

ORDINANCE NUMBER 1374

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ADDING CHAPTER 5.38, "SHORT-TERM RENTALS," TO TITLE 5 OF THE PERRIS MUNICIPAL CODE

WHEREAS, the City of Perris (the "City"), pursuant to the police powers delegated to it by Section 7 of Article XI of the California Constitution, has the authority to enact laws which promote the public health, safety, morals and general welfare; and

WHEREAS, the City has the authority to declare what activities constitute a nuisance and eliminate or reduce the occurrence of such nuisance to protect the public peace, safety and general welfare; and

WHEREAS, the City anticipates a proliferation of short-term rentals in the coming years due to the City's growing population and burgeoning tourism industry; and

WHEREAS, while the vast majority of short-term rental providers are good citizens of the City, there is a potential that short-term rental uses may harm the public peace, safety and general welfare by impacting the City's neighborhoods; and

WHEREAS, in order to protect the public peace, safety and general welfare, the City Council desires to adopt this Ordinance for the purpose of providing reasonable regulations upon short-term rentals.

THE CITY COUNCIL OF THE CITY OF PERRIS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals Incorporated. The City Council finds the above recitals are true and correct and incorporated herein by this reference.

Section 2. CEQA. Based upon its own independent judgment and substantial evidence in the record of proceedings, the City Council finds and determines that, pursuant to CEQA Guidelines, Sections 15060(c)(2) and 15061(b)(3) the Ordinance is not subject to CEQA, because adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment nor will it have a significant effect upon the environment.

Section 3. New Chapter 5.38 added to Title 5. Chapter 5.38, "Short Term Rentals," is hereby added to Title 5, "Business Regulations and Licenses," of the Perris Municipal Code as follows:

"Chapter 5.38. – SHORT-TERM RENTALS

5.38.010 Purpose.

The purpose of this chapter is to require the owner or owners of a residential dwelling unit that is partly or wholly used as a short-term rental, as defined

herein, to apply for and secure a short-term rental business license authorizing such use in the manner provided for by this chapter in order to safeguard the peace, safety and general welfare of the residents of Perris and their visitors and guests by eliminating excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, illegal vehicle parking, and the accumulation of refuse which are directly related to short-term rentals.

5.38.020 Definitions.

For the purpose of this chapter, the following definitions shall apply:

(a) “Agent” shall mean the representative, if any, designated by the owner in accordance with Section 5.38.040.

(b) “City Manager” shall mean the City Manager of the City of Perris or designee.

(c) “Director” shall mean the Director of Finance of the City of Perris or designee.

(d) “Displaced individual” shall mean any person who occupies or is entitled to occupy by reason of concession, permit, right of access, license or other agreement a short-term rental and who has been displaced from their home due to events for which an emergency has been proclaimed pursuant to the California Emergency Services Act (codified under Chapter 7 of Division 1 of Title 2 of the California Government Code).

(e) “Guest” shall be defined to mean transients, military personnel, and displaced individuals.

(f) “Military personnel” shall mean any person who occupies or is entitled to occupy by reason of concession, permit, right of access, license or other agreement a short-term rental and

(1) who is currently contracted, whether in their individual capacity or through an employer, with the United States government for the production of material or for the performance of services for any branch of the U.S. military, or

(2) who is a service member of the U.S. military, including, but not limited to active duty personnel and reservists.

(g) “Owner” shall mean the person(s) or entity(ies) that hold(s) legal and/or equitable title to the short-term rental.

(h) “Short-term rental” is defined as the rental of any structure or any portion of any structure for occupancy, dwelling, lodging or sleeping purposes for at least one (1) night, but no more than twenty-seven (27) consecutive calendar

days in duration in a dwelling; apartment house; boardinghouse, roominghouse, and lodging house; multiple- or multi-family dwelling; mobile home; one-family dwelling; or single-room occupancy (as those terms are defined by Chapter 19.08 of Title 19 of this Municipal Code) that is

- (1) located in a zoning district where residential uses are allowed, or
- (2) located in a zoning district as a legal nonconforming use.

“Short-term rental” historically and continues to be included in the definition of “hotel” for purposes of collecting transient occupancy tax pursuant to Chapter 3.24 of Title 3 of this Municipal Code.

(i) “Short-term rental business license” or “business license” shall mean a license issued pursuant to this chapter.

(j) “Transient” means any person who occupies or is entitled to occupy by reason of concession, permit, right of access, license or other agreement for a period of twenty-seven (27) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel is a transient until the period of twenty-seven (27) days has expired unless there is an agreement in writing between the operator and the guest providing for a longer period of occupancy. In determining whether a person is a transient, an uninterrupted period of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered.

5.38.030 Short-term Rental Business License Required.

It shall be unlawful to own, establish, operate, or permit the establishment of a short-term rental within the City, other than as permitted by this chapter. Prior to owning, establishing, operating, or permitting the establishment of a short-term rental within the City, the owner shall obtain a short-term rental business license from the City under the terms and conditions set forth in this chapter. Short-term rental business licenses issued pursuant to this chapter shall automatically expire one year from the date of issuance. Short-term rental business license is not transferrable and any new ownership of a short-term rental shall require the new owner to obtain a short-term rental business license from the City.

5.38.040 Agents.

An owner may retain an agent or a representative to comply with the requirements of this chapter, including, without limitation, the filing of an application for a short-term rental business license that has been signed and notarized by the owner, the management of the short-term rental, and the compliance with the conditions to the short-term rental business license. The short-term rental business license shall be issued only to the owner of the short-term rental. The owner of the short-term rental is responsible for compliance with the provisions of this chapter

and the failure of an owner's agent to comply with this chapter shall be deemed non-compliance by the owner.

5.38.050 Application for Short-term Rental Business License.

The owner shall submit an application for a short-term rental business license to the director. The application for a short-term rental business license shall be upon forms provided by the City and shall contain the following information:

(a) The name, address and telephone number of the owner of the short-term rental for which the permit is to be issued.

(b) The name, address and telephone number of the agent, if any, of the owner of the short-term rental.

(c) The name, address and telephone number of a twenty-four (24) hour emergency contact located within a twenty-five (25) mile radius of the short-term rental that will be available to respond to issues at the short-term rental. If the name, address or telephone number of the twenty-four (24) hour emergency contact is changed at any time, the owner shall submit such updated information to the director.

(d) Evidence of a valid transient occupancy tax registration certificate issued by the City for the short-term rental pursuant to Chapter 3.24 of Title 3 of this Municipal Code.

(e) Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a short-term rental within the City, including, but not limited to, this chapter.

(f) Payment for any applicable fees.

(g) Such other information as the director deems reasonably necessary to administer this chapter.

5.38.060 Issuance of Short-term rental business license.

(a) Issuance of a short-term business license constitutes a revocable privilege and shall not create or establish any vested rights for the development or use of a property.

(b) Upon receipt of a completed application and payment of the application fees, the director shall investigate the information contained in the application to determine whether the owner shall be issued the requested short-term rental business license based upon compliance with this chapter.

(c) The director shall grant the application for a short-term rental business license (subject to Sections 5.38.060(d) and 5.38.060(e)) upon findings

that the application meets the requirements of this chapter, unless the director finds any of the following:

(1) The owner has made one or more false or misleading statements or omissions, either on the written application or during the application process.

(2) The owner has not satisfied each and every requirement of this chapter and Municipal Code.

(3) The owner is not in compliance with applicable state law.

(4) The owner has not paid the required fees established by resolution of the city council.

(d) Based upon the information set forth in the application and the director's review, the director may impose additional reasonable terms and conditions on the use of the short-term rental regulatory permit in addition to those specified in this chapter to ensure the safe operation of the short-term rental, and to ensure the health, safety, and welfare of the residents and visitors of the City of Perris.

(e) The owner shall comply with all operational requirements for short-term rentals, as provided further in Section 5.38.080.

5.38.070 Renewal of Short-term Rental Business License; Expiration Date; Procedures.

(a) Short-term rental business license issued pursuant to this chapter shall automatically expire one year from the date of issuance.

(b) Renewal Procedures.

(1) A holder of a short-term rental business license may apply for a renewal of an existing permit no less than 60 days prior to the short-term rental business license's expiration date.

(2) Renewal applications shall comply with all of the requirements in this chapter that are applicable to new short-term rental business licenses, including but not limited to the processing requirements in Section 5.38.060.

(3) An application for renewal will only be accepted if it is also accompanied by the requisite fees as set by resolution of the city council.

(c) A short-term rental business license shall be immediately invalid upon expiration if the permit holder fails to file a timely renewal application pursuant to Section 5.38.070(b)(1) and paid the requisite fees.

5.38.080 Short-term Rental Operational Requirements.

All short-term rentals shall comply with the following operational requirements:

(a) The owner shall ensure that the short-term rental complies with all applicable codes regarding fire, building and safety, and all other relevant laws and ordinances.

(b) The City may conduct inspections of the short term rental location as deemed necessary or prudent prior to subsequent renewals.

(c) Transients shall not be permitted to stay at the short-term rental unit for longer than twenty-seven (27) consecutive days. However, military personnel and displaced individuals may stay at the short-term rental for periods longer than twenty-seven (27) consecutive days.

(d) The owner shall provide to the guests a twenty-four (24) hour emergency contact located within a twenty-five (25) mile radius of the short-term rental that will be available to respond to issues at the short-term rental.

(e) The short-term rental shall comply with the applicable parking requirements under this Municipal Code.

(f) The short-term rental must have a visible house number easily seen from the street, day or night.

(g) The short-term rental is prohibited from having publicly visible advertisements or signs at the physical location of the dwelling.

(h) The short-term rental shall be used only for overnight lodging accommodations, and shall not be used for weddings, parties, bachelor/bachelorette parties, conferences or similar events.

(i) The primary guest of the short-term rental must be an adult eighteen (18) years of age or older. This adult must provide a telephone number to the owner and shall be accessible to the owner by telephone at all times.

(j) Guest Log Required.

(1) The owner shall maintain a guest log, which log shall include the name, address and driver's license number or a copy of the passport of the primary adult guest of the short-term rental. This log shall be maintained for a period of 2 years.

(2) If a guest is military personnel and is staying in the short-term rental for longer than twenty-seven (27) days, then the owner shall

also request military order documentation evidencing that the guest is military personnel and shall include such documentation in the guest log.

(3) The owner shall require that same adult to sign a formal acknowledgment that he or she is legally responsible for compliance by all daytime occupants and guests of the short-term rental with the provisions of this chapter.

(4) The guest log, including any documentation attached thereto, shall be readily available upon request of any police officer or employee of the City authorized to enforce this chapter or State law.

(k) The owner shall require all guests to agree to a minimum stay of one (1) night.

(l) The maximum overnight occupancy of the short term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons within the short-term rental. The director may, when unusual size, interior layout, parking or other physical characteristics are shown, approve a greater maximum number of overnight guests as part of a short-term rental business license application or renewal.

(m) The maximum number of vehicles allowed at the short term rental shall be limited to one (1) vehicle per one (1) bedroom unit or two (2) vehicles maximum with two (2) or more bedrooms within the short term rental. The director may, when unusual size, parking or other physical characteristics are shown, approve a greater maximum number of vehicles as part of a short-term rental business license application or renewal. The owner must make a sufficient number of parking spaces accessible to tenants to accommodate the maximum number of vehicles allowed.

(n) Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the responsible trash hauler and between the hours of 9:00pm the day before and 8:00am the day after the scheduled trash collection days. The owner of the short-term rental shall provide sufficient trash collection containers and service to meet the demand of guests.

(o) Each lease or rental agreement for a short-term rental shall include the following terms, notifications and disclosures, which shall also be posted in a conspicuous location inside the short-term rental:

(1) The maximum number of guests that are permitted and notification that failure to conform to the maximum occupancy is a violation of this chapter.

(2) The number of parking spaces provided and, if not adjacent to the short-term rental, the location of assigned parking and maximum number of vehicles that are permitted.

(3) The trash pick-up day(s) and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property.

(4) Notification that the guest may be cited or fined by the City and/or immediately evicted by the owner for violating any and all applicable laws.

(5) The name of the managing agency, agent, rental manager, local contact person or owner of the unit, and a telephone number at which that party may be reached at all times and 9-1-1 Emergency information.

(6) Summary of applicable Homeowners Association Conditions, Covenants and Restrictions (CC&Rs) and bylaws, including pool location and hours.

(p) The owner shall ensure that the guests and daytime occupants of the short-term rental do not violate provisions of this Municipal Code or any State Law pertaining to noise, disorderly conduct, overcrowding, the consumption of alcohol, or the use of illegal drugs. Owners are expected to take any measures necessary to abate disturbances, including, but not limited to, directing the guest(s), calling for law enforcement services, or City code enforcement officers, evicting the guest(s), or any other action necessary to immediately abate the disturbance.

(q) The owner shall, upon notification that guests of his or her short-term rental have created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of this Municipal Code or State Law pertaining to, but not limited to, noise, disorderly conduct, overcrowding to take action to prevent a recurrence of such conduct by those guests or guests within twenty-four (24) hours.

(r) The owner shall collect and remit transient occupancy tax as required by Chapter 3.24 of Title 3 of this Municipal Code, and shall make such arrangements with the City's Finance Department as may be required to facilitate the remittance of such collected taxes to the City.

(s) The owner shall indemnify, defend and hold harmless the city, its elected officials, employees, agents, officers, and representatives, and each and all of them individually, from all liability or harm arising from or in connection with all claims, damages, attorney's fees, costs and allegations arising from or in any way related to the operation of the short-term rental; and, to reimburse the city for any costs and attorney's fees that the city may be required to pay as a result of such action. The city may, at its sole discretion, participate at its own expense in the defense of any such action.

(a) The director or City Manager's designee is authorized to suspend and/or revoke a short-term rental business license issued pursuant to this chapter upon the determination by the Code Enforcement Department of the City through written findings of a failure to comply with any provision of this chapter, any permit condition, or any agreement or covenant as required pursuant to this chapter.

(b) The director may suspend or revoke a short-term rental business license if any of the following occur:

(1) The director determines that the short-term rental has failed to comply with any aspect of this chapter, any permit condition, or any agreement or covenant as required pursuant to this chapter; or

(2) Ownership is changed without securing a new short-term rental business license; or

(3) The short-term rental fails to maintain required guest logs and records pursuant to Section 5.38.080; or

(4) The short-term rental fails to allow inspection of the guest logs and records pursuant to Section 5.38.080.

(c) The director shall notify the owner of any suspension or revocation at the last known address for the owner. Such notice shall be provided at least 30 days prior to the effective date of any suspension or revocation; however, such suspension or revocation shall not affect the stay of any guest that was booked prior to the date of the suspension or revocation of the short-term rental.

5.38.100 Violations/Penalties.

(a) Any violation of the provisions of this chapter, at the discretion of the city prosecutor, is punishable as a misdemeanor or an infraction pursuant to Chapter 1.16 of Title 1 of this Municipal Code, except for as preempted by state law; and, any violation of the provisions of this chapter is subject to administrative citation, at the discretion of the city, pursuant to Chapter 1.18 of Title 1 of this Municipal Code.

(b) Public nuisance abatement.

(1) Any short-term rental that is conducted in violation of any provisions of this chapter is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation, in accordance with the applicable procedures set forth in Title 7 of this Municipal Code or in any other manner provided by law for the abatement of public nuisances.

(2) All costs to abate such public nuisance, including attorneys' fees and court costs, shall be paid by the person causing the nuisance, including the short-term rental licensee and the property owner where the nuisance is occurring.

(c) The remedies described in this section are not mutually exclusive. Pursuit of any one remedy shall not preclude city from availing itself of any or all available administrative, civil, or criminal remedies, at law or equity.

(d) Any violation of the provisions of this chapter shall constitute a separate offense for each and every day during which such violation is committed or continued.

5.38.110 Permits and Fees Not Exclusive.

Permits and fees required by this chapter shall be in addition to any license, permit or fee required under any other chapter of this Municipal Code. The issuance of any permit pursuant to this chapter shall not relieve the owner of the obligation to comply with all other provisions of this Municipal Code pertaining to the use and occupancy of the short-term rental or the property on which it is located.

5.38.120 Appeals.

The applicant for a short-term rental permit under this chapter may appeal a decision made by the director that the applicant failed to meet all of the conditions set forth in this Municipal Code.

(a) If the appellant wishes to appeal a decision to the City Council, the appellant must file a written appeal with the Perris City Clerk within ten calendar days of the decision. The written appeal shall specify the person making the appeal, the decision appealed from, shall state the reasons for the appeal, and shall include any evidence in support of the appeal which the applicant seeks to be considered by the City Council.

(b) Notice of the time and place of an appeal hearing shall be providing to the appellant within 30 of receipt by the Perris City Clerk of the written appeal.

(c) The appeal hearing shall be held within 60 days of the filing of the written appeal with the Perris City Clerk, unless the 60 day time limit is waived by the appellant, or unless the City Council continues the appeal hearing date for good cause and upon written notification to the appellant.

(d) The City Council shall review the facts of the matter, written documents submitted for review, the basis for making the decision which is under appeal, and then determine whether the appealed decision should be reversed or

affirmed. The determination made shall be in writing, shall set forth the reasons for the determination, and shall be final unless appealed as provided for below.

5.38.130 Service of notices.

All notices required by this chapter are deemed issued and served upon the date they are either deposited in the United States mail, postage pre-paid, addressed (if to an applicant, a short-term rental, or an appellant) to the applicant or short-term rental at the mailing address identified in its application, the last updated address on file with the director's office, or the mailing address on the appeal form; or, the date upon which personal service of the notice is provided to a responsible party.

5.38.140 Amortization and Amnesty Period.

Owners of short-term rentals shall apply for a short-term rental business license pursuant to this chapter by no later than January 31, 2019. Owners of short-term rentals who, prior to the effective date of the ordinance codified in this chapter, failed to obtain a transient occupancy registration certificate pursuant to Chapter 3.24 of Title 3 of this Municipal Code, may do so without penalty notwithstanding the provisions of Chapter 3.24 of Title 3 of this Municipal Code, if an application for the certificate is filed by January 31, 2019.

5.38.150 Fees.

An application fee set by resolution of the city council shall be required for formal processing of every application made under this chapter. The city council is further authorized to pass resolutions to recover any and all fees and costs incurred by the administration and implementation of this chapter through an appropriate fee recovery mechanism to be imposed upon short-term rentals.

5.38.160 Administration.

Further rules, regulations, procedures and standards for the administration and implementation of this chapter may be adopted from time to time either by resolution or ordinance from the city council, by the director (upon authorization by resolution from the city council), or as further provided by this chapter.

5.38.170 Severability.

If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this chapter is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have adopted this chapter and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any

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

Section 4. Effective Date. This Ordinance shall take effect 30 days after its adoption.

Section 5. Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

ADOPTED, SIGNED and APPROVED this 13th day of November, 2018.

Michael M. Vargas, Mayor

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)§
CITY OF PERRIS)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Ordinance Number 1374 was duly introduced by the City Council of the City of Perris at a regular meeting of said Council held on the 30th day of October, 2018 and duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 13th day of November, 2018, and that it was so adopted by the following vote:

AYES: CORONA, RABB, ROGERS, VARGAS
NOES: NONE
ABSENT: BURKE
ABSTAIN: NONE

City Clerk, Nancy Salazar