

**REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL
ORDINANCE NO. 842**

TO THE CITY COUNCIL OF CATHEDRAL CITY, CALIFORNIA: We, the undersigned, registered and qualified voters of Cathedral City, California, pursuant to Article II, Sections 1 and 11 of the California Constitution, and Article 2 of Chapter 3 (commencing with Section 9235) of Division 9 of the California Elections Code, hereby protest the adoption by the City Council of those portions of Ordinance No. 842 which repealed existing regulations of short term vacation rentals (Section 1) and phased out short term vacation rentals (Section 3), adopted by the City Council on September 9, 2020 and attested by the City Clerk on September 14, 2020, and we petition the City Council to reconsider and repeal Sections 1 and 3 of Ordinance No. 842, or, if it does not entirely repeal these portions, then to submit Sections 1 and 3 of Ordinance No. 842 to a vote of the electors. We are not protesting, and are not petitioning the City Council to reconsider or repeal, the adoption of the portion of Ordinance No. 842 which repealed the moratorium on the establishment, permitting and approval of short term vacation rentals (Section 2), or other portions of Ordinance No. 842 (Sections 4-7). The full text of the Ordinance is set forth below; the portions which are not the subject of the referendum are noted.

CATHEDRAL CITY ORDINANCE No. 842

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, REPEALING SECTION 3.24.011 [VACATION RENTAL UNITS] OF CHAPTER 3.24 OF TITLE 3 OF THE CITY OF CATHEDRAL CITY MUNICIPAL CODE, REPEALING ORDINANCE NO. 825 IMPOSING A MORATORIUM ON THE ESTABLISHMENT, PERMITTING AND APPROVAL OF SHORT TERM VACATION RENTALS, AND ADOPTING CHAPTER 5.96 OF TITLE 5 OF THE CITY OF CATHEDRAL CITY MUNICIPAL CODE REGARDING SHORT TERM VACATION RENTALS [NOTE: THE REPEAL OF ORDINANCE NO. 825 IS NOT THE SUBJECT OF THE REFERENDUM.]

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 response to resident concerns, on June 26, 2019 the City Council adopted an Urgency Ordinance No. 824 establishing a 45 day moratorium on new STVR permits; and

WHEREAS, prior to the expiration of the initial 45 day moratorium, on July 24, 2019 City Council adopted Urgency Ordinance No. 825 imposing a new permanent moratorium with the same conditions and exclusions as the initial Urgency Ordinance No. 824 remaining in effect until repealed; and

WHEREAS, the city manager appointed a citizen task force, known as the Short Term Vacation Rental Task Force (“task force”), to study issues related to STVRs in neighborhoods and develop a set of recommendations to address the problems identified by residents; and

WHEREAS, the task force has met 10 times since July 2019 to develop recommendations for the City Council; and

WHEREAS, the City has encouraged public participation regarding this issue by holding two public meetings and mailing out approximately 2,200 surveys to homes close to licensed STVRs in neighbor-

hoods without common interest developments; and

WHEREAS, on July 23, 2020, the task force presented a report outlining recommended amendments to the STVR regulations to the City Council for discussion and direction; and

WHEREAS, STVRs are a commercial use of residential dwellings, generating income based on the short term rental of residential dwellings, and are akin to other commercial uses such as lodging houses already banned in residential neighborhoods; and

WHEREAS, City may lawfully prohibit commercial activity in residential dwellings where such commercial activity is incompatible with the residential character of neighborhoods; and,

WHEREAS, due to the detrimental impacts identified during the above public meetings, the general incompatibility with surrounding residential uses, and the public nuisances created by STVR activity in residential neighborhoods, the City Council may determine that such uses are subject to immediate termination; however, the City Council desires to provide a phase out period to minimize the economic impacts to existing STVR permit holders.

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

SECTION 1. REPEAL OF SECTION 3.24.011 OF CHAPTER 3.24 OF TITLE 3 OF THE CITY OF CA-

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CATHEDRAL CITY MUNICIPAL CODE.

Section 3.24.011 [Vacation Rental Units] of Chapter 3.24 of Title 3 of the Cathedral City Municipal Code is hereby repealed. References to "3.24.011" in Sections 3.24.160, 3.24.180, 3.24.190, 3.24.195, and 3.24.200 of the Cathedral City Municipal Code are hereby deleted.

[NOTE: SECTION 2 IS NOT THE SUBJECT OF THE REFERENDUM.]

SECTION 2. REPEAL OF ORDINANCE NO. 825.

Ordinance No. 825, entitled "AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF CATHEDRAL CITY, CALIFORNIA, ESTABLISHING A MORATORIUM ON THE ISSUANCE OF NEW LICENSES, CERTIFICATES OR PERMITS FOR SHORT TERM VACATION RENTAL USES IN THE CITY" is hereby repealed.

SECTION 3. ADOPTION 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 adopted to read as shown in Exhibit "A".

[NOTE: SECTION 4 IS NOT THE SUBJECT OF THE REFERENDUM.]

SECTION 4. 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.

[NOTE: SECTION 5 IS NOT THE SUBJECT OF THE REFERENDUM.]

SECTION 5. EFFECTIVE DATE.

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

[NOTE: SECTION 6 IS NOT THE SUBJECT OF THE REFERENDUM.]

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 anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

[NOTE: SECTION 7 IS NOT THE SUBJECT OF THE REFERENDUM.]

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 Section 39633(c).

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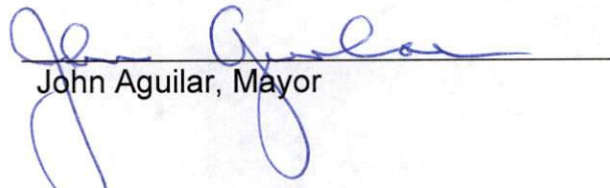
INTRODUCED at the regular meeting of Cathedral City City Council on the 26th day of August, 2020.

PASSED, APPROVED AND ADOPTED at the regular meeting of Cathedral City City Council on the 9th day of September, 2020.

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

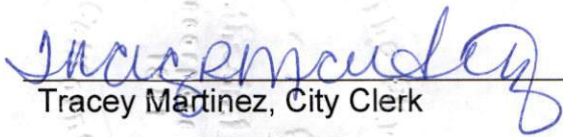
NOES: None

ABSTAIN: None




John Aguilar, Mayor

ATTEST:



Tracey Martinez, City Clerk

APPROVED AS TO FORM:



Eric S. Vail, City Attorney

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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.

"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.

"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

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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 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.

“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 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.

“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.

“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.

“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

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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.

“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.

“Property” means a residential legal lot of record on which a short term vacation rental is located.

“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.

“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. 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.

“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.

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.

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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 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, the use of any property for a short term vacation rental shall be prohibited, and no person shall advertise, offer to rent, or rent property for a short term vacation rental, unless expressly excepted above.

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 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 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 days to come into compliance with all provisions in this chapter.

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- 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;
 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 will be 4" x 5"; and
 8. 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 commercial 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 commercial property 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,

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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 an application 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 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 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 commenced any code 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 or has been cited for violating any provision of the code for any short term vacation rental property in the city within the past twelve (12) months.

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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. 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 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.
- P. 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 or his or her agent or representative shall within seven (7) days cancel the permit and delete any and all advertisements of the STVR.
- Q. Any newly constructed dwelling applying for a permit must be accompanied by a completed and approved certificate of occupancy.
- 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 three hundred (300) 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 further changes to this chapter as may be enacted by the city council from time to time.

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5.96.050 Standard operational requirements and conditions.

- A. The owner and/or owner’s authorized agent or representative shall use reasonably prudent business practices to ensure 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 use reasonably prudent business practices to 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

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.

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- 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 present 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

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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. The owner, the owner's authorized agent or representative shall use reasonably prudent business practices to 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

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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 thereafter with the monthly transient occupancy tax form due to the city.
- 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.
- 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 limitation minimum duration requirement.

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- 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 shall 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. 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.
- S. If a permit is suspended or revoked, all property owners within three hundred (300) feet of the short term vacation rental property shall be provided written notice within ten days of such action. If such action is appealed, all property owners within three hundred (300) feet of the short term vacation rental property shall be notified of the time, date, and location of the appeal hearing and shall be afforded the right to testify during the hearing.
- T. 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.
- U. 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.
- V. 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,

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trash, and other code requirements related to short term vacation rental occupancy.

- W. 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. Imposition of additional conditions; suspension and revocation.
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 impose additional conditions on the use of any given short term vacation rental unit to ensure that any potential additional violations are avoided.
 2. 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, suspension and/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

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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 the any of the above parties.

- C. 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.
- D. 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.
- E. 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 resolution of the city council. Upon a fourth violation 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.
- F. Fines or penalties counting as violations are based upon a twelve (12) month period. Once the prescribed number of violations has been reached to suspend or repeal a permit, that action shall be taken.
- G. 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.

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NOTE: SECTION 1 OF ORDINANCE NO. 842 REPEALED CATHEDRAL CITY MUNICIPAL CODE SECTION 3.24.011, WHICH IS SET FORTH BELOW. THE REFERENDUM WOULD OVERTURN THE CITY COUNCIL'S REPEAL OF SECTION 3.24.011 AND WOULD RE-INSTATE IT.

3.24.011 Vacation rental units.

A. Purpose. The purpose of this section is to establish regulations for the use of privately owned residential dwellings as vacation rentals to ensure the collection and payment of applicable transient occupancy taxes and minimize the negative secondary effects of such use on surrounding residential neighborhoods. This section is not intended to modify the definitions included in Section 3.24.010, but rather to specifically regulate a defined subset of units included in the definition of "hotel." Further, this section does not provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as discussed in this section.

B. Definitions. For purposes of this section only, the following words and phrases shall have the following meanings:

"Apartment" means a dwelling unit in a multiple-family attached building with five or more units, where all of the units are under common ownership and held out for rent.

"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 vacation rental.

"Applicant" means the owner of the vacation rental unit or the owner's authorized agent or representative.

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

"Local contact person" means the person designated by the owner or the owner's authorized agent or representative who shall be available twenty-four hours per day, seven days per week for the purpose of: (1) responding within forty-five minutes to complaints regarding the condition, operation, or conduct of occupants of the vacation rental unit; and (2) taking remedial action to resolve any such complaints.

"Owner" means the person(s) or entity(ies) that hold(s) legal and/or equitable title to the subject vacation rental.

"Property" means a residential legal lot of record on which a vacation rental unit is located.

"Responsible person" means an occupant of a vacation rental unit who is at least twenty-one years of age and who is legally responsible for ensuring that all occupants of the vacation rental unit and/or their guests comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject vacation rental unit.

"Transient" means any person who seeks to rent or who does rent a privately owned residential unit for a period of thirty consecutive calendar days or less.

"Vacation rental unit" means a privately owned residential dwelling (not a hotel, motel or timeshare), including, without limitation, a single-family detached or multiple-family attached unit (not including apartments), lodging or rooming house, condominium, duplex, triplex, quadplex, mobile home or house trailer at a fixed location, or other similar structure or portion thereof, and shall further include any space, lot, area, or site in any trailer court, campsite, park, or lot where a trailer, recreational vehicle, mobile home, motor home or any other conveyance, or any portion of such dwellings, rented for occupancy for dwelling, lodging, or sleeping purposes for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. The term "vacation rental unit" shall not include any private dwelling house or other individually owned single-family dwelling house unit rented only occasionally (infrequently) and incidentally to the normal occupancy by the owner or his or her family; provided that the owner has filed adequate information with the tax administrator establishing and maintaining that such private dwelling house or other individually owned single-family dwelling house unit is exempt from the provisions of this chapter relating to transient occupancy tax by reason of such occasional, infrequent and incidental rental.

"Vacation rental unit permit" means a permit that allows the use of a privately owned residential dwelling as a vacation rental unit pursuant to the provisions of this section, and incorporates by consolidation the transient occupancy registration permit required by Section 3.24.015 of this chapter.

C. Authorized Agents or Representatives. An owner may authorize an agent or a representative to comply with the requirements of this section 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 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 vacation rental unit or their guests.

D. Vacation Rental Unit Permit Required—Application and Fee.

1. The owner or the owner's authorized agent or representative is required to obtain a vacation rental unit permit from the city, pursuant to the provisions of this section, before renting any vacation rental unit to any transient for a period of thirty consecutive calendar days or less. Such vacation rental unit permit must be renewed annually to remain valid. A vacation rental unit permit shall not be renewed if there are unresolved city code compliance cases, outstanding city fines or fees, or city liens on the property.

2. The owner or the owner's authorized agent or representative must submit the following information on a vacation rental unit permit application form provided by the city:

a. The name, address, and telephone number of the owner of the subject vacation rental unit;

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- b. The name, address, and telephone number of the owner’s authorized agent or representative, if any;
 - c. The name, address, and twenty-four hour telephone number of the local contact person;
 - d. The address of the proposed vacation rental unit;
 - e. The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed vacation rental unit;
 - f. Such other information as the city manager or designee deems reasonably necessary to administer this chapter.
3. In addition to the requirements of subsection (D)(2), for units located in any area governed by a homeowners association or community association (association) and subject to covenants, conditions, and restrictions (CC&Rs), the owner or the owner’s authorized agent or representative must additionally submit a letter from the association’s governing board stating that either the CC&Rs do not regulate such vacation rentals, or that vacation rentals are not prohibited at the proposed unit by the CC&Rs. For units subject to CC&Rs but not within an association, a copy of the CC&Rs shall be submitted to the city to determine whether vacation rentals are either not regulated or not prohibited by the CC&Rs.
4. The vacation rental unit permit application shall be accompanied by an application and registration fee in an amount established by city council resolution from time to time.
5. The city shall conduct a health and safety inspection of the proposed vacation rental unit prior to issuing a new vacation rental unit permit and prior to issuing any renewal vacation rental unit permit. No initial or renewal permit shall be issued if the unit 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.
6. A vacation rental unit permit application may be denied if the applicant has had a prior vacation rental unit permit for the same unit revoked within the past twelve calendar months.
7. A vacation rental unit permit application shall be denied if the unit is an apartment.
8. Within fourteen 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 vacation rental unit permit application, the owner or owner’s authorized agent or representative shall submit an application and requisite application fee for a new vacation rental unit permit, which must be obtained prior to continuing to rent the subject unit as a vacation rental.
9. Upon the issuance of a new vacation rental permit, the city shall mail a notice at the owner’s cost and expense to all residences within one hundred feet of the property line of the vacation rental unit notifying the occupants that a vacation rental permit has been issued and providing information regarding how to lodge complaints regarding the vacation rental unit, if any. For a period of one year from the effective date of this subsection (D)(9) the notice required by this subsection shall also be sent upon the issuance of a renewal vacation rental permit.
- E. Standard Operational Requirements and Conditions.
1. The owner and/or owner’s authorized agent or representative shall use reasonably prudent business practices to ensure the vacation rental unit is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject vacation rental unit, and shall further use reasonably prudent business practices to ensure the occupants and/or guests of the vacation rental unit do not create noise in violation of Municipal Code Chapter 11.96 or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject vacation rental unit.
2. Upon notification that the responsible person and/or any occupant and/or guest of the vacation rental unit has created noise in violation of Municipal Code Chapter 11.96 or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject vacation unit, the owner, the owner’s authorized agent or representative and/or the owner’s designated local contact person shall promptly respond in a timely and appropriate manner to immediately halt or prevent a recurrence of such conduct by the responsible person and/or any occupants and/or guests. 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 vacation rental in a timely and appropriate manner shall be subject to all administrative, legal and equitable remedies available to the city.
3. The number of occupants allowed to occupy any given vacation rental unit shall be limited as follows:

Number of Bedrooms	Maximum Number of Overnight* Occupants	Maximum Number of Daytime** Occupants (Including Number of Overnight Occupants)
0—Studio	2	8
1	2	8
2	4	8
3	6	12
4	8	16
5	10	18

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6	12	18
7	14	18

* Overnight (10:01 p.m.—6:59 a.m.)

** Daytime (7:00 a.m.—10:00 p.m.)

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 this code.

4. While a vacation rental unit is rented, the owner, the owner’s authorized agent or representative and/or the owner’s designated local contact person shall be available twenty-four hours per day, seven days per week for the purpose of responding within forty-five minutes to complaints regarding the condition, operation, or conduct of occupants of the vacation rental unit or their guests. No person shall lodge a false complaint regarding the condition, operation, or conduct of occupants of the vacation rental unit or their guests.

5. 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 vacation rental unit between ten p.m. and seven a.m.

6. Prior to permitting occupancy of a vacation rental unit by a transient, the owner or the owner’s authorized agent or representative shall: (a) obtain the name, address, and a copy of a valid government identification of the responsible person; (b) provide information about the vacation rental regulations; and (c) require such responsible person to execute a formal acknowledgement in the form required by the city that he or she is legally responsible for compliance by all occupants of the vacation rental unit and their guests with all applicable laws, rules and regulations pertaining to the use and occupancy of the vacation rental unit. This information shall be maintained by the owner or the owner’s authorized agent or representative for a period of three years and be made readily available upon request of any officer of the city responsible for the enforcement of any provision of the municipal code or any other applicable law, rule or regulation pertaining to the use and occupancy of the vacation rental unit.

7. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the city’s authorized waste hauler on scheduled trash collection days. The owner, the owner’s authorized agent or representative shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapter 6.04 (Refuse Disposal).

8. The owner, the owner’s authorized agent or representative and/or the owner’s designated local contact person shall post a copy of the vacation rental unit permit and a notice in the form required by the city of the applicable regulations in a conspicuous place within the vacation rental unit. Further, the owner and/or the owner’s authorized agent or representative shall include the current vacation rental unit 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 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 vacation rental unit permit number shall be read as part of the advertising. The maximum overnight occupancy of the vacation rental unit, as provided for in subsection (E)(3), shall be clearly identified in any advertisement.

9. Unless otherwise provided in this section, the owner of a vacation rental unit and/or the owner’s authorized agent or representative shall be subject to and shall comply with all provisions of this chapter concerning transient occupancy taxes, including, but not limited to, submission of a monthly or alternative return in accordance with Section 3.24.045 of this chapter, which shall be filed monthly even if the vacation rental unit was not rented during each such month.

10. 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 this code shall be removed, in whole or in part, from the rear or side yard of any vacation rental unit.

F. Additional or Modified Operational Requirements and Conditions.

1. The city manager, or designee, shall have the authority to impose additional conditions on the use of any given vacation rental unit to ensure that any potential secondary effects unique to the subject vacation rental unit are avoided or adequately mitigated.

2. 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 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 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.

G. Violations, Notices, Remedies and Penalties.

1. Imposition of Additional Conditions; Suspension and Revocation.

a. 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 impose additional conditions on the use of any given vacation rental unit to ensure that any potential additional violations are avoided.

b. A violation of any provision of this section chapter by any of the occupants, responsible parties, owner(s) or the

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owner’s authorized agent(s) or representative(s) shall constitute grounds for modification, suspension and/or revocation of the 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 the any of the above parties.

2. It shall be unlawful to commit a violation of any term or condition of a vacation rental unit permit, and such violation shall be subject to any enforcement action available under this code, at law or in equity, without limitation.

3. 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 vacation rental unit permit, for each separate violation, shall be subject to a fine in an amount to be established by resolution of the city council. Upon a fourth violation within twelve months at the same vacation rental unit, the city shall suspend the vacation rental unit permit for that unit for a period of time determined by the city.

4. Public Nuisance. It shall be a public nuisance for any person to commit, cause or maintain a violation of this section, which shall be subject to the provisions of Chapter 13.90.

5. Any vacation rental unit operating without a permit from the city as required by this chapter as of the effective date of this subsection 3.24.011(G)(5). shall obtain a permit from this city within sixty days of the effective date of this subsection or cease operations. (Ord. 792 § 1, 2017; Ord. 781 § 1, 2016; Ord. 717 § 2, 2012)

* * *

NOTE: SECTION 1 OF ORDINANCE NO. 842 DELETED REFERENCES TO CATHEDRAL CODE MUNICIPAL CODE SECTION 3.24.011 IN MUNICIPAL CODE SECTIONS 3.24.160, 3.24.180, 3.24.190, 3.24.195 AND 3.24.200, WHICH ARE SET FORTH BELOW, WITH THE DELETIONS NOTED WITH STRIKE-OUTS. THE REFERENDUM WOULD OVERTURN THE CITY COUNCIL’S DELETION OF THESE REFERENCES TO SECTION 3.24.011 AND WOULD RE-INSTATE THEM.

3.24.160 Infraction violation.

Except for the failure of an operator to remit tax to the tax administrator collected under this chapter which is punishable as a felony pursuant to Penal Code Sections 424 and 425, a violation of Sections ~~3.24.011~~, 3.24.015, 3.24.020, 3.24.025, 3.24.030, 3.24.040, 3.24.045, 3.24.055, 3.24.060, 3.24.070 and 3.24.120 of this chapter by any person responsible for committing, causing or maintaining such violation shall constitute an infraction violation which shall be subject to the provisions set forth in Chapter 13.65 of Title 13 of the city of Cathedral City Municipal Code, including, but not limited to, the imposition of any and all criminal penalties set forth therein. (Ord. 717 § 2, 2012)

* * *

3.24.180 Administrative citation.

In lieu of issuing an infraction citation, the city may issue an administrative citation, pursuant to Chapter 13.58 of Title 13 of the city of Cathedral City Municipal Code, to any person responsible for committing, causing or maintaining a violation of Sections ~~3.24.011~~, 3.24.015, 3.24.020, 3.24.025, 3.24.030, 3.24.040, 3.24.045, 3.24.055, 3.24.060, 3.24.070 and 3.24.120 of this chapter. Nothing in this section shall preclude the city from also issuing an infraction citation upon the occurrence of the same offense on a separate day. (Ord. 717 § 2, 2012)

* * *

3.24.190 Administrative fine.

Any person issued an administrative citation for violating Sections ~~3.24.011~~, 3.24.015, 3.24.020, 3.24.025, 3.24.030, 3.24.040, 3.24.045, 3.24.055, 3.24.060, 3.24.070 and 3.24.120 of this chapter shall for each separate violation be subject to: (1) an administrative fine in an amount not to exceed one hundred dollars for the first citation; (2) an administrative fine in an amount not to exceed two hundred fifty dollars for a second citation issued for the same offense within a twelve-month period of the date of the first offense; and (3) a fine in an amount not to exceed five hundred dollars for a third and any subsequent citation issued for the same offense within a twelve-month period of the date of the first offense. (Ord. 717 § 2, 2012)

* * *

3.24.195 Public nuisance.

Any violation of Sections ~~3.24.011~~, 3.24.015, 3.24.020, 3.24.025, 3.24.030, 3.24.040, 3.24.045, 3.24.055, 3.24.060, 3.24.070 and 3.24.120 of this chapter by the holder of a transient occupancy registration permit or any business license validly issued pursuant to this or any other chapter of the municipal code shall constitute a public nuisance under Chapter 13.80 of the municipal code and may be subject to abatement as provided under Chapter 13.90 of the municipal code. (Ord. 717 § 2, 2012)

* * *

3.24.200 Additional remedies.

A. Any violation of Sections ~~3.24.011~~, 3.24.015, 3.24.020, 3.24.025, 3.24.030, 3.24.040, 3.24.045, 3.24.055, 3.24.060, 3.24.070 and 3.24.120 of this chapter by the holder of a transient occupancy registration permit or any business license validly issued pursuant to this or any other chapter of the municipal code shall constitute grounds for modification, suspension and/or revocation of said permit and/or license pursuant to the provisions set forth in Chapter 13.150 of Title 13 of the city of Cathedral City Municipal Code.

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B. During any period of time during which a transient occupancy registration permit has not been issued or is otherwise not validly in effect, or is suspended or revoked pursuant to Chapter 13.150 of Title 13, the tax administrator may require that the business to which a transient occupancy registration permit is applicable be closed.

C. Nothing in this chapter shall preclude the city from pursuing other remedies provided by Chapter 13.140 of Title 13 of the city of Cathedral City Municipal Code, including, but not limited to, denial or revocation of certificates of occupancy, issuance of stop work orders and injunctive relief. (Ord. 717 § 2, 2012)

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**NOTE: FOR REFERENCE PURPOSES ONLY. THIS IS THE ORDINANCE REPEALED BY SECTION 2 OF ORDINANCE NO. 842.
IT IS NOT THE SUBJECT OF THE REFERENDUM**

ORDINANCE NO. 825

**AN UNCODIFIED URGENCY ORDINANCE OF THE CITY
COUNCIL OF CATHEDRAL CITY, CALIFORNIA,
ESTABLISHING A MORATORIUM ON THE ISSUANCE OF
NEW LICENSES, CERTIFICATES OR PERMITS FOR SHORT
TERM VACATION RENTAL USES IN THE CITY**

WHEREAS, on June 26, 2019 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 Urgency Ordinance No. 824 imposing a moratorium, as an interim measure, on the issuance of new permits for short term vacation rentals subject to certain exceptions; and

WHEREAS, City Staff having made an initial investigation into the issue and determining that given the complexity of the short term vacation rental market, the strong conflicting views expressed by a significant segment of the community regarding short term vacation rentals, and the need for additional time to study the issue in greater detail, recommended to the City Council that the interim moratorium be instead readopted as an Urgency Ordinance pursuant to Government Code Sections 36934 and 36937(b) to take effect immediately and to remain in effect until repealed or otherwise modified by the City Council after due consideration; and

WHEREAS, Government Code Section 36937(b) provides for the adoption of an Urgency Ordinance to take effect immediately for the immediate preservation of the public peace, health, safety and general welfare upon a declaration of the facts constituting the urgency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY ORDAINS AS FOLLOWS:

SECTION 1. Declaration of Facts Constituting Urgency

The City of Cathedral City hereby incorporates the recitals and findings made in Urgency Ordinance No. 824 by reference as if such recitals and findings were fully set forth herein and the City Council hereby again makes and affirms those recitals and findings, and based thereon declares that such recitals and findings evidence facts constituting urgency as required under the law for the subject action. A copy of Ordinance 824 is attached to this Ordinance as Exhibit "A" for reference.

SECTION 2. IMPOSITION OF MORATORIUM

- a) For the reasons set forth in the recitals and findings incorporated herein, the City Council of the City of Cathedral City finds and declares that this proposed Urgency Ordinance is necessary for immediate preservation of the public peace, health, safety and general welfare.

**NOTE: FOR REFERENCE PURPOSES ONLY. THIS IS THE ORDINANCE REPEALED BY SECTION 2 OF ORDINANCE NO. 842.
IT IS NOT THE SUBJECT OF THE REFERENDUM**

REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL ORDINANCE NO. 842

**NOTE: FOR REFERENCE PURPOSES ONLY. THIS IS THE ORDINANCE REPEALED BY SECTION 2 OF ORDINANCE NO. 842.
IT IS NOT THE SUBJECT OF THE REFERENDUM**

- b) In accordance with the authority granted to the City under Government Code Sections 36934 and 36937(b), from and after the date of this Ordinance, no new short term vacation rental licenses, certificates or permits shall be approved or issued until such time as the City Council repeals or otherwise modified this Ordinance.
- c) This moratorium shall not apply to existing short term vacation rental licenses, certificate or permits, renewals of existing short term rental licenses, certificates for permits, or within areas governed by a homeowners association or community association and subject to covenants, conditions, and restrictions (CC&Rs) that expressly permit short term vacation rentals.

SECTION 3. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION 4. CEQA

This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment because it is merely the formation of an organization. 14 Cal. Code Regs. § 15378(a). The Ordinance is also exempt from CEQA because it is an organizational or administrative activity of governments that will not result in direct or indirect physical change in the environment. 14 Cal. Code Regs. § 15378(b)(5). The City Clerk shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption, if adopted by at least four-fifths vote of the City Council. It shall be in effect until repealed by the City Council or otherwise modified by the City Council.

SECTION 6. 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 Section 39633(c).

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IT IS NOT THE SUBJECT OF THE REFERENDUM**

**REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL
ORDINANCE NO. 842**

**NOTE: FOR REFERENCE PURPOSES ONLY. THIS IS THE ORDINANCE REPEALED BY SECTION 2 OF ORDINANCE NO. 842.
IT IS NOT THE SUBJECT OF THE REFERENDUM**

SECTION 7. CERTIFICATION

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on the 24th day of July, 2019, by the following vote:

Ayes: Councilmembers Gutierrez, and Gregory; Mayor Pro Tem Aguilar and Mayor Carnevale

Noes: None

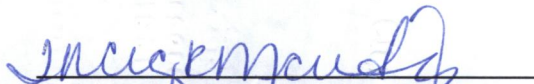
Absents: None

Abstains: None




Mark Carnevale, Mayor

ATTEST:



Tracey R. Martinez, City Clerk

APPROVED AS TO FORM:



Eric S. Vail, City Attorney

RIV #4823-7713-2700 v1

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IT IS NOT THE SUBJECT OF THE REFERENDUM**

**REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL
ORDINANCE NO. 842**

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Exhibit A

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**REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL
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ORDINANCE NO. 824

**AN UNCODIFIED URGENCY ORDINANCE OF THE CITY
COUNCIL OF CATHEDRAL CITY, CALIFORNIA,
ESTABLISHING A MORATORIUM ON THE
ESTABLISHMENT, PERMITTING AND APPROVAL OF
SHORT TERM VACATION RENTAL USES IN THE CITY**

WHEREAS, newer online technology allows the marketing of short term vacation rentals to a larger audience than in the past; and

WHEREAS, the increasing number of short term vacation rentals is creating adverse impacts in residential zones; and

WHEREAS, numerous residents have expressed public safety and general health and welfare concerns about adverse effects of short term vacation rentals; and

WHEREAS, the City has received numerous complaints regarding excessive noise, parking, litter, disorderly conduct and concerns regarding security and public safety at short term vacation rentals; and

WHEREAS, the City desires to protect neighborhoods from nuisances and other adverse effects resulting from the operation of short term vacation rentals; and

WHEREAS, based on the above, the potential establishment of additional short term vacation rentals in the City poses a current and immediate threat to the public health, safety and welfare in the City due to negative impacts of such lodgings; and

WHEREAS, the City will be conducting a community dialogue on the issue of short term vacation rentals which may lead to consideration of an amendment to the City's Municipal code to protect the quality of life and the character of the City's residential neighborhoods; and

WHEREAS, additional planning and research is necessary before the City considers any permanent regulation regarding short term vacation rentals; and

WHEREAS, the issuance and approval of further business licenses, use permits, or any other applicable entitlements for short term vacation rentals during the period that permanent regulations are being considered would result in the aforementioned threat to public health, safety or welfare; and

WHEREAS, the California Constitution, Article XI, section 7, provides cities with the authority to enact ordinances to protect the health, safety, welfare and morals of their citizens, and zoning regulations are a permissible exercise of this authority; and

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**REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL
ORDINANCE NO. 842**

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WHEREAS, based on the foregoing it is in the best interest of public health, safety and welfare to allow the staff and the City time to adequately study the land use issues related to short term/vacation rentals; and

WHEREAS, Government Code section 65858 allows the City to immediately protect and preserve the public peace, health, welfare by prohibiting any uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the legislative body, planning commission or planning department is considering.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS

- a) The City of Cathedral City has established regulations for the use of privately owned residential dwellings as short term vacation rentals to ensure the collection and payment of applicable transient occupancy taxes and minimize the negative secondary effects of such use on surrounding residential neighborhoods.
- b) The proliferation of online vacation rental websites such as Airbnb.com and Homeaway.com is enabling property owners, tenants and occupants in the city to rent their local residential properties on a short term basis to travelers which is increasing the number of short term vacation rentals in the city and facilitating accelerated reservations.
- c) Allowing proliferation of short term vacation rentals to occur during the period where the City is considering the revision the City's Municipal Code to better regulate short term vacation rentals of residential dwelling units in order to protect the quality of life and the character of the City's residential neighborhoods would conflict with public health, safety and welfare needs of the community.
- d) Accordingly, there is a current and immediate threat to the public health, safety, or welfare related to land uses that involve short term vacation rentals of residential dwelling units.
- e) In order to maintain comprehensive and sound land use planning, the City seeks to study possible amendments to the zoning provisions of its municipal codes, use permit requirements and other land use entitlement requirements in order to regulate short term rentals of residential dwelling units.
- f) Allowing short term rentals of residential dwelling units before the City has had an opportunity to update its regulations, could lead to conflicts amongst various land uses and conflicts with the City's long term planning goals.

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REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL ORDINANCE NO. 842

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SECTION 2. IMPOSITION OF MORATORIUM

- a) For the reasons set forth in the above findings, the City Council of the City of Cathedral City finds and declares that this proposed Ordinance is necessary for immediate preservation of the public's health, safety and general welfare.
- b) Government Code Section 65858 authorizes interim ordinances to take immediate effect when they are "...prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time."
- c) In accordance with the authority granted to the City under Government Code Section 65858, from and after the date of this Ordinance, no new short term vacation rental permits shall be approved or issued for a period of forty-five (45) days.
- d) This moratorium shall not apply to pending applications for short term vacation rental permits, existing short term vacation rental permits, renewals of existing short term rental permits, or areas governed by a homeowners association or community association and subject to covenants, conditions, and restrictions (CC&Rs) that expressly allow for short term vacation rentals.

SECTION 3. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION 4. CEQA

This ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment because it is merely the formation of an organization. 14 Cal. Code Regs. § 15378(a). The ordinance is also exempt from CEQA because it is an organizational or administrative activity of governments that will not result in direct or indirect physical change in the environment. 14 Cal. Code Regs. § 15378(b)(5). The City Clerk shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

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**REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL
ORDINANCE NO. 842**

**NOTE: FOR REFERENCE PURPOSES ONLY. THIS IS THE ORDINANCE REPEALED BY SECTION 2 OF ORDINANCE NO. 842.
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SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption, if adopted by at least four-fifths vote of the City Council. It shall be in effect for forty-five (45) days from and after the date of adoption, unless extended by the City Council as provided for in Government Code Section 65858.


SECTION 6. 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 Section 39633(c).

SECTION 7. CERTIFICATION

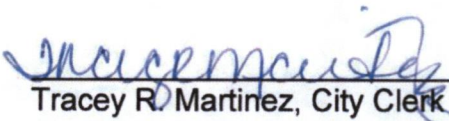
The foregoing Ordinance was approved and adopted at a meeting of the City Council held on the 26th day of June, 2019, by the following vote:

Ayes: Councilmembers Gregory and Gutierrez; Mayor Pro Tem Aguilar and Mayor Carnevale
Noes: None
Absents: None
Abstains: None



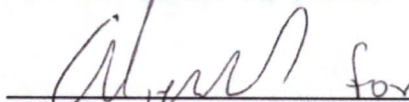
Mark Carnevale, Mayor

ATTEST:



Tracey R. Martinez, City Clerk

APPROVED AS TO FORM:



Eric S. Vall, City Attorney

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