution of the City Council.

C. Suspension of a Short term Vacation Rental Unit Permit

1. Upon the issuance of a third notice of violation and/or administrative citation within twelve (12) months at the same Short Term Vacation Rental Property, the Director of Community Development or his/her designee shall suspend the permit for a period of time determined by the City, not exceeding six (6) months.
2. The City Manager or his/her designee may suspend a Short Term Vacation Rental permit, if he/she determines, based on substantial evidence, that such suspension is necessary to protect or preserve the public health, safety and general welfare, irrespective of the number of notices of violation and/or administrative citations issued,
3. The City shall give written Notice of Suspension to the owner of the Short Term Vacation Rental unit. The permit suspension is effective three (3) days following the date the written Notice of Suspension is sent by certified or registered mail. Notice shall be sufficient if mailed to the owner/permittee at the address shown in the last application for a permit or renewal permit, whether or not the mailing is receipted for or claimed. The Notice is deemed received three days (3) days following the date the Notice is sent.
4. Notice of Suspension shall include all of the following information:
 - a. The name of the subject Short Term Vacation Rental unit permit holder and owner;
 - b. The street address or definite location where the violation(s) occurred;
 - c. The code section(s) violated;
 - d. A description of the conditions or actions which warrant suspension, of the subject permit;
 - e. A description of any prior action taken by the City to gain compliance with the code with regards to the subject violation(s);
 - f. The name, title and telephone number of the official making the decision.
 - g. The right to appeal a Notice of Suspension issued for reasons other than Section 5.96.070(C)(1) and the procedure to timely initiate an appeal of the Notice of Suspension.
5. Right to Appeal Notice of Suspension

- a. The issuance of a Notice of Suspension pursuant to Section 5.96.070(C)(1) may be appealed to a hearing officer to challenge only the duration of the suspension period pursuant to the procedure set forth in this Chapter 5.96. [Nothing in this Chapter 5.95 shall prohibit a permittee from challenging/appealing the third citation upon which the Notice of Suspension is based in accordance with the process set forth in Chapter 13.]
 - b. The issuance of a Notice of Suspension pursuant to Section 5.96.070(C)(2) may be appealed to an independent hearing officer pursuant to this Section.
6. A permittee issued a Notice of Suspension may, within ten (10) days of the date deemed to be received pursuant to Section 5.96.070(C)(3), appeal the decision to a hearing officer, subject to the limitations set forth in Section 5.96.070(C)(5)(a) and (b), by submitting a written notice to the City Clerk, on a form provided by the City along with the required filing fee. The City Clerk, or his or her designee, shall fix a date, time and place for the hearing to consider the suspension of the subject Short Term Vacation Rental permit. Such date shall be not less than ten (10) calendar days and not more than forty-five (45) calendar days from the date the notice was submitted to the City Clerk.
 7. The City Clerk or his/her designee shall prepare and give Notice of the Appeal Hearing pursuant to Section 13.150.050 of Chapter 13.150 if this Code.
 8. If a Short Term Vacation Rental permit is suspended for any reason, all property owners within one hundred fifty (150) feet of the suspended Short Term Vacation Rental property shall be provided written notice of the suspension. Those property owners that, within the prior twelve (12) months, lodged with the City a complaint(s) concerning the subject STVR may be provided written notice of any scheduled appeal hearing, if any, no more than ten (10) days after the date when the appeal period ends, and may also be given the opportunity to submit written statements for consideration by the hearing officer, in his or her discretion, at the appeal hearing.
 9. After the City Clerk gives Notice of the Appeal Hearing, the hearing process for an Appeal Hearing shall be the same as those set for a hearing on the modification of revocation of a permit set forth in Chapter 13.150 of this Code.

D. Modifications and Revocations

1. A violation of any provision of this Chapter by any of the occupants, responsible parties, owner(s) or the owner's authorized agent(s) or representative(s) shall authorize the City Manager, or designee, to

recommend the modification of the Short Term Vacation Rental Permit and the imposition of additional conditions on the use of any given Short Term Vacation Rental unit to ensure that any potential additional violations are avoided.

2. Upon a violation of any provision of the Code and/or the Short Term Vacation Rental permit by any of the occupants, responsible parties, owner(s) or the owner's authorized agent(s) or representative(s) and/or, in the event that the continued operation of the Short Term Vacation Rental poses a threat of danger to the health, safety and welfare of the public, the City Manager, or designee shall be authorized to recommend the revocation of the Short Term Vacation Rental Permit of any given Short Term Vacation rental unit to ensure that any potential additional violations and threats of danger are avoided.
 3. A violation of any provision of this Chapter by any of the occupants, responsible parties, owner(s) or the owner's authorized agent(s) or representative(s) shall constitute grounds for modification or revocation of the Short Term Vacation Rental unit permit and/or any affiliated licenses or permits pursuant to the provisions set forth in Chapter 13.150. The City may issue a notice of violation to any occupant, responsible party, owner(s) or the owner's authorized agent or representative, pursuant to Chapter 13.55, if there is any violation of this Section committed, caused or maintained by any of the above parties.
- E. It shall be unlawful to commit a violation of any term or condition of a permit, and such violation shall be subject to any enforcement action available under this Code, at law or in equity, without limitation.
- F. It shall be unlawful for any person to file any false report regarding the use or operation of any Short Term Vacation Rental unit. A violation of this Section shall not result in a criminal penalty but shall be subject to a fine in an amount to be established by resolution of the City Council.
- G. Any person issued an administrative citation under Chapter 13.58 for a violation of this Chapter or for violation of a term or condition of a permit, for each separate violation, shall be subject to a fine in an amount to be established by a resolution of the City Council. Upon a third citation within twelve (12) months at the same Short Term Vacation Rental, the City shall suspend the permit for that STVR for a period of time determined by the City.
- H. Fines or penalties counting as violations are based upon a twelve (12) month period. Once the prescribed number of citations has been reached to suspend or repeal a permit, that action shall be taken.
- I. It shall be a public nuisance for any person to commit, cause or maintain a violation of this Chapter, which shall be subject to the provisions of Chapter 13.90 in addition to any other penalty authorized by law.

5.96.080 Unpermitted / Unlicensed Short Term Vacation Rentals

A. Any owner found to be operating a Short Term Vacation Rental while the permit is under suspension shall be deemed operating without a valid Short Term Vacation Rental permit and subject to applicable fines and penalties, and may be subject to revocation.

B. Hosting Platforms are prohibited from facilitating the short-term vacation rental of unlicensed, unpermitted, and illegal businesses. Hosting Platforms shall not process transactions for properties that are not licensed and permitted by the City. Hosting Platforms shall not facilitate the evading of relevant taxes and regulations by any short-term vacation rental.

C. No Hosting Platform shall advertise a Short Term Vacation Rental situated within the City that is not licensed and permitted pursuant to this Chapter. All Hosting Platforms shall provide the following information in a notice to any owner listing a Short Term Vacation Rental located within the City of Cathedral City through the Hosting Platform's service. The notice shall be provided prior to the owner listing the premises and shall include the following information: THE "SHORT TERM VACATION RENTAL CHAPTER OF THE CATHEDRAL CITY MUNICIPAL CODE PROHIBITS THE SHORT TERM RENTAL OF RESIDENTIAL PROPERTY WITHIN THE CITY OF CATHEDRAL CITY UNLESS THE CITY HAS ISSUED BOTH A BUSINESS LICENSE AND STVR PERMIT, AND THE OWNER PAYS TRANSIENT OCCUPANCY TAX. The STVR Permit License Number assigned by the City to a Short Term Vacation Rental shall be displayed on any Hosting Platform's website where said Short Term Vacation Rental is advertised. Each Short Term Vacation Rental shall have a unique STVR permit number.

D. Owners and/or Managing Agents and/or agents and/or operators of an unlicensed short-term vacation rentals are expressly prohibited from operating in the City and are illegal and are prohibited from being marketed as short-term vacation rentals available for lodging within the City.