

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

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moratorium with the same conditions and exclusions as the initial Urgency Ordinance No. 824 remaining in effect until repealed; and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 neighborhoods 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 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.

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".

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.

SECTION 5. 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 Section 39633(c).

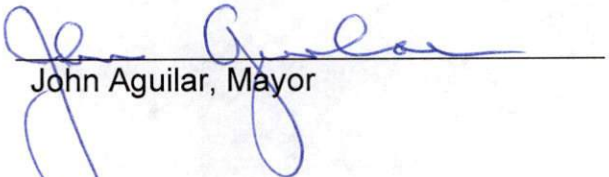
INTRODUCED at the regular meeting of Cathedral City City Council on the 26th day of August, 2020.

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

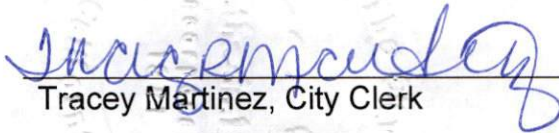
AYES: Councilmembers Lamb, Gutierrez and Carnevale; Mayor Pro Tem Gregory and Mayor Aguilar

NOES: None

ABSTAIN: None


John Aguilar, Mayor

ATTEST:


Tracey Martinez, City Clerk

APPROVED AS TO FORM:



Eric S. Vail, City Attorney

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

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

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.

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.

- 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,

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.

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.

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.

- 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

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

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.

- 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,

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

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.