We May Disagree, but We Will Be Respectful of One Another  
All Comments Will Be Directed to the Issue at Hand, and Addressed to the City Council  
Personal Attacks are Unacceptable

I. CALL TO ORDER / FLAG SALUTE / ROLL CALL

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<tr>
<th>Council</th>
<th>Staff</th>
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<tr>
<td>Council Member Dean Glaser</td>
<td>City Manager Merritt Perry</td>
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<td>Council Member Mike Johnson</td>
<td>City Clerk Siana L. Emmons</td>
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<td>Council Member Jeremy Stanfield</td>
<td>Deputy Director of Community Development Liz Shorey</td>
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<td>Mayor Pro Tem Tami Trent</td>
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<td>Mayor Sue Long</td>
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II. ORAL COMMENTS FROM THE PUBLIC

Members of the Public may be heard on any item on the Special Meeting Agenda. Speakers addressing the Council will be limited to 3 minutes per speaker. Be advised, by law the City Council cannot deliberate or take action on issues presented during Oral Comments that are not shown on the Agenda.

III. DISCUSSION ITEMS

A. Short-Term Rental Zoning Standards

IV. ADJOURN

Pursuant to Government Code Section 54957.5, any non-confidential documents or writings that the City distributes, less than 72 hours before a regular meeting, to all or a majority of the legislative body's members must be made available to members of the public at the same time as the distribution. Documents and information related to the agenda topics are available for review at City Hall, 621 11th Street, between the hours of 8:00 AM to 5:00 PM. Members of the public are invited to come to the meeting and comment. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 725-7600. Notification prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Siana L. Emmons
City Clerk
DATE: January 21, 2020

TO: Honorable Mayor and Council Members

FROM: Liz Shorey, Deputy Director of Community Development

THROUGH: Merritt Perry, City Manager

SUBJECT: Discuss Adoption of Short-Term Rental Zoning Standards and Provide Direction to Staff

STAFF RECOMMENDATION:
Receive presentation from staff regarding options for a short-term rental ordinance, and provide direction.

EXECUTIVE SUMMARY:

A short-term rental (STR), as typically defined, is a single-family dwelling, or a portion of a single-family dwelling, rented out to transient guest occupants for periods of 30 days or less. Currently, the City of Fortuna does not have an STR Ordinance. The Zoning Code does not allow transient rentals within residential districts, allowing only motels and hotels for overnight stays in the commercial districts. With the popularity of short-term rentals within homes as a means of earning income, and the availability of internet-based platforms (Airbnb, Verbo, etc.), there are a number of these rentals within the City, but there is no opportunity to collect transient occupancy tax, nor the ability to control potential neighborhood nuisances. The purpose of this workshop is to discuss the issues with the Council, provide a range of opportunities, and receive direction from the Council.

The purpose of an STR Ordinance is to ensure that:

1) Short-term rentals are compatible with and do not adversely impact surrounding residential uses,
2) Property owners have the option to utilize their properties for short-term rental use,
3) Risks to public safety and health to occupants and owners are minimized,
4) Nuisances or disturbances in neighborhoods and residential zones are reduced,
5) Visitation and tourism to Fortuna is supported, and,
6) Transient occupancy tax is collected in order to provide fair and equitable tax collection for all lodging providers.

The online hospitality marketplace, enabled through Airbnb, VRBO, HomeAway and similar companies, has grown in popularity throughout California and the United States. Short-term rentals provide a way for homeowners to generate additional income, but they can also introduce a new use that can have negative impacts on residential neighborhoods and the health and safety of occupants and owners. While these companies enable an online transaction to rent rooms and homes between owners and guests, they often do not require the owner to demonstrate compliance with local zoning laws. Airbnb, for instance, discloses on their website that it is important for the
owner to understand the local laws and regulations in their own jurisdiction related to zoning, business licenses, building codes, special permits, taxes, and other rules. However, Airbnb and other similar companies do not facilitate or require compliance with local zoning laws and other regulations. Owners may enter into online agreements for short-term rentals without reviewing or complying with local zoning laws and regulations. This can result in unanticipated impacts to existing residential neighborhoods, health and safety risks to occupants, and a loss of transient occupancy tax (TOT) revenue to the local jurisdiction, and zoning violations.

The City has not yet received any complaints regarding short-term rentals operating in neighborhoods. Typical complaints that could be expected include traffic and parking, noise, loud music, loss of property value, loss of available housing, and increase in rents and housing cost. An STR ordinance would support the City’s efforts maintaining neighborhood compatibility, collect TOT, and enforce any conflicts that might arise.

Attached is a sample ordinance with basic standards for noise, parking, terms of occupancy, and permit requirements, provision of noticing to neighbors, and collection of TOT. Additional standards that are typically adopted by tourism-based communities include a cap on the number of allowable STRs as well as the number of STRs on a single parcel, and zoning districts within which they are allowed. Housing issues that may be addressed include the use of accessory dwelling units for short-term rentals, which would displace the availability of these housing units for affordable and longer-term housing. Occupancy standards also ensure that STR units are not overcrowded with transient renters.

Jurisdictions within Humboldt County that currently have an STR ordinance include Eureka, Trinidad, Rio Dell, Ferndale, and Humboldt County. Arcata recently declined to adopt a specific ordinance, but they do recognize STRs as an allowable use and collect TOT. These ordinances are attached, as well as a separate table of standards for comparison purposes.

**RECOMMENDED COUNCIL ACTION:**

1. Receive staff presentation and review questions with staff
2. Open Public Comment
3. Close Public Comment
4. Provide direction to staff regarding how to proceed with a short-term rental ordinance.

**ATTACHMENTS:**

- Sample draft ordinance
- Local ordinances
- Summary table
Draft
Short Term Vacation Rental Ordinance

Definitions
Current:
A. “Hotel” means any structure or any portion of any structure which is occupied or intended to be designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home, or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, short term home-sharing and/or vacation rental unit under thirty-one days, dormitory, public or private club, or any space occupied by a recreational vehicle as defined in FMC 17.04.425, mobile home or house trailer at a fixed location except when located within a mobile home park, or other similar structure or vehicle or portion thereof.

17.06.185.5 Short Term Vacation Rentals
A. General Provisions. The purpose of this section is to establish standards to ensure compatibility of these commercial lodging establishments with the residential character of the surrounding neighborhood.
B. Definitions.
For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:
“Good neighbor brochure” means a document prepared by the city and approved by the city manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. Provisions for parking and minimizing noise and quiet hours shall be included.
“Short-term” means fewer than 31 days.
“Short term vacation rental, commercial” means any structure, or any portion of any structure, which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging, or sleeping purposes, and is held out as such to the public. The structure, or any portion of the structure, is not required to serve as the property owner or owners’ primary residence and the entirety of the residence may be utilized as a vacation rental.
“Short term vacation rental, residential” means any structure, or any portion of any structure, which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging, or sleeping purposes, and is held out as such to the public. The structure, or portion of the structure, serves as the property owner or owners’ primary residence.
“Short Term Rental (STR) Permit” means an application document prepared by the city and approved by the city manager, which is required for the approval of either residential or commercial short-term vacation rental.
C. Applicability. The property owner is required to apply for a Short Term Rental Zoning (STR) Permit and pay applicable fees. STR are principally permitted in all Residential Zones. They are not permitted in the Public Facility and Industrial Zone, and a Conditional Use Permit is also required to operate a SRT in the Retail Commercial and Commercial Thoroughfare Zone.

D. License and Permit Required
1. The property owner shall obtain a Business license.
2. A Zoning and Application review fee is required. The application will include a site plan to verify bedrooms for occupancy. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance, including location of health and safety requirements. The vacation rental must be identified as commercial or residential for owner residency requirement.
3. The property owner is subject to Transient Occupancy Tax in FMC Chapter 3.12.
E. Parking and screening.
   1. One additional parking space will be provided.
   2. Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and/or debris on the site or within the unit.

F. Health and safety.
   1. Local contact person. Each vacation rental must designate a local contact person on the business license form. That person may be either the owner of the property or the property manager, and that person must live within 25 miles of Fortuna so that he/she may respond personally to an emergency.
   2. Twenty-Four Hour Emergency Contact Phone Number. A 24-hour emergency contact phone number is required in each vacation rental. If there is an emergency or complaint, and the emergency contact person does not respond within a reasonable period of time, concerned persons will be encouraged to report the emergency through the 911 emergency call system or the police or sheriff’s department. It is unlawful to make a false report or complaint regarding activities of a vacation rental.
   3. The maximum number of occupants allowed in a short-term vacation rental shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom vacation rental may have six occupants).
   4. The property will be equipped with a functioning smoke alarm, carbon monoxide detector, and fire extinguisher.
   5. A first aid kit will be on site.
   6. A clearly marked fire escape route shall be posted.

G. Occupancy standards.
   7. The Good Neighbor Flyer will be provided to transient guest, which will include local emergency telephone numbers and general guest guidance.
   8. Signs. No signage shall be allowed in residential districts. In commercial districts, all signs shall meet the standards in FMC 17.05.180.

H. Enforcement and violations.
   1. It is the responsibility of the property owner to ensure transient tenants follow City ordinances on smoking, noise, parking, and all other applicable ordinances. If a short-term rental property is issued at five or more citations for violations of City ordinances, the City may revoke the property owner’s business license, and shall not be allowed to operate a short-term rental home sharing and/or vacation rental for one year.
   2. Each owner and agent or representative of any owner shall provide access to each vacation rental and any records related to the use and occupancy to the Building Official at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.
   3. Violations of this chapter are punishable, as either infractions or misdemeanors, pursuant to provisions in Title 8.
   4. If more than two documented, significant violations occur in any 12-month period, the vacation rental business license may be revoked. Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement.
ORDINANCE NO 2017-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FERNADEL, STATE OF CALIFORNIA, AMENDING ZONING ORDINANCE 02-02 ADDING REGULATIONS FOR VACATION RENTAL USES AND AMENDING SECTIONS 7.06, 7.26, 3.13, 5.02, 5.03, 5.04, 5.06, 5.07, 5.08 AND 5.16.

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THE CITY COUNCIL OF THE CITY OF FERNADEL DOES ORDAIN AS FOLLOWS:

Article 1 SHORT TITLE AND PURPOSE

§1.1 Short Title: This Ordinance shall be known and cited as “Amending Zoning Ordinance 02-02 Adding Regulations for Vacation Rental Uses.”

§1.2 Purpose: The purpose of this Ordinance is to amend Zoning Ordinance 02-02 to add regulations for the Vacation Rental Use of properties within the City of Ferndale.

Article 2 STATUTORY AUTHORITY

§2.1 The statutory authority for this Ordinance is California Government Code §65000 et seq., §65850(d), §65852.25 et seq., and other applicable State laws.

Article 3 GENERAL PROVISIONS

§3.1 The following changes shall be made to Section 7.26 of Zoning Ordinance 02-02. The section noted shall read as follows:

§ 7.26 VACATION RENTALS

7.26.1 PURPOSES AND SCOPE: The specific purposes of vacation rental regulations are:

a. To regulate the location and number of vacation rentals within Ferndale.

b. To mitigate impacts on parking by requiring the use of existing off-street parking facilities.

c. To minimize disruptions to and protect the character of Ferndale.

d. To minimize disruptions to neighborhoods.
e. To require a vacation rental to operate with a valid business licenses and pay all applicable taxes and fees.

7.26.2 DEFINITIONS: For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

a. BUSINESS LICENSE. Business license means the license required by Chapter 5.04 of this Code.

b. GUEST GUIDE. A document provided to occupants by the property owner that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular provisions, for parking, occupancy limits, emergency response, and minimizing noise and quiet hours shall be included.

c. OCCUPANT. As used in this chapter, an occupant is a person sleeping overnight at a vacation rental.

d. PROPERTY. A parcel of land in its entirety, including all structures within the parcel boundaries.

e. TRANSIENT OCCUPANCY TAX. A tax charged to transients for the privilege of overnight accommodation.

f. TRANSIENT USE. Any use of a dwelling or portion thereof to provide temporary, overnight accommodations to an occupant for compensation. For purposes of this definition, “temporary” means 30 days or fewer.

g. VACATION RENTAL. An entire residential property containing a single-family residence including any detached guest quarters that is rented to one party at a time for transient use with no owner or manager on site. The dwelling shall provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

h. VISITOR. A guest of an occupant visiting temporarily at a vacation rental, but not an overnight “occupant”.

7.26.3 GENERAL PROVISIONS

a. Permit.

i. No property may be used as a vacation rental without first obtaining a permit from the City pursuant to this chapter. Except as otherwise required below, the review and issuance of a vacation rental permit shall be a ministerial act, without discretionary review or public hearing.

ii. The maximum number of active Vacation Rental permits shall be twenty-four (24).

iii. Property owners with a permitted Vacation Rental in Ferndale shall not be issued an additional concurrent Vacation Rental Permit.

iv. Vacation rental permits shall be subject to annual review and renewal by the City.

   ○ Except as expressly provided herein, a vacation rental permit shall expire without further action of the City if any of the
following events occur: (a) the business license for the operation of the vacation rental becomes invalid or expires without being renewed within 10 days of the expiration date; (b) any tax applicable to the property or business is delinquent for more than 30 days; or (c) the property is declared to be a nuisance pursuant to this Code and the nuisance condition is not cured within 30 days.

- If the permit expires, a new vacation rental permit shall be required.

v. Upon the transfer or conveyance of property for which a valid, non-expired vacation rental permit has been issued, the permit shall remain valid and inure to the new property owner, provided that the new property owner completes an application to renew the permit and obtains a business license to operate the vacation rental within two months of the date of the transfer or conveyance.

b. Complete and accurate applications for vacation rental permits shall be filed with the City Clerk on forms provided by the City.

c. Fees. Vacation rental permit applications shall be accompanied by fees established by resolution of the City Council to cover the cost of handling the application and inspections as prescribed in this subchapter.

d. Business License. Following the approval of a vacation rental permit, the property owner or vacation dwelling unit manager shall obtain a business license before commencing operations.

7.26.4 DEVELOPMENT STANDARDS. All vacation rentals shall comply with the following development standards.

a. Minimum separation. Within any R District where permitted, the minimum distance between Vacation Rentals shall be 600 feet as measured from the property line. Upon written application and payment of a fee, the Planning Commission, following a public hearing, may grant a reduced distance waiver.

b. Each applicant shall designate a local contact on the application form, including a phone number and email address. That contact may be the property owner, property manager, or designee, and that person shall live within 30 miles of the city limits so that he or she can respond personally to an emergency. The City shall forward the contact phone number to the Ferndale police and FVFD dispatch. The property owner shall immediately notify the City Clerk in writing of any changes to the designated contact person or number.

c. Visitors are allowed on the premises between 7:00 a.m. and 10:00 p.m.

d. Events. In any R District where permitted, events that include more than 12 visitors shall require a special event permit.

e. Trash and refuse shall not accumulate or be stored within public view.

f. Emergency preparedness information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the city shall be
posted within the vacation rental in an easily visible location, such as the entry or kitchen area.

g. The property owner shall act in good faith to resolve complaints regarding the vacation rental, and engage in dispute resolution with neighbors. The City shall investigate any vacation rental with recurrent emergency calls or complaints.

h. If the vacation rental owner or contact is deemed to be negligent in responding to an emergencies or disturbances of the peace more than 2 times in a 12-month period, or if more than 2 documented law enforcement violations occur in any 12-month period, the vacation rental permit may be revoked. The City may also revoke a permit if the vacation rental is deemed chronically non-compliant with the provisions of this chapter, or is negligent or remiss in correcting noted Building or Fire Code violations or issues. Documented, significant violations may include copies of citations, written warnings, or other documentation maintained by law enforcement, Fire Department, or Building Department.

i. Vacation rentals with gated entries shall have a Fire Department approved device that permits emergency response vehicles and personnel to enter the property.

j. Existing off-street parking, including covered parking, as required for dwellings in 7.16.2 shall be reserved for occupants of the vacation rental. Occupants shall be encouraged to park in existing legal off-street parking spaces.

k. The existence of the vacation rental shall not be apparent beyond the boundaries of the property. The vacation rental shall not change the residential or commercial character of the property or neighborhood by the use of colors, materials or lighting.

7.26.5 APPLICABLE TAXES: The rental or other contractual use of a vacation rental shall be subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each vacation rental owner and/or manager shall comply with Article 9 of the City's Business Ordinance (06-01) that addresses the collection, record keeping, reporting and remittances of applicable TOT.

7.26.6 APPEALS

a. Except as provided in division (b) of this section, within fifteen (15) days following a decision of the Planning Commission on a Vacation Rental distance waiver permit application, that decision may be appealed to the City Council by the applicant or any property owner located within 300 feet of the vacation rental property. An appeal shall be filed with the City Clerk, and state specifically wherein it is claimed there was an error or abuse of discretion by the Planning Commission. Notice of the date, time and place of an appeal to the City Council shall be provided to all property owners located within 300 feet of the vacation rental property at least ten days prior to the appeal meeting.

b. The decision of the City Manager to deny the annual permit renewal may be appealed to the Planning Commission solely by the applicant.
§3.2 The following changes shall be made to Sections 3.13, 5.02, 5.03, 5.04, 5.06, 5.07, 5.08, 5.16 and 7.06 of Zoning Ordinance 02-02. The section noted shall read as follows:

§3.13 Bed and Breakfast: A home occupation for a residential dwelling occupied by a resident person or family, containing one individual sleeping and separate bathroom quarters occupied on a transient basis for compensation, and in which a breakfast may be provided to guests. The breakfast provided shall not constitute a restaurant operation and may not be provided to persons other than guests of the bed and breakfast. See also §7.06 for Bed and Breakfast Inns.

§7.06 Bed and Breakfast Inns: Bed and breakfast inns, as defined herein, shall be an allowable use within all residential and agricultural zones, subject to the following regulations:

7.06.1 Minimum lot area: 20,000 square feet.
7.06.2 Minimum main building: 2,500 square feet.
7.06.3 Number of living quarters occupied for compensation, including rooming and boarding uses: two (2) to four (4).
7.06.4 Bed and breakfast inns shall be conducted only by persons owning and residing in the dwelling as their principle place of residence.
7.06.5 Off-street parking, as per Section 7.16.
7.06.6 Signs, as per Section 7.23.

§5.02 Residential-Suburban or R-S Zone.
The Residential-Suburban or R-S Zone is intended to be applied in areas of the City which are particularly suited to large lot development of single-family homes. The following regulations shall apply in all Residential-Suburban or R-S Zones:

5.02.1 Principal permitted uses:
   a. Single-family dwellings.
   b. Servants’ quarters, vacation rental and guesthouses.
   c. Keeping no more than eight (8) household pets on each lot.

§5.03 Residential One-Family or R1 Zone
The residential One-Family or R1 Zone is intended to be applied in areas of the City where topography, access, utilities, public services and general conditions make the area suitable and desirable for single-family home development. The following regulations shall apply in all Residential One-Family or R1 Zones:

5.03.1 Principal permitted uses:
   a. Single-family dwellings.
b. Boarding of not more than two (2) persons not employed on the premises.
c. Keeping no more than four (4) household pets for each dwelling unit.
d. Vacation rentals.

§5.04 Residential Two-Family or R2 Zone.
The Residential Two-Family or R2 Zone is intended to be applied in areas of the City close to urban centers where all utilities and services are available and where housing demand justifies a density of two families on each building site. The following regulations shall apply in all Residential Two-Family or R2 Zones:

5.04.1 Principal permitted uses:
   a. Single family dwellings.
   b. Two-family dwellings.
   c. Vacation rental.
   d. Boarding of not more than two (2) persons not employed on the premises.
   e. Keeping no more than four (4) household pets for each dwelling unit.

§5.06 Apartment-Professional or R4 Zone.
The Apartment-Professional or R4 Zone is intended to apply in areas suitable for higher density residential uses and for professional and business offices and institutional uses. The following regulations shall apply in all Apartment-Professional or R4 Zones:

5.06.1 Principal permitted uses:
   a. Single family dwellings.
   b. Professional and business offices.
   c. Commercial instruction.
   d. Boarding houses.
   e. Keeping no more than two (2) household pets for each dwelling unit.
   f. Hotels, motels and bed and breakfast inns.
   g. Vacation rentals
   h. Art galleries.

§5.07 Neighborhood Commercial or C1 Zone
The Neighborhood Commercial or C1 Zone is intended to provide for neighborhood shopping centers which provide convenient sales and service facilities to residential areas, detracting from the residential desirability of such areas. The following regulations apply in all Neighborhood Commercial or C1 Zones.
5.07.1 Principal permitted uses:
   a. Social halls, fraternal and social organizations and clubs, plant nurseries and greenhouses.
   b. Professional and business offices and commercial instruction.
   c. Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as: antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, theaters, variety stores and mortuaries, nurseries and greenhouses.
   d. Sales of used and secondhand goods when appurtenant to any of the foregoing.
   e. Vacation Rentals in conjunction with a dwelling use permit.

§5.08 Community Commercial or C2 Zone

The Community Commercial or C2 Zone is intended to apply to areas where more complete commercial facilities are necessary for community convenience. The following regulations shall apply in all Community Commercial or C2 Zones:

5.08.1 Principal permitted uses:
   a. Social halls, fraternal and social organizations and clubs, plant nurseries and greenhouses.
   b. Professional and business offices and commercial instruction.
   c. Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as: antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores and mortuaries, nurseries and greenhouses.
   d. Sales of used and secondhand goods when appurtenant to any of the foregoing.
   e. Dwellings, vacation rentals, hotels, motels, boarding houses and mobile home parks.
f. Small animal hospitals completely enclosed within a building.

g. Stores, agencies and services such as: minor automobile repair, new automobile, trailer and boat sales, and used automobile, trailer and boat sales when appurtenant thereto, bowling alleys, licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, storage warehouses.

§5.16 Agriculture-Exclusive or AE Zone. The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The following regulations shall apply in all Agriculture-Exclusive or AE Zones:

5.16.1 Principal permitted uses:
   a. All general agricultural uses, except those specified in 5.16.2.
   b. Farm dwellings, nurseries, greenhouses and roadside stands.
   c. Vacation Rentals

Article 4 ENACTMENT

§4.1 Severability. If any section, sub-section, paragraph, sentence, or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences and words of this Ordinance, and the application thereof; and to that end the sections, subsections, paragraphs, sentence and words of this Ordinance shall be deemed to be severable.

§4.2 Effective Date. This Ordinance shall become effective 30 days after the date of its enactment.
PASSED AND ADOPTED on this 20th day of September, 2017 by the following vote:

AYES: 3 (Hindley, Sweeney, O’Rourke)
NOES: 2 (Brown, Braver)
ABSTAIN: 0
ABSENT: 0

Attest:

Kristene Hall, City Clerk

Don Hindley, Mayor

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<tr>
<th>First Reading: August 16, 2017</th>
<th>Amended:</th>
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<td>Second Reading: September 20, 2017</td>
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<td>Enacted: October 20, 2017</td>
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<td>Amended:</td>
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HUMBOLDT COUNTY REGULATIONS ON ZONING DISTRICTS: V COMBINING ZONES

37.1 V - VACATION HOMERENTAL

37.1.1 Purpose. The purpose of these regulations is to increase and enhance coastal public access, access to other County visitor serving facilities, to preserve the residential character of neighborhoods by controlling and regulating transient uses which may be incompatible with the character of the neighborhood. (Former Section INL#315-10(A); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.2 Applicability. These regulations shall apply to all lands designated “V” on the zoning maps. (Former Section INL#315-10(B); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.3 Principally Permitted Uses. The following uses may be permitted upon obtaining a Special Permit on all lands designated with the “V” or Vacation Home Rental Combining Zone:

37.1.3.1 Vacation Home Rentals as defined in Section C: Index of Definitions of Language and Legal Terms. (Former Section INL#315-10(C)(1); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.4 Performance Standards. All vacation home rentals are subject to the following performance standards:

37.1.4.1 Compliance with residential parking standards as required by Section 314-109.1 of this code; (Former Section INL#315-10(D)(1); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.4.2 The number of occupants shall not exceed ten (10) persons. (Former Section INL#315-10(D)(2); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.4.3 Availability of the rental unit to the public shall not be advertised on-site; (Former Section INL#315-10(D)(3); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.4.4 Owners of rental units must provide the name, address and telephone number of a contact person for the unit to all occupied residences within a 300 foot radius of the rental unit. The notice shall be mailed to property owners prior to renting the unit and thereafter as contact information changes. An owner of a rental unit who does not reside in a five-mile radius of the residence being rented, shall designate a person within a 5-mile radius of the rental unit, as the local contact person. The owner or contact person must be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of this Section and other applicable provisions of the code; (Former Section INL#315-10(D)(4); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.4.5 Prior to commencing vacation home rentals, the applicant shall obtain a Business license from the Humboldt County Tax Collector. The owner/operator shall collect and remit to the Humboldt County Tax Collector the transient occupancy tax; (Former Section INL#315-10(D)(5); Added by Ord. 2154, Sec. 2, 12/9/97)
37.1.4.6 It is the responsibility of the property owner to ensure that trash will be disposed of (picked-up) on a weekly basis. (Former Section INL#315-10(D)(6); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.4.7 Compliance with the requirements of this Section shall be considered conditions of approval. Noncompliance will constitute a nuisance subject to administrative penalties and revocation of the business license. (Former Section INL#315-10(D)(7); Added by Ord. 2154, Sec. 2, 12/9/97)
COUNTY OF HUMBOLDT

JOHN BARTHOLOMEW
TREASURER-TAX COLLECTOR
625 FIFTH STREET ROOM 125
EUREKA, CALIFORNIA 95501

PHONE: 707-476-2450
FAX: 707-445-7608
TOLL FREE: 877-448-8829
EMAIL: taxinfo@co.humboldt.ca.us

FOR COUNTY USE ONLY

CERTIFICATE # ________________________________
DATE ISSUED ________________________________

County of Humboldt
Transient Occupancy Tax Registration Application

IMPORTANT—CHANGE OF OPERATOR OR OWNERS(S) REQUIRES A NEW APPLICATION

BUSINESS NAME ________________________________ PHONE ________________________________

PHYSICAL LOCATION ________________________________

MAILING ADDRESS ________________________________ ZIP CODE ________________________________

TYPE OF BUSINESS (PLEASE CHECK ALL THAT APPLY)

☐ Hotel/Motel ☐ Campground ☐ RV Park ☐ Vacation Rental

NO. OF UNITS/ROOMS ____________

TYPE OF OWNERSHIP

☐ Individual ☐ Partnership ☐ Corporation

OWNER(S)

NAME ________________________________ TITLE ________________________________ HOME ADDRESS ________________________________

OPERATOR OR MANAGERS NAME ________________________________

ADDRESS ________________________________ PHONE # ________________________________

DATE ______________ SIGNATURE ________________________________
RETURN FOR HOTEL TRANSIENT OCCUPANCY TAX (TOT) & HUMBOLDT TOURISM ASSESSMENT

Business Name ___________________________ QTR ______

1. Gross Rent $ ___________
   (The total amount received during the reporting period from the occupancy of all rooms for stays less than 30 consecutive days, including Airbnb)

2. Less Allowable Deductions $ ___________
   (Rent covered by Government Agency Exemption Certificates)
   (Attach copies of certificates)

3. Sub-total (line 1 minus line 2) $ ___________

4. Rents Facilitated Through AirBNB -$ ___________
   (Deduct Rent amount processed through Airbnb)

5. Taxable Rents (line 2 minus line 3) $ ___________
   (Total amount not collected through Airbnb)

6. Transient Occupancy Tax Due (10% of line 5) $ ___________

7. Humboldt Tourism Assessment Due (2% of line 5) $ ___________

8. Total Taxes & assessment Due $ ___________

MAKE CHECKS PAYABLE TO: HUMBOLDT COUNTY TAX COLLECTOR

-----------If Delinquent Continue Below-----------
RETURN IS DELINQUENT AFTER ONE CALENDAR MONTH FROM CLOSE OF PERIOD.

9. Penalties & Interest:
   10.5% of line 8 for the first month after delinquent
   Date plus an additional 10.5% for second month delinquency
   plus .5% for each additional month or fraction thereof. $ ___________

10. Total Tax and Assessment, with Penalty $ ___________

EVEN IF THERE IS NO TAX, A RETURN MUST BE FILED WITH THE TAX COLLECTOR.
BE SURE THIS FORM IS FILLED OUT COMPLETELY AND CORRECTLY.

I DECLARE UNDER PENALTY OF MAKING A FALSE STATEMENT THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE STATEMENTS HEREIN ARE TRUE AND CORRECT.

Signed ___________________________ Date ___________________________ Title ___________________________

CHANGE OF ADDRESS must be filed and reported immediately to the COUNTY TAX COLLECTOR. IF BUSINESS IS DISPOSED OF OR SUSPENDED, closing return must be filed immediately, at the County Tax Collector's Office, 825 Fifth St., Room 125, Eureka, Ca. 95501; and tax due must be paid. No change of ownership can be recorded until this is done.
§ 155.304.130 RESIDENTIAL LODGING.

(A) **Purpose.** This section establishes regulations for residential lodging uses to allow for short-term vacation rentals within residential zoning districts. These regulations are intended to:

1. Minimize adverse impacts that could result from transient lodging uses in residential neighborhoods;
2. Ensure that vacation rentals do not significantly impact the supply of permanent housing available to Eureka residents;
3. Provide opportunities for homeowners to generate supplemental income by renting out rooms and residential units to visitors;
4. Provide visitors with a range of lodging options to support the local tourism economy; and
5. Ensure the city is able to collect transient occupancy taxes (TOT) and other taxes as required by city ordinances.

(B) **Applicability.**

1. This section applies to dwelling units, or portions thereof, located in a residential zoning district that are rented to transient patrons for 30 consecutive days or less.
2. This section does not apply to transient lodging uses in a residential unit in a mixed-use or other non-residential zoning district. All transient lodging uses outside of a residential zoning district are regulated as a commercial lodging use, regardless of whether the transient lodging use occupies or replaces an existing residential or commercial use.

(C) **Types of residential lodging.** This section allows for three types of residential lodging.

1. **Single-room.** The rental of one room within a dwelling unit with the proprietor in residence for the duration of the rental. Includes bed and breakfast establishments where meals are provided.
2. **Multiple-room.** The rental of two or more rooms within a dwelling unit with the proprietor in residence for the duration of the rental. Includes bed and breakfast establishments where meals are provided.
3. **Full unit.** The rental of an entire dwelling unit, either with or without the proprietor in residence elsewhere on the property for the duration of the rental. Includes rental of accessory dwelling units (ADUs).

(D) **Maximum number per year.**

1. The number of full unit rentals permitted/licensed each year may not exceed the annual limit set by the City Council. Alternatively, the total number of full unit rentals permitted/licensed by the city may not exceed the total limit set by City Council.
2. Single-room and multiple-room rentals are exempt from the annual limit for new residential lodging.

(E) **Permits required.**
(1) **Minor use permit.** See Table 204-1 in § 155.204 (Residential Zoning Districts) for types of residential lodging that require a minor use permit.

(2) **Home occupation permit.** Single-room and multiple-room residential lodging uses require a home occupation permit. See § 155.304.070 (Home Occupations).

(3) **Business license.** Residential lodging operators must acquire and maintain a city business license.

(4) **Residential lodging agreement.** Prior to receiving a business license, each residential lodging operator must sign a statement that they have read, understand and will comply with the city’s residential lodging requirements.

(5) **Record of approved residential lodging operators.** The city will keep a list of approved residential lodging operators.

(F) **City taxes.** All types of residential lodging uses are subject to a transient occupancy tax ("TOT") and any other mandated taxes. Each residential lodging owner, proprietor and/or manager must comply with Municipal Code § 35.070, which addresses the collection, record keeping, reporting and remittances of applicable TOT.

(G) **Standards for all residential lodging uses.** The following standards apply to all types of residential lodging uses.

(1) **Inspections.**

   (a) All residential lodging uses must be inspected to residential standards by the Building Department prior to approval.

   (b) If the dwelling unit was previously inspected by the Building Department within one year of the residential lodging application, the Building Official may waive the requirement for a new inspection.

(2) **Parking.**

(a) No on-site parking is required to convert an existing residential use to a residential lodging use.

(b) If on-site parking existed at the time the residential lodging use was established, that parking may not be removed while the residential lodging use remains in operation.

(3) **Signs.** See § 155.340.030(A)(8) (Residential Lodging).

(H) **Standards for multiple-room rentals.** The following standards apply only to multi-room rentals.

(1) **Maximum rooms.** A multiple-room rental may contain no more than seven rooms available to paying guests.

(2) **Maximum guests.** Eureka Municipal Code Ch. 150 (Building Regulations) governs the maximum number of guests per room.

(3) **Events.** A property with a multi-room rental is limited to three events (e.g., wedding receptions, graduation parties) per month. Event attendance may not exceed the total occupant
limit for the property as required by the Building Code and may not create a noise nuisance in violation of Municipal Code § 94.02 (Loud Noises Unlawful).

(1) **Standards for full unit rentals.** The following standards apply only to full unit rentals.

(1) **Maximum number per lot.** The number of residential units and/or full unit rentals on a lot may not exceed the maximum allowed by the density established in Tables 204-2 and 204-3 in § 155.204 (Residential Zoning Districts).

(2) **Maximum occupants.** The maximum number of occupants allowed in a full unit rental may not exceed two persons per bedroom, plus an additional two persons (e.g. a two-bedroom unit may have six occupants). Children aged 12 and under are not counted toward the occupancy total.

(3) **Events.** A property with a full unit rental is limited to six events (wedding receptions, graduation parties and the like) per year. Event attendance may not create a noise nuisance in violation of Municipal Code § 94.02 (Loud Noises Unlawful).

(4) **Emergency contact.**

(a) Each full unit rental applicant must designate a local emergency contact person on the application form, including a 24-hour-emergency contact phone number.

(b) The emergency contact person may be the property owner, property manager or designee and must live within 50 miles of the city limits.

(c) The Department will provide the emergency contact information to all neighboring properties within 200 feet of the use and to the Eureka Police Department.

(d) The property owner must immediately notify the Department, neighboring properties and the police dispatch of any changes to the designated emergency contact information.

(5) **Fire Department access.** Properties with gated entries must have a Fire Department approved device that allows emergency response vehicles and personnel to enter the property.

(J) **Enforcement.** A permit or approval for any residential lodging use may be revoked in accordance with § 155.428 (Enforcement and Penalties) and as follows.

(1) The Director may revoke a permit for a residential lodging use upon finding one or more of the following:

(a) The proprietor, property owner or emergency contact has been negligent in responding to an emergency situation more than two times in a rolling 12-month period;

(b) More than two documented law enforcement violations have occurred in a rolling 12-month period;

(c) The residential lodging use has been chronically non-compliant with the requirements of this section;

(d) The residential lodging has failed to pay required transient occupancy taxes despite warnings from the Finance Department; and
(e) The proprietor or property owner has failed to correct noted Building or Fire Code violations.

(2) Documented, significant violations may include copies of citations, written warnings or other documentation maintained by law enforcement, Fire Department, Finance Department or Building Department.

(Ord. 885-C.S., passed 5-21-19)
CITY OF EUREKA

VACATION DWELLING UNIT PERMIT
APPLICATION FORM

Development Services Department – Community Development Division
531 “K” Street, Eureka, CA 95501, (707) 441-4160

Please complete the information below and on the attached supplemental application form as required. The appropriate application fee and supplemental application form must accompany this application. If you have questions regarding this application form, the application process, or general questions, please do not hesitate to contact the Community Development Division. Office hours are Monday through Friday 8:00 a.m. to noon, and 1:00 p.m. to 5:00 p.m., except holidays.

www.ci.eureka.ca.gov
planning@ci.eureka.ca.gov

OWNER/APPLICANT

Property Owner's Name:
Mailing Address: ___________________ City: __________ ST: _____ Zip: __________
Phone: ___________________ Email: ___________________
If there is more than one property owner, please provide the contact information for each property owner on an attached sheet

Applicant's Name (if different than Owner): ___________________
Mailing Address: ___________________ City: __________ ST: _____ Zip: __________
Phone: ___________________ Email: ___________________

VACATION DWELLING UNIT LOCATION

Location Address: ________________ Assessor's Parcel Number: ________________

VACATION DWELLING UNIT REGULATIONS

<table>
<thead>
<tr>
<th>Zone District</th>
<th>R</th>
<th>OR</th>
<th>HM</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum events per month</td>
<td>3</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum events per year</td>
<td>6</td>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visitor Hours</td>
<td>7 am to 10 pm</td>
<td>7 am to 1 am</td>
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<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bedrooms</th>
<th>Max Occupants</th>
<th>Max Occupants and Visitors</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>2</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>3</td>
<td>8</td>
<td>16</td>
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<tr>
<td>4</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>5</td>
<td>12</td>
<td>24</td>
</tr>
</tbody>
</table>

Definitions (for complete definition, see EMC §155.501):

Occupant: a person sleeping overnight at a VDU.

Visitor: a guest of an occupant who visits temporarily, but is not an overnight "occupant."

Note: Occupants do not include children under the age of 8 years.

1 – Event Permit required  
2 – May be increased upon the issuance of an Event or Extra Event Permit

OWNER’S AUTHORIZATION

I hereby authorize the City of Eureka to process this application. I have completed or reviewed both sides of this application form, and I know that the contents thereof are true and accurate to my own knowledge and I assume all responsibility for their accuracy. I agree to hold harmless, indemnify and defend the City, its officers, officials, employees, and volunteers from and against all claims, damages, losses, and expenses, including attorney fees, arising out of or in connection with this application.

Property Owner's Signature: ___________________ Date: ________________

STAFF USE

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Received by</th>
<th>Date Rec’d</th>
<th>Assigned Planner</th>
<th>Date Finance Approved</th>
<th>Date BD Approved (if necessary)</th>
<th>Date DR Approved (if necessary)</th>
</tr>
</thead>
<tbody>
<tr>
<td>VDU-17-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Revised 07-12-17  
Vacation Dwelling Units are regulated through EMC § 155.500
NEW VDU • EXTRA VDUs • INFO UPDATE

To apply for a new VDU permit, to request an increase in the number of VDUs allowed on a site, or to update the emergency contact information, please complete the following:

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of dwelling units on the site:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of vacation dwelling units on the site (&gt;75% requires &quot;unit increase permit&quot;):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total number of bedrooms in new unit(s) proposed to become VDUs:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Will the creation of the new VDU(s) require any new construction? (may require other permits)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Are you converting a non-residential space into a VDU? (will require additional permits)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Will a sign be installed? (specific size regulations apply; see Planner)</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Attach additional information if you answered "yes" to any of the above questions.
Attach one copy of your "Good Guest Guide."

An inspection by the City of Eureka Building Department is required for each proposed VDU.

Provide the following information for the required 24-hour emergency contact:

Name:
Address:
City:
E-mail:
Phone Number(s): Business: Cell:
Home: Other:

FEES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacation Dwelling Unit Permit</td>
<td>$185.00*</td>
</tr>
<tr>
<td>Unit Increase (existing VDU)</td>
<td>$160.00*</td>
</tr>
<tr>
<td>Unit Increase (new VDU)</td>
<td>$160.00*</td>
</tr>
<tr>
<td>Event Permit</td>
<td>waived</td>
</tr>
<tr>
<td>Extra Event(s) Permit</td>
<td>$160.00</td>
</tr>
</tbody>
</table>

* An inspection by the City of Eureka Building Department is required. The fee for the building inspection is $118.13, and must be paid with the VDU application fee (see below). Please contact the Building Department to schedule your inspection by calling 707-441-4155 between 8:00 a.m. and noon and 1:00 p.m. and 5:00 p.m.

Total VDU Application Fees with Building Inspection Fee Included:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacation Dwelling Unit Permit</td>
<td>$303.13</td>
</tr>
<tr>
<td>Unit Increase (existing VDU)</td>
<td>$278.13</td>
</tr>
<tr>
<td>Unit Increase (new VDU)</td>
<td>$278.13</td>
</tr>
</tbody>
</table>

Vacation Dwelling Units are regulated through EMC § 155.500
REQUESTS FOR
EVENT or EXTRA EVENT PERMIT
EXCEPTIONS FOR VISITORS and HOURS

To request an Event or an Extra Event Permit, or to increase the number of visitors or hours visitors are allowed, please complete the following and submit this form with the appropriate fee to the Development Services Department at least 5 working days prior to the planned event.

<table>
<thead>
<tr>
<th>Date(s) of Event:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Event:</td>
</tr>
<tr>
<td>Hours of Event, including setup and cleanup:</td>
</tr>
<tr>
<td>Number of Visitors Anticipated:</td>
</tr>
</tbody>
</table>

**Vacation Dwelling Unit Regulations**

<table>
<thead>
<tr>
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<th>R</th>
<th>OR</th>
<th>HM</th>
<th>C</th>
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- **Occupant:** a person sleeping overnight at a VDU.
- **Visitor:** a guest of an occupant who visits temporarily, but is not an overnight “occupant.”

1 – Event Permit required  2 – May be increased upon the issuance of an Event or Extra Event Permit

**Fees**

- Event Permit: waived
- Extra Event(s) Permit: $160.00

**Property Owner Signature:** ___________________________  **Date:** ___________________________

Revised 07-12-17  Vacation Dwelling Units are regulated through EMC § 155.500
City of Eureka  
Transient Occupancy Quarterly Tax Return  

**Period Covered:** __________ through __________

<table>
<thead>
<tr>
<th>Address: ______________________</th>
<th>Number of Rooms: ______________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eureka, CA 955__</td>
<td>Percent of Occupancy: ______________________</td>
</tr>
</tbody>
</table>

| 1. Gross Rent for Occupancy of Rooms |  |
| 2. LESS: Allowable deductions for Occupancy of 30 consecutive days or more. |  |
| 3. Taxable rents (Line 1 minus Line 2) |  |
| 4. Transient Occupancy Tax: (10% of TAXABLE RENTS Line 3) |  |
| 5. Humboldt County Tourism Business Improvement Assessment: (2% of TAXABLE RENTS Line 3) |  |
| 6. Penalties & Interest: 10% of Line 4 for the 1st month after delinquent date plus an additional 10% for second month delinquency, plus 1.5% interest per month or fraction thereof. |  |
| 7. Total Tax, Penalty, & Interest. (Add Lines 4, 5, & 6) |  |

Make checks payable to the "City of Eureka". Mail check and this form to:

City of Eureka  
Finance Department  
531 K St  
Eureka, CA 95501-1165

Return is required even if there are no taxable rents.

**TO AVOID PENALTY, DUE BY END OF MONTH FOLLOWING THE END OF A QUARTER.**

I declare, under penalty of making a false statement, that to the best of my knowledge and belief, the statements herein are correct and true.

Signed: ______________________

Print Name: ______________________

Title: ______________________ Date: ______________________
ORDINANCE 2016-03

AN ORDINANCE OF THE CITY OF TRINIDAD
REPEALING EXISTING SECTION 17.56.190 AND ADDING A NEW SECTION 17.56.190 AND
AMENDING SECTION 17.56.060 OF TITLE 17 OF THE TRINIDAD MUNICIPAL CODE
(REPEALING EXISTING SECTION 6.26 AND ADDING A NEW SECTION 6.26 AND
AMENDING SECTION 6.06 OF THE COASTAL COMMISSION CERTIFIED ZONING
ORDINANCE)

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

ORDINANCE 2016-03, SECTION 1: PREAMBLE

The City of Trinidad (hereinafter City) is a small town with a population of approximately 350 people. Historically, most houses in the City accommodated resident owners or long-term renters. Over the last twenty years there has been an ongoing trend wherein many houses in the City have been converted to Short Term Rentals (STRs).

The effect on the City has been a noticeable change within many residential neighborhoods. In the winter, many houses in the City are vacant as STR’s are not rented as often in the winter months. In the summer, STR’s are occupied by transient visitors, often in higher numbers than a residential home. Tourists are concerned with their recreation and vacation pursuits but do not always display an appropriate level of concern for City residents’ right to quiet peace and enjoyment of neighboring property.

By this new STR Ordinance, the City attempts to find an appropriate balance between the interests of the City residents, property owners, STRs owners, commerce in the City, and visitors enjoying the City and the coast. In considering these issues the City Council has made the following findings and determinations after long and careful study of the issues:

* The proportion of homes in the City being used primarily as vacation rentals or STRs has risen from approximately 5 percent of the total dwelling units in the City in 2000 to approximately 18 percent in 2014.

* Short Term Rentals in Trinidad provide significant lodging opportunities for visitors and tourists, who are economically important to the retail businesses and restaurants in Trinidad.

* Transient Occupancy Tax from STRs is a significant annual component of the City’s General Fund income.

* Given the City’s small size and desirability as a tourist destination, the proportion of homes used primarily as STRs may continue to increase in the absence of regulation.

* STRs have the potential to alter the residential character of neighborhoods with impacts related to traffic, parking, noise, occupancy, septic system capacity, housing availability, real estate prices, neighborhood character, City population, the availability of citizens to participate in the community, and the quality of life in the City for both residents and tourists.
* City residents have raised concern over the impacts caused by STR's and the increased number of homes becoming STR's, and called on the City to find a balance between residential and vacation rental uses.

* High numbers and concentrations of STRs can have negative impacts on coastal resources such as environmentally sensitive habitat areas and public access, and STR use needs to be regulated to minimize impacts.

* A City Ordinance regulating some aspects of STRs went into effect in 2015, but did not address the overall number of vacation rentals in the City.

* The California Coastal Commission (Commission) has oversight of City STR regulations, therefore understanding the Commission's guidance and decisions on these issues is a prudent place to start. The Commission has established that:

  - STRs are an allowable use in Residential Zoning,
  - STRs serve a benefit to the Coastal Act’s goals by providing coastal lodging,
  - Cities do have legitimate reasons to regulate STRs.
  - Coastal Act section 30213 protects lower cost visitor serving uses, including STRs, and the City has an obligation to accommodate those uses.
  - Attempts to ban STRs outright have been overruled based on impacts to visitor services opportunities.
  - Limits on the number or proportion of homes used as STRs have been upheld, along with reasonable regulations to address potential nuisance impacts.

* California state law and the City of Trinidad General Plan require the City to maintain a mix of affordability in its residential housing stock, but affordability and accessibility of housing for long-term residents is negatively affected by STRs. Prospective buyers interested in living in Trinidad are competing with buyers interested in the house as primarily an STR investment property.

* Engaged citizens who live in a community are the basic fabric that makes up a community, and too high of a tourist-to-resident ratio in our residential neighborhoods can dramatically alter the health and welfare of the City and its residents.

* At the City Council's direction, the Planning Commission devoted substantial effort over nine months of public meetings to developing this ordinance, and the City Council then further considered changes over four months of public meetings to complete this revised ordinance.

* A cap on the number of STR's allowed in Residential Zones is an appropriate tool to set a balance between the benefits and impacts of Short Term Rentals.

* Regulating the transferability of STR licenses will reduce their impact on real estate prices, and it will help achieve the City’s desired balance between STRs and long-term residents

* By establishing standards for visitor behavior and occupancy, the City will mitigate the potential conflict between tourists who want to enjoy their vacations and nearby residents who have a right to the peaceful use and enjoyment of their homes.

* Standards for health and safety will ensure appropriate facilities for tourists.

* Standards for visitor behavior, water use, and occupancy will help the City protect the sensitive coastal resources and environment of Trinidad.
ORDINANCE 2016-03, SECTION 2:

There is hereby added to the Trinidad Municipal Code a new Section, Section 17.56.190, replacing the existing Section 17.56.190 (and hereby added to the Coastal Commission certified Zoning Ordinance a new Section 6.26, replacing the existing Section 6.26), "City of Trinidad Short Term Rental Ordinance," which shall read as follows:

Section 17.56.190 (6.26) Regulations for Short Term Rentals

Sections:
17.56.190 (6.26).A Short Title
17.56.190 (6.26).B Findings
17.56.190 (6.26).C Purpose
17.56.190 (6.26).D Definitions
17.56.190 (6.26).E Application Requirements
17.56.190 (6.26).F Maximum Number of Short Term Rentals
17.56.190 (6.26).G Location
17.56.190 (6.26).H One STR License Per Owner
17.56.190 (6.26).I Effect on Existing STRs
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17.56.190 (6.26).R Violations
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17.56.190 (6.26).A Short Title
This Section shall be known and may be cited as "City of Trinidad Short Term Rental (STR) Ordinance."

17.56.190 (6.26).B Findings
The City Council finds that adoption of a comprehensive code to regulate issuance of and standards for Short Term Rental Licenses is necessary to protect the public health, safety and welfare and to strike a proper balance between City residents’ concerns and the rights of property owners, STR owners and operators as well as visitors to the City. The City Council finds the regulation of short-term rental uses through this Ordinance, including its non-transferability provisions, to be a valid exercise of the city’s police power in furtherance of the legitimate governmental interests documented in this chapter.

17.56.190 (6.26).C Purpose
The purpose of this Section is to establish a permitting process, together with appropriate standards that regulate short-term rental of dwellings in the City in order to: minimize negative secondary effects of Short Term Rentals (STRs) on surrounding residential neighborhoods; preserve the character of neighborhoods in which any such use occurs; ensure that STRs are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located; minimize impacts to coastal resources; provide for visitor services in accordance with the Coastal Act; and to ensure STRs are consistent with all other provisions of the General Plan and Zoning Ordinance. This section addresses traffic, noise and density; ensures health, safety and welfare of neighborhoods as well as of renters and guests patronizing short-term rentals; and imposes limits on the number of licenses issued to ensure long-term availability of the affordable housing stock and to ensure Trinidad has enough residents to maintain a viable community. This chapter also sets regulations to ensure enforcement of these standards, and collection and payment of fees and transient occupancy taxes.
Definitions

1. City Manager
   "City Manager" means the City Manager of the City of Trinidad or their designee.

2. Dwelling
   "Dwelling" means a single family dwelling, including associated accessory structures, or a dwelling unit within a duplex or multi-family dwelling, not to include mobile homes in a mobile home park.

3. Event
   "Event" means any use of a structure or land for a limited period of time. "Event" includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings, of no more than the maximum allowed occupancy, consistent with normal residential use.

4. Existing STR
   "Existing STR" means an STR that had a valid STR license as of the effective date of this ordinance.

5. Full-time STR
   "Full-time STR" means any STR that is not a Homeshare STR or Resident STR.

6. Good Neighbor Contract & Good Neighbor Brochure
   "Good Neighbor Contract" means a document, specific to each STR, prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the contract shall include provisions for maximum occupancy and visitors, off-street parking, noise standards, and penalties for violations. The "Good Neighbor Brochure" is a brief summary of the Good Neighbor Contract, in a form approved by the City Manager, which may include additional information and suggestions for Occupants for minimizing disturbance to neighbors and environmentally sensitive habitat areas. The Good Neighbor Brochure shall be posted or placed in a prominent location inside each STR.

7. Homeshare STR
   "Homeshare STR" means a Short Term Rental whereby a homeowner rents out no more than one bedroom in their primary residence and is present on site between the hours of 10PM to 7AM while rented as an STR.

8. Occupant
   "Occupant" within this Section means a person, not a host, owner, guest or tenant, renting or occupying an STR in accordance with this section and staying overnight therein. As used in this Section, 'occupant' does not include up to two children aged 12 or under.

9. Primary Residence
   "Primary Residence" means the dwelling owned and occupied as the owner's principle place of residence, where the homeowner lives more than 50% of the year. A person can only have one primary residence at any time.

10. Resident STR
    "Resident STR" means a Short Term Rental that is operated less than 60 nights per year and which is the owner's primary residence, but the owner does not have to be in residence while the dwelling is rented as an STR.

11. Responsible Person
    "Responsible Person" means an occupant of an STR who is at least twenty-five (25) years of age, who signs the Good Neighbor Contract and who shall be legally responsible for compliance of all occupants of the STR and / or visitors with all provisions of this Section.
12. Short Term Rental (STR)
“Short Term Rental” (STR) means a rental of any dwelling, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast, (2) ongoing month-to-month tenancy granted to the same renter for the same dwelling, (3) one less-than-30-day rental per year, or (4) a house exchange for which there is no payment.

13. STR Watch List
“STR Watch List” means a list of one or more Short Term Rentals that the City Manager has identified on the basis of good cause, including one or more significant violations, as STRs that warrant a higher level of oversight, scrutiny, review, or monitoring.

14. Transient Use.
“Transient use” means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

15. Visitor.
“Visitor” means someone staying temporarily at a STR, such as guests of occupants, who is not an ‘occupant’ and not staying at the STR overnight.

17.56.190 (6.26).E Application Requirements

1. Initial Application.
   a. Each STR must procure an STR License. No additional business license is required for an STR. The STR License shall identify the existence of an STR at a particular address and declare the type of STR, number of bedrooms rented in the STR and its intended maximum occupancy.

   b. A site plan and floor plan must be submitted along with the STR License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that includes the Good Neighbor Contract and any other forms as required by the City Manager shall also be provided. Applicants for a Homeshare or Resident STR License shall include documentation that the property is their Primary Residence.

   c. At the time of application for a new STR, the dwelling shall be subject to inspection by the Building Inspector. The purpose of the inspection is to determine the conformance of the dwelling with applicable City regulations. Prior to the issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Inspector to conform with applicable codes. This does not mean that the dwelling has to be brought into conformance with current building codes unless, in the opinion of the Building Inspector, the work is necessary to protect public health and safety.

   d. Each application for an STR License shall be accompanied with proof of general liability insurance in the amount of one million dollars combined single limit. In addition, the applicant shall sign an acknowledgement that they will operate the STR in accordance with all applicable rules and regulations, including this section, and that they can be held responsible for the behavior of their occupants and visitors in accordance with this Section.

   e. The City will notify all property owners within 300 feet of an STR property of the STR License within 10 working days of its issuance or re-issuance. This notice shall be combined with the distribution of contact information required in subsection 2.c below. STR License Information, including, but not limited to, license number, address, maximum occupancy, Local Contact Person and 24-Hour Contact Phone Number, will also be posted on the City’s website.

   f. Upon initial application for an STR License, the City shall provide all STR licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to
environmentally sensitive habitat areas, water resources, and septic systems from the short term rental use of the residence. Such protective measures include, but are not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.

2. Contact Information

a. Local Contact Person (LCP).
Each STR must designate a Local Contact Person on the STR License form. That person may be the owner or the property manager. The LCP may designate a temporary LCP for a specific rental night(s); that designation must be reported to the City at least 24 hours before the rental date. The LCP, or their temporary designee, must live within 20 miles of Trinidad and be able to respond personally to an STR concern within 30 minutes.

b. 24-Hour Contact Phone Number.
A 24-hour Contact Phone Number is required for each STR. The 24-hour Contact Phone Number shall be prominently placed for the occupants’ use inside the STR. Any change to the 24-hour Contact Phone Number shall be promptly posted within the STR and provided to the Trinidad City Clerk at least 15 days prior to any change. A temporary LCP designee shall utilize the same Contact Phone Number as the LCP.

c. Distribution of Contact Information.
The name of the LCP and 24-hour Contact Phone Number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff’s Office, the Trinidad Volunteer Fire Department, and to each neighbor within 300 feet of the STR, and posted on the City’s website within 10 business days after the issuance or reissuance of an STR License for the STR.

The contact information sent to neighbors may include further instructions in the case that a response from the LCP is not forthcoming. If there is an emergency or complaint, and the LCP does not respond within a reasonable period of time, concerned persons will be encouraged to report an emergency through the 911 emergency calling system or the Police or Sheriff’s Department for other complaints. It is unlawful to make a false report or complaint regarding activities associated with an STR.

3. STR License Renewals
STR licenses shall be renewed annually. Renewals must be submitted by February 1. New STRs that received a license after October 1 do not need to renew their license until the February after the license has been in place for a year. Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal application. Existing STRs that have not had an initial inspection as required by §17.56.190.E.1.c will be subject to such an inspection.

Although the renewal process includes a staff review of City records and other pertinent information specific to complaints, if any, that have been received about the particular STR, it is the intention of the City of Trinidad that there is a presumption that an application for renewal of an STR License for an existing STR will be approved as long as all applicable standards are still met unless or until such time as the license is revoked pursuant to §17.56.190.R.4 (6.26.R4, Revocation) or 17.56.190.M.14 (6.26.M14, Minimum Activity) or until the STR license expires pursuant to 17.56.190.J (6.26.J, License Transferability) or if it is voluntarily withdrawn.

4. Appeals
Appeals of staff determinations or decisions in accordance with this section shall be appealable per section 17.72.100 (7.14) except that STR License decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding section
17.72.100.D (7.14.D), fees for appeals of STR License decisions shall be set by resolution of the City Council.

5. **Fees**
Fees for initial applications and renewals for each type of STR shall be set by resolution of the City Council.

6. **Application Wait List & Lottery**
It is the City’s intention to maintain no more than 19 Full-time STR Licenses and 6 Resident STR Licenses in the UR Zone and 6 Full-time STR Licenses in the SR Zone. When an STR license becomes available within one of those limits, the City will hold a lottery to allocate that STR License. The City will maintain a waiting list, for each type of STR License by zone as needed, of property owners who are interested in obtaining an STR License for their dwelling. A property owner may place his or her name on the waiting list at any time, but only once per property. The City will randomly draw a name from the waiting list for the appropriate type of license and zone. If the property meets the applicable location standards (§17.56.190.G (6.26.G)), that owner will have 45 days to submit a complete STR License application, along with any other associated license or permit applications (Use Permit, OWTS Operating Permit, etc.) that may be required. If the property owner does not obtain an STR License within 90 days, or if the property does not meet the applicable location standards, the City will draw another name from the waiting list for that zone and STR type.

17.56.190 (6.26).F  **Maximum Number of Short Term Rentals**
In order to preserve community character and an appropriate balance of residential, commercial and visitor-serving uses, no new Full-time STR licenses shall be issued by the City if the total number of Full-time STR Licenses would exceed 19 in the UR Zone and 6 in the SR Zone, with no limit in other zones. An additional 6 Resident STR Licenses shall be allowed in the UR Zone, with no limit in other zones. Additional Resident STR Licenses may be granted in the UR Zone with approval by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 (Sections 7.06 - 7.18) of the Zoning Ordinance.

17.56.190 (6.26).G  **Location**
STR’s are permitted only in legally established dwellings within any zoning district. Each separate STR must obtain its own, individual STR License. There shall be no more than one STR per parcel.

No new STR within the UR zone shall be located where it shares a property boundary with a property containing another STR within the UR zone.

Either of these location standards may be modified through an exception approved by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 (Sections 7.06 7.18) of the Zoning Ordinance. Such an exception shall only be valid as long as the associated STR license is maintained.

17.56.190 (6.26).H  **One STR License Per Owner**
No new STR license shall be issued for a property in the UR or SR Zone if the owner already holds another STR license unless there are fewer than the maximum number allowed pursuant to §17.56.190.F (6.26.F) and no other names are on the wait lists. This limitation shall not apply to renewals of existing STR licenses.

17.56.190 (6.26).I  **Effect on Existing STRs**
Existing STRs, in excess of the number allowed in §17.56.190.F, or that do not meet the location requirements of §17.56.190.G (6.26.G), shall be allowed to continue to operate under an STR license as long as the permit is renewed in accordance with §17.56.190.E.3 (6.26.E.3) unless or until such time as the permit is revoked pursuant to §17.56.190.R.4 (6.26.R.4, Violations) or 17.56.190.M.14 (6.26.M.14, Minimum Activity) or until the STR license expires pursuant to 17.56.190.J (6.26.J, License Transferability).
17.56.190 (6.26). J  License Transferability
An STR License is issued to a property owner for a single location. The STR License shall be revoked when the license holder sells or transfers the real property which was rented pursuant to the STR License except as provided below. For purposes of this section, "sale or transfer" means any change of ownership during the lifetime of the license holder or after the death of the permit holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse, or transfers on the owner’s death to a trust which benefits only a spouse for the spouse’s lifetime, or lifetime transfers between spouses. If the owner is a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, then "sale or transfer" shall mean a change in 50% or more of the shareholders or members or partners or beneficiaries. A license holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. Upon the transferor’s death or the sale or transfer of his or her interest in the entity to another person, the STR License held by the transferor shall be revoked.

17.56.190 (6.26).K  Homeshare STR Licenses
Homeshare STR Licenses allow owners, in their Primary Residence, to rent up to one bedroom as an STR, and the owners must be present at night as host during STR use. Homeshare STRs are subject to all the provisions of this ordinance (section) except the following:
17.56.190 (6.26).F  Maximum Number of Short Term Rentals
17.56.190 (6.26).G Location
17.56.190 (6.26).H One STR License Per Owner
17.56.190 (6.26).M.14 Minimum Activity

17.56.190 (6.26).L  Resident STR Licenses
Resident STR Licenses only allow STR use up to 59 nights per year. Resident STRs are subject to all the provisions of this ordinance (section) except the following:
17.56.190 (6.26).M.14 Minimum Activity

17.56.190 (6.26).M  STR Standards
All STRs will be required to meet the following standards:

1. Transmittal of Rules and Good Neighbor Contract
Prior to rental of an STR, the Responsible Person shall be provided with a Good Neighbor Contract, consisting of a list of rules and responsibilities, in a form approved by the City Manager. The Responsible Person shall initial each rule indicating that they have read it and sign an acknowledgement that infractions will not be tolerated and if any rules are broken, occupants can be fined by the City, lose their security deposit and / or be evicted. In addition, the STR owner or manager, or designated LCP shall meet at least one occupant on the day of their arrival in order to ensure that the rules are understood, and that the occupants have represented themselves correctly. A Good Neighbor Brochure, summarizing the Good Neighbor Contract shall be placed or posted in a clearly visible location within the STR.

2. Noise
Occupants of STR properties and visitors shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 pm and before 7:00 am should be contained within the STR and shall not be able to be heard by or offend any adjacent neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances, including any City noise standards or ordinances.

3. Number of Occupants
The maximum number of occupants allowed in an STR shall not exceed two persons per bedroom plus two people (e.g., a two-bedroom STR may have six occupants), less any residents, tenants, hosts or caretakers living onsite while it is rented. Except that in the UR Zone, on lots less than 10,000 sq. ft. in area, the maximum occupancy is two people per bedroom (e.g. a two bedroom STR in the UR zone may have four occupants). In the SR Zone, if the STR has a total
floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design capacity of the septic system.

4. **Visitors.**
The number of visitors to an STR shall be limited to not more than the allowable occupancy of the STR at any time. For example, if the maximum occupancy is 6, then no more than 6 visitors are allowed. Visitors are not allowed in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.

5. **Guest Registry**
The STR owner or manager shall maintain an occupant and vehicle register for each tenancy of the STR. The register shall include the names and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for City inspection upon request.

6. **Off-Street Parking.**
An STR must provide at least one off-street parking space for every two occupants allowed in the STR pursuant to Section 17.56.190 (6.26).M.3. The off-street parking space(s) shall be entirely on the STR property. STR owners/managers shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system. STRs that were previously granted a parking exception by the City may continue to operate under that exception as long as they maintain their STR license in good standing. Occupants will be required to utilize onsite parking prior to utilizing offsite and on-street parking as part of the rental contract but are not allowed to park onsite in undesignated parking spaces. Occupants and visitors shall be encouraged to not take up all of the available street parking of adjacent and nearby properties.

7. **Water Use.**
To prevent overloading of septic systems, each STR shall be operated in a manner to ensure that the occupancy and use of an STR shall not result in annual domestic water use greater than that associated with the non-STR use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.

Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the STR License and application materials to allow for verification that the STR water use did not exceed allowable volumes as described above.

If the City determines that the STR use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the STR owner/manager shall take constructive measures to reduce water use. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the STR.

8. **Septic System.**
Each STR’s owner or property manager must provide proof that the septic system for the structure in which the STR is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City Manager, shall be posted in each kitchen and bathroom in the STR.
The outside appearance of the STR structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as allowed by Section 17.56.160 (6.16)). The STR shall not create any noise, glare, flashing lights, vibrations, or odors that are not commonly experienced in residential areas or that would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area.

10. Signs.
A single sign, legible from the property’s street frontage, and no greater than 3 square feet in size may be attached to the STR structure or placed immediately adjacent to the front of the STR structure. The purpose of the sign is to notify the public that the structure is or contains an STR. The sign must provide the 24-hour Contact Phone Number for complaints, and a business telephone number for persons seeking information on the STR. The signage shall comply with all applicable standards of the Zoning Ordinance’s sign regulations.

11. Trash.
Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the STR.

12. Traffic.
Vehicles used and traffic generated by the STR shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

13. Tenancy.
The rental of an STR shall not be for less than two successive nights.

A Full-time STR shall be rented for a minimum of 60 nights per year in order to maintain an STR License. If the STR owner / manager fails to document rentals of at least 60 nights per year, the City Manager may determine that license is inactive and ineligible for renewal.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren, the Volunteer Fire Department siren and real emergencies shall be included.

17.56.190 (6.26).N Tourist Occupancy Tax
The letting, leasing, or other contractual use of an STR is subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each STR owner and/or manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.56.190 (6.26).O Audit & Inspection
Each owner and manager or representative of any owner shall provide access to each STR for inspection and any records related to the use and occupancy of the STR to the City at any time during normal business hours with at least 24 hour notice, for the purpose of inspection or audit to determine that the objectives and conditions of this Section are being fulfilled.

17.56.190 (6.26).P Dispute Resolution
By accepting an STR License, STR owners agree to act in good faith to resolve disputes with neighbors arising from the use of a dwelling as an STR, including engaging in mediation, at owners' expense. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.
17.56.190 (6.26).Q Administrative Standards and Rules
The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this Section for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Section. In particular, the City Manager will establish administrative procedures for complaints. A copy of such administrative rules and regulations shall be on file in the Office of the City Clerk and posted on the City’s website.

17.56.190 (6.26).R Violations

1. Penalty
It is unlawful to violate the provisions of this Section. Violations of this Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 17.76.050 (7.20) of the Zoning Ordinance. Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these STR regulations by way of nuisance abatement action pursuant to Chapter 8.12 of the Municipal Code. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

2. Fines
(a) The City Manager shall be authorized to impose administrative penalties for the violation of any provision of this section or ordinance in an amount not to exceed a maximum of $1000 per day for each continuing violation, except that the total administrative penalty shall not exceed $100,000 exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations.

(b) In determining the amount of the administrative penalty, the City Manager may take any or all of the following factors into consideration:
(i) The duration of the violation;
(ii) The frequency, recurrence and number of violations, related or unrelated, by the same violator;
(iii) The seriousness of the violation;
(iv) The effect the violation may have upon adjoining properties;
(v) The good faith efforts of the violator to come into compliance; 
(vi) The economic impact of the penalty on the violator; and/or
(vii) The impact of the violation on the community.

(c) In most cases, initial fines will start at $200, with higher amounts reserved for exceptional situations like repeated violations, failures to promptly correct violations, or deliberate violations of this Section.

3. Property Watch List
Upon a determination of good cause including but not limited to one or more significant violations, the City Manager may impose additional or special standards or requirements for (1) the determination or placement of properties on the Property Watch List; (2) placement or imposition of special conditions or performance standards for Owners, Owner’s Agents, Local Contact Persons, and their affected STRs on the Property Watch List; and (3) and removal of an STR from the Property Watch List.

4. Revocation
If the STR owner or property manager is deemed by the City Manager to be negligent in responding to a complaint more than two times in a 12-month period, or if more than two documented, significant violations, defined below, occur in any 12-month period, the STR License may be revoked. No revocation shall occur unless decided by a lawful majority vote of the Trinidad City Council and after written notice, served by first class mail, of at least 21 days was given to the owner of record and the Local Contact Person as set forth in the STR application. Revocation may be temporary or permanent depending on the nature and number of the violations.
5. Appeals
Appeals of City Manager determinations or decisions regarding violations, penalties, and fines shall be appealable per Section 17.72.100 (7.14), except that such determinations and decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding Section 17.72.100.D (7.14.D), fees for appeals of violation and penalty decisions shall be set by resolution of the City Council.

6. Significant Violations
Complaint as used in this subsection means the need or requirement to contact the Local Contact Person to rectify a situation that is disturbing to a neighbor or resident. Complaints, and their resolution, must be reported to the City Clerk’s office by the Local Contact Person within two business days of being received.

As used in this subsection, significant violation is a situation where the Local Contact Person is either unable or unwilling to rectify the situation within 30 minutes, and/or when public safety personnel must be called to assist in resolving the situation, or that causes substantial disturbance to the neighbors or neighborhood.

Examples of significant violations include, but are not limited to:
(i) Failure of the local contact person, owner or manager to respond to a complaint within 30 minutes.
(ii) The inability of City staff or the Sheriff’s Dispatch to reach a contact person.
(iii) Failure to maintain or provide the required guest registry.
(v) Failure to notify City staff when the contact person or contact information changes.
(vi) Failure to pay fees or TOT in accordance with this Section.
(vii) Providing false or misleading information on an STR License application or other documentation as required by this Section.
(viii) Violations of state or County, or City health regulations
(ix) Repeated minor violations and/or complaints

Examples of acceptable documentation of significant violations include, but are not limited to:
(i) Copies of citations, written warnings or other documentation filed by law enforcement.
(ii) City file information.
(iii) Advertisements for the STR
(iv) Signed affidavits and/or photographic evidence from neighbors or other witnesses
(v) Other documents which substantiate allegations of significant violations.

The City Manager shall have the authority to determine what constitutes a significant violation, as necessary, to achieve the objectives of this Section. A list of all such additional significant violations shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.

7. False Reports and Complaints
It is unlawful to make a false report to law enforcement or City officials regarding activities associated with short term rentals.

17.56.190 (6.26).S Ordinance Review
This ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is meeting the needs of the community.

17.56.190 (6.26).T Severability
Should any subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.
ORDINANCE 2016-03, SECTION 3:
Revise Chapter 17.56, Section 17.56.060, Home Occupations, (Article 6, Section 6.06, Home Occupations) to read, in context, as follows:

17.56.060 (6.06) Home occupations
Home occupations, including but not limited to sewing, music studios, art studios, home and health care product distributors, or bookkeeping, rooming and boarding, of not more than two persons, including tourists, shall be permitted as an accessory use to any dwelling subject to the following conditions:

PASSED, APPROVED, AND ADOPTED this 1st day of November, 2016.

Ayes: West, Fulkerson, Miller, Baker, Tissot
Noes: None
Abstain: None
Absent: None

Attest: 

Approved:

Gabriel Adams
City Clerk

Dwight Miller
Mayor

First Reading: Tuesday, November 01, 2016
Second Reading: Wednesday, November 09, 2016 - Passed unanimously.
City of Rio Dell Vacation Dwelling Unit Regulations
Section 17.30.340 Rio Dell Municipal Code

§ 17.30.340 VACATION DWELLING UNITS

(1) Purpose and Intent.

The purpose and intent of the vacation dwelling unit regulations are:

(a) To provide the opportunity for vacation rentals for transient use within Urban Residential (UR), Suburban Residential (SR), Suburban (S) and Rural (R) zones.

(b) To regulate the location and number of vacation dwelling units within Rio Dell.

(c) To mitigate impacts on parking by requiring the use of existing off-street parking facilities.

(d) To protect the visual appearance and character of residential zones.

(e) To minimize disruptions to surrounding neighborhoods.

(f) To ensure that all vacation dwelling units are operating with valid business licenses and paying all applicable taxes and fees.

(2) Definitions.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) “Good Guest Guide” means a document provided to occupants by the property owner that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular provisions, for parking, occupancy limits, emergency response, and minimizing noise and quiet hours shall be included.

(b) “Occupant” means a person in possession of, or with the right to use, any public or private dwelling or lodging for sleeping purposes. As used in this chapter, an occupant is a person sleeping overnight at a vacation rental unit.
(c) “Property” means a parcel of land in its entirety, including all structures within the parcel boundaries.

(d) “Transient Use” means any contractual use of a dwelling or portion thereof for residential or sleeping purposes by an occupant, for any period of time which is less than 30 consecutive days.

(e) “Vacation Dwelling Unit” means an entire dwelling which is contracted for transient use. The dwelling shall provide complete independent living facilities for 1 or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A vacation dwelling unit is differentiated from a lodging house or Bed and Breakfast Inn in that a vacation dwelling unit is rented in its entirety, whereas lodging houses and Bed and Breakfast Inns rent individual rooms. Bed and Breakfast Inns go further by having a full time resident inhabiting the dwelling unit, and may provide 1 or more meals to occupants.

(f) “Visitor” means a guest of an occupant visiting temporarily at a vacation dwelling unit, but not an overnight “occupant.”

(3) Permits, Application Requirements, Fees, Inspection and Notice Requirements.

(a) Permits.

(i) An approved vacation dwelling unit permit shall be obtained prior to operation. Vacation dwelling unit permits shall be ministerial, without discretionary review or a hearing.

(ii) Individual properties with multiple vacation dwelling units need only acquire a single vacation dwelling unit permit; however, property owners adding a new vacation dwelling unit to an existing permit shall be required to reapply for a vacation dwelling unit permit.

(iii) Vacation dwelling unit permits shall be subject to annual review and no-fee renewal by the Department of Community Development.

(iv) A vacation dwelling unit permit shall lapse and become void by July 31st of each year unless the business license for the vacation dwelling unit is renewed and in good standing, all applicable taxes and fees are paid, and there are no outstanding Police, Fire, or Building Department violations.

(v) If a vacation dwelling unit permit lapses, a new vacation dwelling unit permit shall be required.

(vi) Unless a lapse occurs pursuant to division (a)(iii) above, approval of a vacation dwelling unit permit shall run with the land and shall be fully transferable to a new property owner provided the new property owner obtains a business license within 2 months of the purchase of the property.
(b) Application Requirements.

(i) Applications for vacation dwelling unit permits shall be filed with the Community Development Director on forms provided by the Department.

(ii) Each vacation dwelling unit applicant shall designate a local emergency contact person on the application form, including a 24-hour-emergency contact phone number. That person may be the property owner, property manager, or designee, and that person shall live within 30 miles of the city limits so that he or she can respond personally to an emergency. The Development Services Department shall forward the emergency contact phone number to the Police Department and Rio Dell Fire Protection District, and shall notify the property owners within 300 feet of the property. The property owner shall immediately notify the Community Development Department in writing of any changes to the designated emergency contact person or number.

(c) Fees.

(i) Vacation dwelling unit permit applications shall be accompanied by fees established by resolution of the City Council to cover the cost of processing the application, noticing, and inspections as prescribed in this subchapter. Existing vacation dwelling units in operation prior to the effective date of this subchapter shall not be subject to the vacation dwelling unit permit fee, provided the unit has a history of operating with a valid business license and has paid all applicable taxes.

(d) Inspections.

(i) All vacation dwelling units shall be inspected by the Building Department and the Rio Dell Fire Protection District for the required smoke alarms, carbon monoxide alarms, fire extinguishers (Type 2A10BC every 75 feet of travel distance, mounted in a conspicuous location, along the path of egress from the highest hazard area (i.e. kitchen or laundry rooms)) and emergency egress prior to the approval of the required Business License.

(ii) Additional inspections may be required at the discretion of the Chief Building Official. The cost of any required inspection shall be borne by the vacation dwelling unit owner.

(f) Notice.

(i) Within 5 days of the approval or conditional approval of a vacation dwelling unit permit by the Director, written notice shall be mailed to the applicant and to all property owners within 300 feet of the vacation dwelling unit property.

(ii) The notice shall include the 24-hour emergency contact number for the vacation dwelling unit, and the procedure to appeal.
(4) Appeals.

(a) Except as provided in division (b) of this section, within 30 days following the decision of the Director on a vacation dwelling unit permit application, the decision may be appealed to the Planning Commission by the applicant or any property owner located within 300 feet of the vacation dwelling unit property. An appeal shall be filed with the City Clerk and state specifically wherein it is claimed there was an error or abuse of discretion by the Director. Notice of the date, time and place of an appeal to the Planning Commission shall be provided to all property owners located within 300 feet of the vacation dwelling unit property at least 10 days prior to the appeal meeting.

(b) The decision of the Director to deny the annual permit renewal may be appealed to the Planning Commission solely by the applicant. The appeal must be filed within 10 days of the date of denial.

(5) Business License Required.

Following the approval of a vacation dwelling unit permit, the property owner or vacation dwelling unit manager shall obtain a Business License before commencing operations. Property owner or managers with multiple vacation dwelling units or properties need only acquire a single business license.

(6) Existing Vacation Dwelling Units; Permit Required.

Existing vacation dwelling units shall apply for a permit within 6 months of the effective date of this subchapter, and diligently pursue until approved to avoid abatement action.

(7) Development Standards.

All vacation dwelling units shall comply with the following development standards.

(a) Vacation dwelling units are principally permitted in the Urban Residential (UR), Suburban Residential (SR), Suburban (S) and Rural (R) zones.

(b) A vacation dwelling unit may either be a principal dwelling or a legally established secondary dwelling unit.

(c) A newly constructed vacation dwelling unit shall comply with the development standards and building requirements for residential dwellings, and may be operated as a vacation dwelling unit only after the Building Department has issued a certificate of occupancy for the dwelling unit.

(d) All vacation dwelling units shall have smoke alarms, carbon monoxide alarms and a fire extinguisher. Carbon Monoxide alarms are not required in dwellings which do not contain fuel-burning appliances and that do not have an attached garage.
(e) Existing off-street parking spaces shall be reserved for occupants of the vacation dwelling unit. Occupants shall be encouraged to park in existing, legal off-street parking spaces, in order to minimize impacts to on-street parking.

(f) The existence of the vacation dwelling unit shall not be apparent. The vacation dwelling unit shall not change the residential or commercial character of the property or neighborhood by the use of colors, materials, or lighting.

(8) Operation

(a) Vacation dwelling units shall not be permitted for any use other than transient occupancy or residential use.

(c) The maximum number of occupants allowed in a vacation dwelling unit shall not exceed 2 persons per bedroom plus an additional 2 persons (e.g. a 2-bedroom unit may have 6 occupants). Children aged 8 and under are not counted toward the occupancy total.

(c) The total number of visitors and occupants at a vacation dwelling unit shall not exceed a number greater than double the maximum number of occupants (e.g. a 2-bedroom unit with a 6 occupant limit, may have a total of 12 people at one time). Visitors are not allowed on the premises between 10:00 p.m. and 7:00 a.m.

(d) All vacation dwelling units shall be provided weekly garbage collection services. Trash and refuse shall not accumulate or be stored within public view, except in proper containers for the purposes of collection. There shall be no storage of trash and/or debris on the site or within the unit.

(e) Emergency preparedness information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the city, shall be posted within the vacation rental in an easily visible location, such as the entry or kitchen area.

(f) The Good Guest Guide (House Rules) and the 24-hour emergency contact phone number shall be prominently placed for the occupants’ use inside the vacation dwelling unit.

(g) In the event of an emergency, concerned persons are encouraged to promptly call the emergency contact number, and if appropriate, report the emergency through the 911 emergency calling system or the Police Department. It is unlawful to make a false report or complaint regarding activities associated with a vacation dwelling unit.

(h) The property owner and emergency contact shall act in good faith to resolve complaints regarding the vacation dwelling unit, and engage in dispute resolution with neighbors. The Community Development Department and/or Police Department shall investigate any vacation dwelling unit with recurrent emergency calls or complaints.
(i) If the vacation dwelling unit owner or emergency contact is deemed to be negligent in responding to an emergency situation more than 2 times in a 12-month period, or if more than 2 documented law enforcement violations occur in any 12-month period, the vacation dwelling unit permit may be revoked. The Director of Community Development may also revoke a permit if the vacation dwelling unit is deemed chronically non-compliant with the provisions of this chapter, or is negligent or remiss in correcting noted Building or Fire Code violations or issues. Documented, significant violations may include copies of citations, written warnings, or other documentation maintained by law enforcement, Fire Department, or Building Department.

(j) Properties with gated entries shall have a Fire Department approved device such as a Knox box with keys for the lock, Knox lock, or Knox key actuated switch on electric gates installed which permits emergency response vehicles and personnel to enter the property.

(k) Each individual holding a valid business license for a vacation dwelling unit existing at the time the vacation dwelling unit ordinance is adopted, shall be subject to the requirements of this subchapter upon its effective date. In order to avoid abatement proceedings, the owner of an existing vacation dwelling unit shall apply for a vacation dwelling unit and permit and City of Rio Dell business license permit within 6 months of the effective date of this chapter, and diligently pursue the application unit approved.

(l) Violations of this chapter are punishable as either infractions or misdemeanors, pursuant to the provisions of Rio Dell Municipal Code. Each separate day in which a violation exists shall be considered a separate violation.

(9) Applicable Taxes.

The rental or other contractual use of a vacation dwelling unit shall be subject to a Transient Occupancy Tax (“TOT”) and any other mandated taxes. Each vacation dwelling unit owner and/or manager shall comply with § 3.15 of the Rio Dell Municipal Code, which addresses the collection, record keeping, reporting and remittances of applicable TOT.
VACATION DWELLING UNIT APPLICATION

Please complete the information below and return the application with the required fees. If you have any questions, please do not hesitate to contact the City.

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Applicant</th>
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<tbody>
<tr>
<td>Name: ___________________________</td>
<td>Name: ___________________________</td>
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<tr>
<td>Mailing Address: ___________________________</td>
<td>Mailing Address: ___________________________</td>
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<tr>
<td>City: ___________ St: ___ Zip: ______</td>
<td>City: ___________ St: ___ Zip: ______</td>
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<tr>
<td>Phone: ___________________________</td>
<td>Phone: ___________________________</td>
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<tr>
<td>Email: ___________________________</td>
<td>Email: ___________________________</td>
</tr>
</tbody>
</table>

Vacation Dwelling Unit Location

Address: ___________________________

Emergency 24 Hour Contact

Name: ___________________________

Mailing Address: ___________________________

City: ___________ St: ___ Zip: ______

Home Phone: ___________________________

Cell Phone: ___________________________

Email: ___________________________

Assessor Parcel No. ___________________________

Vacation Dwelling Unit Information

Number of On-Site Parking Spaces: ___________

Number of Bedrooms: ___________

Smoke Alarms: □ Yes □ No

Carbon Monoxide Alarms: □ Yes □ No

Fire Extinguisher: □ Yes □ No

Type of Fire Extinguisher*: ___________________________

* A Type 2A10BC every 75 feet of travel distance, mounted in a conspicuous location, along the path of egress from the highest hazard area (i.e. kitchen or laundry room)

Good Guest Guide

A “Good Guest Guide” shall be provided to the occupants and a copy to the City. The Good Guest Guide shall identify the Emergency 24 Contact person and house rules, including maximum occupants, quiet hours.

Fees

| Inspection & Notice Fee: $75.00 | Business License: □ $34.00 - A □ $64.00 - B |

Business License fee are based on anticipated income of business. Class A Business Licenses have yearly gross receipts between $500 and $30,000. Class B Business Licenses have yearly gross receipts over $30,000.

Vacation Dwelling Unit Application September 2018
Applicable Taxes.

The rental or other contractual use of a Vacation Dwelling Unit shall be subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each vacation dwelling unit owner and/or manager shall comply with § 3.15 of the Rio Dell Municipal Code, which addresses the collection, record keeping, reporting and remittances of applicable TOT.

Owner’s Authorization

I hereby authorize the City of Rio Dell to process this application. I have completed or reviewed this application and the Vacation Dwelling Unit Regulations, Section 17.30.340 of the Rio Dell Municipal Code. I declare under penalty of perjury, that the information contained herein is true and correct. I agree to hold harmless, indemnify and defend the City, its officers, officials, employees, and volunteers from and against all claims, damages, losses and expenses, including attorney fees, arising out of or in connection with this application.

Property Owner’s Signature: ___________________________ Date: ________________________

Staff Use

Receipt No: ___________ Received By: _______________ Date: ________________________

NOTES:

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

Vacation Dwelling Unit Application September 2018
INDEMNIFICATION AGREEMENT

BY AND BETWEEN CITY OF RIO DELL AND ____________________________

THIS INDEMNIFICATION AGREEMENT ("Agreement") is entered into this ____ day of ________________________, 20___ by and between the City of Rio Dell ("City") and ____________________________________ ("Applicant").

RECITALS

WHEREAS, the Applicant has a legal and/or equitable interest in the certain real property located at Assessor Parcel Number(s): ____________________ ("Property"), also known as __________________________, Rio Dell, CA. 95562; and

WHEREAS, the Applicant has submitted an application to the City for an entitlement ("Permit") to utilize the above referenced property as a Vacation Dwelling Unit, pursuant to Section 17.30.340 of the Rio Dell Municipal Code.

TERMS

NOW, THEREFORE, in consideration of the promises, covenants and provisions set forth herein, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Nothing in this Agreement shall be construed to limit, direct, impede or influence the City's review and consideration of the application.

2. Applicant shall defend, indemnify, save and hold harmless the City of Rio Dell, its elected and appointed officials, officers, employees, agents and volunteers from any and all claims, actions, proceedings or liability of any nature whatsoever (including, but not limited to: any approvals issued in connection with any of the above described application(s) by the City; and attorneys' fees and costs awards) arising out of, or in connection with the City's review or approval of the Project or arising out of or in connection with the acts or omissions of the applicant, its agents, employees or contractors.

Vacation Dwelling Unit Hold Harmless Indemnification Agreement November 2018
With respect to review or approval, this obligation shall also extend to any effort to attack, set aside, void, or annul the approval of the Permit, including any contention the Permit or its approval is defective because a City ordinance, resolution, policy, standard or plan is not in compliance with local, state or federal law. With respect to acts or omissions of the Applicant, its agents, employees or contractors, its obligation, hereunder shall apply regardless of whether the City prepared, supplied or approved plans, specifications or both.

3. The obligations of the Owner and Applicant under this Indemnification shall apply regardless of whether any permits or entitlements are issued.

4. The City will promptly notify Owner and Applicant of any such claim, action, or proceeding that is or may be subject to this Indemnification and will cooperate fully in the defense. The City may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the City defends the claim, action, or proceeding in good faith.

5. The City Attorney shall have the absolute right to approve any and all counsel employed to defend the City. To the extent the City uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the Applicant will reimburse the City upon demand. Such resources include, but are not limited to, staff time, court costs, the City Attorney's time at its regular rate for non-City agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action or proceedings.

6. For any breach of this obligation the City may rescind its approval of the Permit.

7. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved in writing by the Applicant, which approval shall not be unreasonably withheld. The City must approve any settlement affecting the rights and obligations of the City.

8. The parties agree that this Agreement shall constitute a separate agreement from any Permit approval, and that if the Permit, in part or in whole, is invalidated, rendered null or set aside by a court of competent jurisdiction, the parties agree to be bound by the terms of this Agreement, which shall survive such invalidation, nullification or setting aside.
9. This Agreement shall be construed and enforced in accordance with the laws of the State of California.

10. In any legal action or other proceeding brought by either party to enforce or interpret this Agreement, the appropriate venue is the Humboldt County Superior Court.

11. The Applicant shall pay all court ordered costs and attorney fees.

12. The defense and indemnification of the City set forth herein shall remain in full force and effect throughout all stages of litigation including appeals of any lower court judgments rendered in the proceeding.

After review and consideration of all of the foregoing terms and conditions, Applicant, by its signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

Date: ______________________

Applicants

__________________________  ______________________
Printed Name                  Signature

__________________________  ______________________
Printed Name                  Signature

__________________________  ______________________
Printed Name                  Signature

*Vacation Dwelling Unit Hold Harmless Indemnification Agreement November 2018*
ORDINANCE NO. 1520

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA
CREATING ARTICLE 3 IN CHAPTER 2, TITLE VI OF THE ARCATA MUNICIPAL CODE
TO REGULATE SHORT-STAY AND VACATION RENTALS

The City Council of the City of Arcata does ordain as follows:

Section 1: Article 3 is hereby created and added to Chapter 2 (Business Regulation) of Title VI (Business, Professions and Trades), as follows:

TITLE VI – BUSINESS, PROFESSIONS AND TRADES
CHAPTER 2 – BUSINESS REGULATION
ARTICLE 3 – SHORT-STAY AND VACATION RENTALS

SEC. 6300. Purpose.

This Article establishes permit requirements, including a limit on the total number of permits that may be active at any time, and other regulations intended to ensure the safe and orderly conduct of short-stay, vacation, and other similar businesses in the City of Arcata. These regulations are also intended to ensure that only a limited proportion of the City’s housing stock, which would otherwise be used for long-term residency, is converted to short-stay use.

SEC. 6301. Definitions.

"Accessory Dwelling Unit" shall have the same meaning as defined in the Land Use Code, Title IX, Sec. 9.100.

"Active Permit" shall mean a Vacation Rental permit that has not expired and the Vacation Rental was occupied for more than 29 days within the fiscal year the permit was in effect.

"Dwelling Unit" shall have the same meaning as defined in the Land Use Code, Title IX, Sec. 9.100, and includes both Primary Dwelling Units and Accessory Dwelling Units.

"Good Standing" shall mean that all Vacation Rental permit requirements are met, all City fees, charges and taxes, including Transient Occupancy Tax, is paid timely.

"Owner" shall mean the entity, person, or persons holding fee title to the property on which a Vacation Rental is operated.

"Operator" shall mean the entity, person, or persons engaged in the leasing, subleasing, or otherwise agreeing to allow a property under its control to be operated as a Vacation Rental. This could be, without limitation, the Owner, a tenant, any property management company responsible for the daily operations and emergency call response, or a third party rental service.

"Primary Dwelling Unit" shall have the same meaning as “Single-Family Dwelling” defined in the Land Use Code, Title IX, Sec. 9.100.

"Vacation Rental" shall mean any Dwelling Unit or portion thereof leased for transient occupancy or other temporary occupancy of one or more persons for up to 29 days at a time. Vacation
Rental shall include any short-stay temporary occupancy for fee living arrangement regardless of its title or its means of advertisement.

SEC. 6302. Permit Required.

A. General. The Operator of any Dwelling Unit, or portion thereof, that is used as a Vacation Rental shall obtain a permit prior to operation.

B. Permits are Non-exclusive. The Operator of a Vacation Rental shall obtain any and all other permits and satisfy all other requirements of federal, state, or local law, including obtaining a Business License, and complying with Transient Occupancy Tax provisions of the Arcata Municipal Code, Title VI Chapters 1 and 3, respectively.

C. Limitation of Permits. The total number of Vacation Rental permits that may be issued by the City at any one time is limited to 125, which shall be issued on a first-come first-served basis until the permit limit is reached.

D. Exemptions from Limitation. The following Vacation Rental types shall not be counted towards the limitation stated in Section 6302.C, but the Operator of any such Vacation Rental shall obtain a Vacation Rental permit prior to operation, and operation shall be subject to all other requirements of this Article:

1. A Dwelling Unit that is operated as a Vacation Rental for fewer than 30-days total in any fiscal year, whether consecutive days or not;

2. A Dwelling Unit operated as a Vacation Rental which is also occupied by either the Owner or a tenant with month-to-month or longer term tenancy;

E. Permit Limitation Grace Period. During the first six months after enactment of this Short-stay and Vacation Rentals Ordinance, any Operator who demonstrates receipt of income from operating a Vacation Rental during the prior 12-month period, may apply for a Vacation Rental permit for that Dwelling Unit irrespective of the number of Vacation Rental permits then issued by the City and the Vacation Rental permit limitation. Any Operator who does not file an application within this six-month period is not eligible for a Vacation Rental permit limitation exception. If this grace period results in the issuance of more than 125 Vacation Rental permits, no new Vacation Rental permits will be issued until the total number of issued Vacation Rental permits falls below 125.

F. Permit Term. Vacation Rental permits shall be issued for one year terms on an annual fiscal year basis.

SEC. 6303. Permit Issuance, Requirements.

A. Zoning Clearance. Upon receiving an application for a Vacation Rental permit and prior to the issuance of an initial Vacation Rental permit, the City Manager may require the Operator to obtain clearance from Community Development Department to establish that use of the property satisfies zoning standards ("Zoning Clearance"). Reissuance of a Vacation Rental permit will not require a new Zoning Clearance unless the site conditions, uses, or zoning are altered, changed or amended subsequent to issuance of the initial Vacation Rental permit.
B. Emergency Contact. Operators shall post contact information for a 24-hour emergency contact at each Vacation Rental. Signage shall be visible from the public right-of-way facing the front of the property and posted within 10 feet of the back of walk or edge of street. Signage shall be no larger than 12"x16". The point of contact shall be a person with authority to immediately address emergencies and/or neighborhood impacts.

C. Inspection. The Building Official shall conduct a building code inspection of the Dwelling Unit at the time of initial Vacation Rental permit application. Vacation Rental permits will not be issued for a Dwelling Unit that fails to meet applicable building code requirements. A Vacation Rental permit may be revoked at any time if the Building Official subsequently determines that building code violations exist.

D. Permit Reissuance.

1. An Operator holding an Active Permit in Good Standing may apply for and receive a reissued Vacation Rental permit provided that the application is made no sooner than 90 days and no later than 30 days prior to expiration of the Vacation Rental permit.

2. Upon receiving a request for permit reissuance, the City Manager or its designee shall determine whether a permit is an Active Permit and in Good Standing. The Operator shall submit to the City Manager or designee Transient Occupancy Tax and other records deemed pertinent by the City Manager or designee to make these determinations.

E. Permit Fee. The fee for administration and permit issuance shall be established by resolution of the City Council and shall be separate from and additional to all other fees that may be required by the City for operation of a Vacation Rental.

F. Permit Transfer. A Vacation Rental permit may not be transferred to a different Dwelling Unit.

G. Change in Ownership. The Operator shall notify the City at least 30 days prior to a change in Ownership of the Dwelling Unit.

H. The City Manager may establish administrative procedures to implement this Chapter.

SEC. 6304. Administrative Enforcement Remedies

A. General. When the City Manager finds that a permittee has violated or continues to violate any provision in this Article, the permit, or applicable State or local law, the City Manager may suspend or revoke the permit, and may impose administrative penalties in accordance with Title I, Chapter 3 of the Arcata Municipal Code.

B. Permit Suspension. The City Manager may immediately, without prior notice or hearing, suspend a Vacation Rental permit after informal notice to the permittee whenever such suspension is necessary to stop an actual or threatened activity that reasonably appears to violate any applicable City law, regulation, rule or order. Any permittee notified of a suspension of its permit shall immediately discontinue operating the Vacation Rental.

C. Permit Revocation. The City Manager may revoke a Vacation Rental permit for good cause, including, but not limited to, the following reasons:
1. Failure to timely address neighborhood impacts and police call-outs to the Vacation Rental;

2. Failure to pay any fees, taxes, charges, or fines associated with or incurred by operation of the Vacation Rental;

3. Violation of any Vacation Rental permit condition, term, or any provisions of this Article or any other applicable state or local law.

D. Reconsideration. Any permittee affected by any administrative enforcement action made by the City Manager may file with the City Manager a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the permittee’s request for reconsideration. The City Manager shall schedule a meeting with the permittee to consider the reconsideration request, and shall make a final determination within fifteen (15) days after the meeting. The City Manager’s decision, action, or determination shall remain in effect during such period of reconsideration.

E. City Council Appeal. The City Manager’s reconsideration determination may be appealed by the affected permittee to the City Council by submitting a written request for appeal to the City Manager no later than ten (10) days after notification of the City Manager’s reconsideration decision. The written appeal shall be heard by the City Council within sixty (60) days from the date of filing. The City Manager’s decision, action, or determination shall remain in effect during such period of appeal.

F. Automatic Permit Termination. Permits shall be voidable upon non-use, upon cessation of the activity, upon change of ownership of the Dwelling Unit, or upon such other cause as set forth in regulations adopted by resolution of the City Council.

SEC. 6305. Judicial Remedies.

A. Injunctive Relief, Penalties. When the City Manager finds that an Operator has violated any Vacation Rental permit condition, the provisions of this Article, or any other applicable City, County, or State law, the City through its City Attorney may petition the Humboldt County Superior Court for the issuance of a temporary restraining order, preliminary, and/or permanent injunction as may be appropriate to restrain the continuance of the activity. The City may also seek such other action as is appropriate for legal and/or equitable relief. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an Operator.

B. Criminal Prosecution. Any violation of this Chapter may be prosecuted by the City Attorney and charged in the discretion of the City Attorney as either a misdemeanor or an infraction.

SEC. 6307. Remedies Nonexclusive.

A. The remedies in this Article are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant permittee.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this
Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: California Environmental Quality Act – This ordinance creates a regulatory framework to ensure that the leasing of short-stay vacation rentals of existing housing stock does not negatively impact residential neighborhoods or the availability of existing or new housing stock. The primary effect of the program is to limit the expansion of the activity to its current level, and thereby establishes a limit on a current condition. Consequently, it can be seen with certainty that there is no possibility that enactment of this ordinance will have a significant impact on the environment.

Section 4: Effective Date: This Ordinance shall be effective 30 days after adoption.

DATE: _______________, 20__

ATTEST: ________________________ APPROVED: ________________________

City Clerk, City of Arcata

Mayor, City of Arcata

Clerk’s Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1520, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California on the ______ day of ____________________, 2019, by the following vote:

AYES: ________________________

NOES: ________________________

ABSENT: ________________________

ABSTENTIONS: ________________________

City Clerk, City of Arcata
<table>
<thead>
<tr>
<th>STANDARD</th>
<th>EUREKA</th>
<th>ARCATA(^1) (draft)</th>
<th>TRINIDAD</th>
<th>COUNTY</th>
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<tbody>
<tr>
<td>30 consecutive days or less</td>
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<td>Less than 30 days</td>
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<td>&quot;V&quot; Combining Zone Areas</td>
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<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Maximum number per year:</td>
<td></td>
<td></td>
<td>No limit</td>
<td></td>
</tr>
<tr>
<td>Set by Council annually for full-unit STRs; No. of single-room STRs not</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>restricted</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Max. 125(^2)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19 full-time STR licenses &amp; 6 in the UR zone, and 6 full-time Resident</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>STR licenses in the UR zone and no limit in other zones</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permits required:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor use permit</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home occupation permit required (for single and multi-room units)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business license required</td>
<td></td>
<td></td>
<td>No</td>
<td>X</td>
</tr>
<tr>
<td>Residential lodging agreement signed by operator</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Short term rental permit with initial Zoning Clearance</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>STR License</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Copy of Rental agreement with Good Neighbor Contract</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Special Permit</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>General liability insurance in amount of $1mil</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permit term:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issued for one year term on an annual fiscal year basis</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Renewed annually by Feb. 1</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Inspections—Initial inspection by Building Dept. required.</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Parking—</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) Arcata’s ordinance is in draft form and still under discussion.

\(^2\) Arcata does not include ADUs used for STRs for fewer than 30 days total per fiscal year, or ADUs used for STRs which is also occupied by either the owner or tenant with a month to month or longer tenancy.
<table>
<thead>
<tr>
<th>Requirement / Condition</th>
<th>X</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No extra spaces are required</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>One space for every two occupants</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Compliance with residential parking standards</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Types of STRS:**

<table>
<thead>
<tr>
<th>Requirement / Condition</th>
<th>X</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-room rentals (Eureka)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Multi-room rentals (Eureka)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Max. seven rooms</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Max. number of guests (per EMC Ch. 150 Building Regulations)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Max. number of events: 3 per month</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Full-unit rentals, including ADUs (Eureka)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Max. number per lot: not to exceed allowable density</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Max. occupants: 2 persons/bedroom, plus an additional 2 persons</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Events: six per year</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Emergency (24-hr) contact: local contact required</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Fire Dept. access required if gates are installed</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Resident STR (Trinidad)—an STR that is operated less than 60 nights per year and which is the owner’s primary residence, but the owner does not have to be in residence while the unit is being rented as an STR

<table>
<thead>
<tr>
<th>Requirement / Condition</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency contact—Trinidad</td>
<td></td>
</tr>
<tr>
<td>Emergency contact—Arcata</td>
<td></td>
</tr>
<tr>
<td>Visitors: same number as max. no. of occupants; no overnight visitors.</td>
<td>X</td>
</tr>
<tr>
<td>Max. no. of occupants</td>
<td></td>
</tr>
<tr>
<td>Humboldt: 10 persons</td>
<td></td>
</tr>
<tr>
<td>Enforcement: permit may be revoked per standards listed</td>
<td>X</td>
</tr>
<tr>
<td>City notification within 300 feet that STR license has been issued</td>
<td></td>
</tr>
<tr>
<td>No new STR within the UR zone shall be located where it shares a property boundary with another STR within the UR zone (CUP exception allowed)</td>
<td>X</td>
</tr>
<tr>
<td>One STR license per owner.</td>
<td></td>
</tr>
<tr>
<td>License is non-transferrable to new location; revoked when property is sold.</td>
<td></td>
</tr>
<tr>
<td>Noise:</td>
<td></td>
</tr>
<tr>
<td>No unreasonable noise; No noticeable noise between 10 p.m. and 7 a.m.</td>
<td></td>
</tr>
</tbody>
</table>

**Trash:**

<table>
<thead>
<tr>
<th>Requirement / Condition</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner to dispose of trash on a weekly basis.</td>
<td></td>
</tr>
<tr>
<td>Signs</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>None allowed</td>
<td>X</td>
</tr>
<tr>
<td>One sign 3 sq. ft. or less</td>
<td></td>
</tr>
<tr>
<td>No on-site advertising allowed</td>
<td></td>
</tr>
<tr>
<td>Minimum activity: STR shall be rented for a min. of 60 nights per year</td>
<td></td>
</tr>
<tr>
<td>Contact person:</td>
<td></td>
</tr>
<tr>
<td>Must reside within 5 miles of the unit; Name of contact to be provided to all residences within 300 foot radius of unit. Must be avail. 24 hours</td>
<td></td>
</tr>
</tbody>
</table>