

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN ENACTING

CHAPTER 5.22 OF THE ROCKLIN MUNICIPAL CODE REGARDING

SHORT TERM RENTALS

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

Section 1. Purpose. The purpose of this ordinance is to provide rules governing the issuance of permits and the establishment of operational restrictions for short-term rentals within the City of Rocklin. The intent is to ensure that the operation of these short term rentals is consistent with existing local, state or federal laws, statutes, rules or regulations.

Section 2. Authority. The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code sections 37100, 54202, 54203.

Section 3. Enact. Chapter 5.22 of Title 5 of the Rocklin Municipal Code regarding Short Term Rental Properties is hereby enacted as follows:

5.22 Short Term Rentals.

Sections:

5.22.010 Purpose and intent.

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5.22.130 Violations.

5.22.010 Purpose and intent.

It is the purpose of this chapter to provide rules governing the issuance of permits and the establishment of operational restrictions for short-term rentals of dwellings within the City of Rocklin. The intent of this chapter is to ensure that the operation of these short-term rentals are consistent with existing local, state or federal laws, statutes, rules or regulations.

5.22.020 Permit required.

It is unlawful for any person to advertise, maintain, or operate a short-term rental of a dwelling in the City of Rocklin without a permit required by this chapter. A short-term rental permit may not be issued for both a dwelling unit and accessory dwelling unit on the same parcel.

5.22.030 Term and scope of permit.

A short-term rental permit issued under this chapter shall expire 24 months from the date of issuance, unless renewed, revoked or suspended earlier. The permit authorizes the permittee to conduct only such services as is described in the permit and in accordance with the terms and conditions of the permit. It is unlawful for a permittee or other responsible person to violate the terms and conditions of the short-term rental permit. The short term rental permit cannot be sold, transferred, or assigned to any other person.

5.22.040 Definitions as used in this chapter.

For purposes of this chapter, the following definitions apply:

- A. "Accessory dwelling unit" has the same meaning as defined by State law in the California Government Code.
- B. "Advertisement" means any method used to solicit interest in the rental including, but not limited to, internet-based listing or hosting services.
- C. "Dwelling unit" has the same meaning as in Section 17.04.150.[]
- D. "Lodger" means a person to whom a person is providing lodging for compensation.
- E. "Parcel" means property assigned a separate parcel number by the Placer County Assessor.
- F. "Permittee" means the property owner to whom a short-term rental permit is issued.
- G. "Person" means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.
- H. "Primary residence" means the dwelling unit in which the permittee resides for at least 183 days during the calendar year.
- I. "Property owner" means the owner of the property on which the short-term rental exists or

their agent authorized to rent the short-term rental.

- J. "Short-term rental" means any dwelling unit or accessory dwelling unit located in a residential or commercial zone that is rented in whole or in part on a short-term basis. A short-term basis is 30 consecutive calendar days or less to the same person or entity.

5.22.050 Application and renewal of short-term rental permits.

A. A property owner may apply for a short-term rental permit by filing an application with the Community Development Department. The application must be on a form approved by the Director of Community Development and may require any information or documentation consistent with the provisions of this chapter. The permit application shall be on a form furnished by the City and signed by the permittee. Such application shall include, but not be limited to, the following information:

1. Name, address, and telephone number of permittee;
2. Name, address, and 24-hour telephone number(s) of permittee and secondary point of contact, if permittee is not located onsite;
3. Floor plan, parking location(s), copy of business license if applicable, and proof of insurance;
4. Any supplemental information which the Director of Community Development finds reasonably necessary to determine whether to approve a short-term rental permit.

B. To renew a short-term rental permit, the permittee shall file an application with the City that complies with subsection A of this section. The application must be submitted no later than 30 calendar days prior to the short-term rental permit expiration date. Untimely applications to renew short-term rental permits are subject to a late penalty in the amount established by resolution of the city council.

C. Knowingly making a false statement of fact or knowingly omitting any information that is required in an application for a short-term rental permit shall be grounds for revocation or denial of a permit.

5.22.060 Permit fee.

Every permit application shall be accompanied by a nonrefundable short-term rental permit application fee as established by resolution of the city council, as may be amended from time to time. This application fee shall be in addition to the city's business license tax if applicable, transient occupancy tax, and any other license, permit fee, or penalty fee imposed by local, state or federal laws, statutes, rules or regulations.

5.22.070 Registry required.

Every permittee within the City of Rocklin shall keep a register containing the following information for each person who stays at the short-term rental, and shall maintain such register for a period of 18 months:

- A. Name;
- B. Address;
- C. Vehicle year, make, model, color;
- D. License plate;
- E. State in which the vehicle is registered;
- F. Date of arrival;
- G. Date of departure;
- H. Number of guests;
- I. The amount of rent paid by lodgers for each night of lodging.

The Register shall be available for inspection by the City's Director of Community Development, and the Rocklin Police Department.

5.22.080 Performance standards.

A short-term rental shall be subject to the following conditions and criteria:

- A. No permittee shall, for compensation, provide lodging for more than six people, or two people per number of bedrooms, whichever is greater, at any time in a short-term rental. Permittee shall not allow guests at the short term rental in excess of this limit after 10 p.m.
- B. No permittee shall rent the short-term rental to a person under the age of 21, or rent to a person who is not also lodging at the short-term rental.
- C. No permittee may rent both a dwelling unit and an accessory dwelling unit on the same parcel. It is the intent of this section that only one dwelling is rented on a short-term basis per parcel.
- D. All short-term rentals shall be located on a parcel developed with the permittee's primary residence and shall not be rented for more than 182 days per year as a short-term rental.
- E. The permittee or designated secondary contact must be able to be onsite and respond to any complaints within 30 minutes of notification, regardless of time of day.
- F. All parking associated with the operation of the short-term rental shall be onsite or on the street located in front of the subject parcel if on-street parking is permitted, and in compliance with all provisions of the City Code.

G. A permittee shall post a copy of the short-term rental permit in a conspicuous place inside the short-term rental.

H. All persons operating a short-term rental shall identify the city short-term rental permit number in any advertisement for that rental.

I. No permittee shall allow any conferences, weddings, fundraisers, or similar gatherings at the short-term rental. Additionally, no permittee shall allow any special event that would otherwise require a city permit.

J. No permittee shall post on the exterior of the short-term rental or the parcel where the short-term rental exists, any sign or writing visible from the exterior of the short-term rental indicating that the dwelling is available for rent.

K. All short-term rentals shall comply with any and all federal, state, and/or local laws, including, without limitation, all zoning requirements and the California Building Standards Code and Fire Code, as adopted by the City of Rocklin.

5.22.090 Suspending, revoking, or conditioning a short-term rental permit.

A. The Director of Community Development may suspend, revoke, or add conditions to any short-term rental permit if the permittee has violated any provision of this chapter, or other local, state or federal laws statutes, rules or regulations.

B. Additionally, upon issuance of any permit, the Director of Community Development may limit the permit by any condition reasonably necessary to preserve the intent and purpose of this chapter.

C. The conditions that the Director of Community Development may impose on the short-term rental permit include, but are not limited to:

1. Requiring the permittee to remain at the short-term rental during certain hours while guests are present;
2. Reducing the number of guests that are allowed to lodge at the short-term rental;
3. Reducing the number of days in a year that the permittee is allowed to provide lodging;
4. Limiting the number of vehicles that may park at the short-term rental.

5.22.100 Grounds for denying a short-term rental permit.

The Director of Community Development may deny an application for a short-term rental permit for any of the following reasons:

- A. The application is incomplete;
- B. The application contains a false or misleading statement or omission of a material fact;
- C. The short-term rental or permittee is currently or has been found to be in violation of, or under investigation for violation of, any local, state or federal laws, statutes, rules or regulations;
- D. The property owner or occupants of the short-term rental have been found to be in violation

- of any applicable local, state or federal laws, statutes, rules or regulations;
- E. The permittee or the property owner is delinquent on any payment to the city of any fees, penalties, taxes, or any other monies related to the short-term rental property including, but not limited to, transient occupancy taxes;
 - F. If a short-term rental permit for the dwelling, property owner, or permittee was ever revoked or suspended;
 - G. The operation of a short-term rental is a threat to the public health, safety, or welfare; or
 - H. Any required application fee or renewal fee has not been paid.

5.22.110 Appeal of action on permit.

Any permittee may appeal the Director of Community Development's decision to deny, suspend, revoke, or condition a short-term rental permit pursuant to the procedures set forth in Chapter 5.01.

5.22.120 Hearing required – Exception.

A. A permit issued pursuant to this chapter may be suspended, revoked, or conditioned immediately upon the Director of Community Development's determination that the immediate suspension of the permit is necessary to protect the public health, safety, or welfare.

B. If a permit is immediately suspended pursuant to subsection A, the permittee subsequently may request a hearing pursuant to Chapter 5.01.

5.22.130 Violations.

A. Violation of any provision of this chapter may be charged as an administrative citation, misdemeanor, or infraction. It is unlawful for any person to operate a short-term rental without complying with the provisions of this chapter.

B. Violations of this chapter are hereby declared to be a public nuisance. Additionally, a public nuisance may be deemed to exist if operation of the short-term rental results in:

1. An excessive number of responses to the parcel, property, and/or short-term rental, from law enforcement officers during the term of the permit;
2. Disruption to the free passage of persons or vehicles in the immediate neighborhood;
3. Any other impacts on the neighborhood or public generally which are disruptive of normal activity in the area.

C. The remedies and penalties provided herein are cumulative, alternative and non-exclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Rocklin Municipal Code. None of the penalties or remedies

authorized by, or set forth in, the Rocklin Municipal Code shall prevent the city from using any other penalty or remedy under state statute which may be available to enforce this chapter or to abate a public nuisance.

Section 4. Effective Date. This ordinance shall take effect 30 days after the date of its adoption.

Section 5. Environmental. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment).

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 7. Publication. Within 15 days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Councilmembers voting for and against the ordinance, to be published in the *Placer Herald*. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the ordinance, to be published in the *Placer Herald*, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on August 13, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on August __, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Joe Patterson, Mayor

ATTEST:

Mona Forster, City Clerk

First Reading:

Second Reading:

Effective Date: