

Chapter 19.41 Vacation Home Rental

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19.41.010 Purpose

- A. The purpose of this Chapter is to establish the regulations governing the use of a residential dwelling unit as a vacation home rental, as defined herein. The owner of a vacation home rental shall apply for and secure a permit authorizing such use in the manner provided for by this Chapter in order to safeguard the peace, safety and general welfare of the residents of Twentynine Palms by eliminating excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, illegal vehicle parking and the accumulation of refuse related to vacation home rentals.
- B. Prior to the adoption of the provisions contained in this Chapter, there were no provisions in the City's Development Code or the County's applicable Land Use Regulations that identified or allowed the establishment of a "vacation home rental" as a legally permitted land use. Accordingly, nothing in this Chapter shall be construed to identify or allow an existing use to be classified or considered a legal nonconforming vacation home rental land use subject to the provisions and allowances of Chapter 19.142 (Nonconforming Buildings and Uses).

19.41.015 Definitions

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

- A. **Agent.** The representative, if any, designated by the owner in accordance with Section 19.41.030 (Owner's Agent).
- B. **Occupant.** Any person who occupies or is entitled to occupy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a vacation home rental

is a transient until the period of 30 days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, an uninterrupted period of time extending both prior and subsequent to the effective date of this Chapter may be considered.

- C. Owner. The person(s) or entity(ies) that hold(s) legal and/or equitable title to the residence for which the vacation home rental permit is sought.
- D. Vacation Home Rental. A permitted short-term rental of any detached single-family dwelling or any portion of any detached single-family dwelling for occupancy, dwelling, lodging or sleeping purposes for a minimum of two consecutive nights, but no more than 30 consecutive calendar days in duration. "Short-term rental" is included in the definition of "hotel" for purposes of collecting transient occupancy tax pursuant to Chapter 3.24 of the Municipal Code. A vacation home rental shall be considered a short-term rental for purposes of Chapter 3.24 of the Municipal Code.

19.41.020 Permit Required

No owner of a vacation home rental shall rent, offer to rent, or advertise for rent the vacation home rental to another person without a valid vacation home rental permit approved and issued in the manner provided for by this Chapter.

- A. Vacation home rental use shall be limited to only those dwelling units that are physically separate, "stand-alone" single-family residential units, not attached to or sharing a common wall, with any other residential unit being considered for the vacation home rental.
- B. A vacation home rental use may be established on any parcel within any land use/zoning district when such property is occupied by one or more physically separated structures built as individual single-family residential homes. Subject to the requirements and standards established in this Chapter, and approval of a Conditional Use Permit in compliance with the procedures and findings established in Chapter 19.42 (Conditional Use Permit), the Planning Commission may approve the use of attached residential units that the Planning Commission determines warrant consideration based upon their historic character or community value.

19.41.025 Application Fee

An application for a Vacation Home Rental Permit shall be accompanied by a fee established by resolution of the City Council, provided, however, the fee shall be no greater than necessary to defer the cost incurred by the City in administering the provisions of this Chapter.

19.41.030 Owner's Agent

An owner may retain an agent or a representative to comply with the requirements of this Chapter, including, without limitation, the filing of an application for a permit that has been signed and notarized by the owner, the management of the vacation home rental, and compliance with the conditions to the permit. The permit shall be issued only to the owner of the vacation home rental. The owner is

responsible for compliance with the provisions of this Chapter and the failure of an agent to comply with this Chapter shall be deemed noncompliance by the owner.

19.41.035 Application

The owner or owner's agent shall submit an application for a Vacation Home Rental Permit to the Community Development Director (Director). The application for a Vacation Home Rental Permit shall be upon forms provided by the City and shall contain at a minimum the following information:

- A. The name, address and telephone number of the owner of the vacation home rental for which the permit is to be issued.
- B. The name, address and telephone number of the agent, if any, for the vacation home rental.
- C. Evidence of a valid transient occupancy tax registration certificate and business license issued by the City for the vacation home rental.
- D. Proof of general liability insurance in the amount of \$1 million combined single limit and an executed agreement to indemnify, defend and hold the City harmless from any and all claims and liabilities of any kind whatsoever resulting from or arising out of the vacation home rental use.
- E. Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a vacation home rental in the City.
- F. Such other information as the Director may deem reasonably necessary to administer this Chapter.

19.41.040 Findings for Approval

Prior to approving an application for a Vacation Home Rental Permit, the Director shall find that all of the following are true:

- A. That the site upon which the vacation home rental use is to be established is adequate in size and shape to accommodate said use.
- B. That the residential character of the neighborhood in which the use is located will be maintained and preserved and that the issuance of the permit will not be detrimental to the public health, safety and welfare of the residents in the neighborhood or injurious to the community within the vicinity and the district in which the use is located.

19.41.045 Notice

Prior to approval of a Vacation Home Rental Permit, the Director shall notify all owners of property within 300 feet of the site by first-class mail that a permit application has been received and is pending approval. The notice shall be mailed at least 10 days prior to making a final determination on the application. The notice shall provide a brief description of the use requested by the applicant, shall indicate the date the permit will be issued, and shall indicate where information regarding the application may be obtained.

19.41.050 Denial of Permit

No application for a permit, or a subsequent renewal, shall be denied if it meets the conditions of permit issuance pursuant to this Chapter. No permit or renewal of a permit may be issued to the same owner if a permit for the vacation home rental location has been revoked within one year of the application date, or is in the process of being revoked pursuant to Section 19.41.080 (Noncompliance) of this Chapter.

19.41.055 Appeal

Appeal of an action made pursuant to this Chapter shall be filed in accordance with Section 19.28.120 (Appeals), except that the appeal shall be filed within 10 days of the date of notice, as required in Section 19.41.045 (Notice). If no appeal is filed in a timely fashion, the decision of the Director shall be final.

19.41.060 Permit Renewal

The owner(s) shall renew a Vacation Home Rental Permit annually prior to the permit issuance anniversary date, and shall include in the renewal application any changes to the information requirements set forth in Section 19.41.035 (Application), a renewal fee, and current proof of general liability insurance pursuant to Subsection 19.41.035.D.

19.41.065 Permit Issuance

Permits issued pursuant to this Chapter are subject to the following standard conditions:

- A. Prior to issuance of the Vacation Home Rental Permit, the owner(s) shall request, and pay the applicable fee for, an inspection from the City's Building & Safety Division to confirm that the required fire and safety protection measures are in place and functioning, including but not limited to smoke detector(s), carbon monoxide detector(s), and fire extinguisher(s).
- B. Prior to issuance of the initial Vacation Home Rental Permit for a property, the owner/agent shall provide certification dated within one year of application for the permit, from a state-licensed and certified septic inspector or inspection service that each septic system located upon the site of the vacation home rental is functioning properly and conforms to all applicable city, county and state health and safety regulations and requirements.
- C. The owner shall provide a valid 24-hour emergency contact telephone number for the owner and/or agent of a vacation home rental. Failure to provide and maintain a valid 24-hour contact telephone number(s) for the owner and/or agent responsible for a vacation home rental shall constitute a violation of the provisions of this Development Code and shall be grounds to revoke an approved permit for a vacation home rental.
- D. The vacation home rental must have a minimum of two off-street, on-site parking spaces. When the unit consists of more than four bedrooms, each additional bedroom or sleeping area beyond the first four shall be provided with one dedicated parking stall measuring 19 feet in length and 9 feet in width. No portion of any such required parking stall shall be located within either a required front or

street side yard setback area. All required parking spaces shall comply with the location and design standards established by the provisions of Chapter 19.82 (Off-Street Parking and Loading).

- E. The vacation home rental must have a visible house number easily seen from the street, day or night.
- F. All advertising for the short-term rental shall include the City-issued permit number.
- G. A minimum stay of two consecutive nights shall be required.
- H. The maximum overnight occupancy of the vacation home rental shall be limited to two persons per bedroom, plus two additional persons, excluding persons 5 years of age or younger.
- I. No on-site exterior signs are to be posted advertising a vacation home rental, except that a single sign no smaller than 1 square foot in size and no larger than 2 square feet in size shall be displayed in a location clearly visible from the adjacent street. The sign shall only contain a 24-hour contact number for the owner or agent, and the permit number.
- J. Prior to commencement of the use, the owner shall register the property with the City Finance Department for transient occupancy tax reporting and payment.
- K. Each vacation home rental use shall register with the City Finance Department and pay the applicable fee to obtain a business license.
- L. The Director shall have the authority to establish additional standard conditions, as necessary to achieve the objectives of this Chapter.
- M. The Planning Commission shall have the authority to impose additional conditions on any permit in the event of any violation of the conditions to the permit or the provisions of this Chapter subject to compliance with the procedures specified in Section 19.41.080 (Noncompliance).
- N. The owner or agent shall sign an acknowledgement of the requirements for operation of the vacation home rental as set forth in this Chapter.

19.41.070 Operating Standards

Vacation home rentals shall comply with the following operating standards. A failure to comply and/or conform to the following standards shall constitute a violation of the City's Municipal Code, and shall be grounds to revoke an approved Vacation Home Rental Permit.

A. Structural and Design Features.

- 1. Each dwelling used as a vacation home rental shall maintain an operational fire extinguisher, smoke detector(s) and carbon monoxide detector(s) (one per bedroom plus one in each hallway) conforming to the Uniform Building Code Standards (UBC No. 43-6). Exit/egress and an emergency evacuation map must be displayed in a prominent location in each room used for sleeping purposes.

2. Alterations or modifications made to any structure(s) and to the site used for a vacation home rental use shall be compatible with the character of a single-family residence and the surrounding residential neighborhood. Alterations and modifications shall also comply with all applicable provisions, requirements and standards of the City's Municipal Code. Vacation Home Rental Permits will not be issued to structures that have been previously altered or modified without obtaining a building permit for the alteration or modification.
 3. Any lights used to illuminate a site used for a vacation home rental purpose shall be designed so as to reflect away from adjoining properties and all public rights-of-ways and shall comply with Chapter 19.78 (Lighting Standards).
 4. The home used for a vacation home rental shall not be modified to allow or contain more than one kitchen/cooking facility.
 5. The owner/agent shall ensure that the occupants of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of the Municipal Code or any state law pertaining to noise, disorderly conduct, overcrowding, the consumption of alcohol, or the use of illegal drugs. Owners are expected to take measures necessary to abate disturbances, including, but not limited to, directing the tenant, calling for law enforcement services or City code enforcement officers, evicting the tenant, or any other action necessary to immediately abate the disturbance.
 6. The owner/agent, upon notification that occupants or tenants of the rental have created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of the Municipal Code or state law, shall take immediate action within one hour of notification to prevent a recurrence of such conduct by the occupants and/or guests.
- B. Contact Information. The owner shall maintain a valid 24-hour contact telephone number for the owner/agent of a vacation home rental. Failure to maintain a valid 24-hour contact telephone number(s) for the owner and/or responsible individual of a vacation home rental shall constitute a violation of the provisions of this Development Code and shall be grounds to revoke an approved permit pursuant to Section 19.41.080 (Noncompliance) of this Chapter.
- C. Records, Business License, Transient Occupancy Tax and Performance Deposit.
1. Records of all guests who patronize the vacation home rental unit shall be preserved for a minimum period of three years before such records are discarded. Such records shall be made available to the City within five working days upon written request from the City. Failure to preserve patronage records or failure to present patronage records when requested by the City to do so shall be grounds to revoke the Vacation Home Rental Permit.
 2. A valid Business License shall be maintained for each vacation home rental.

3. Each vacation home rental use shall report and remit to the City Finance Department all transient occupancy tax due and required by Chapter 3.24 of the Municipal Code.

D. Rental Agreement.

1. A rental agreement shall be required for each rental of an approved vacation home rental unit prior to occupancy.
2. Prior to occupancy, the owner shall obtain the name, address and driver's license number or a copy of the passport of the primary responsible adult occupant of the vacation home rental.
3. The rental agreement shall disclose that riding off-road vehicles is restricted to approved OHV areas only. The rental agreement shall also inform the tenant that they are subject to the local Noise Control Ordinance.
4. The rental agreement shall disclose that all animals under the renter's control shall be cared for in a manner consistent to Subsection 19.41.070.F (Animals), and in conformance with all City and County animal standards.
5. Each lease or rental agreement shall include the following notifications and disclosures, which shall also be posted in a conspicuous location inside the vacation home rental:
 - a. The maximum number of occupants that are permitted and notification that failure to conform to the maximum occupancy is a violation of this Chapter.
 - b. The number of parking spaces provided, and the location of assigned parking and the maximum number of vehicles that are permitted.
 - c. The trash pickup day(s) and applicable regulations pertaining to leaving or storing trash on the exterior of the property.
 - d. Notification that the occupant may be subject to citation and fines for violating applicable ordinances and laws.
 - e. The name of the managing agency, agent, rental manager, local contact person or owner of the unit, a telephone number at which that party may be reached at all times, and 911 emergency information.

E. Parking, Access and Driveways.

1. The maximum number of vehicles allowed at the vacation home rental shall be limited to one vehicle per one bedroom unit in the rental, but in no case shall the number of vehicles exceed the number of available on-site parking spaces.

2. The property owner of each vacation home rental shall ensure that all required accesses, driveways and parking spaces remain clear and unobstructed, and are available and ready for the occupants' use at all times.
 3. Parking of commercial vehicle(s), excluding pickup trucks and vehicles weighing less than 10,000 pounds gross vehicle weight, anywhere on a site approved for a vacation home rental, except temporarily for durations of less than four hours when actively being loaded or unloaded, is prohibited.
- F. Animals. Occupants are prohibited from allowing animals under their control to roam freely outside of the vacation rental home at any time. Animals may not be restrained and left unattended outside at any time. All animals under the occupant's control shall be restrained and cared for in a manner consistent with all City and County animal control standards.
- G. Property Maintenance.
1. The owner/agent shall keep or cause to be kept the vacation home rental property including landscaping in a neat, clean and orderly manner at all times. Where a property is not maintained as specified herein, the property owner shall be required to restore the property to its required neat and clean manner, pursuant to the requirements of Chapter 19.146 (Nuisance Abatement). A failure to return the property to a neat, clean, and orderly manner within 30 days of a notice to do so shall be grounds for revocation of the Vacation Home Rental Permit pursuant to Section 19.41.080 (Noncompliance) of this Chapter.
 2. In accepting the right to operate a vacation home rental as approved under a Vacation Home Rental Permit, if the property owner fails to restore the property and/or landscaping to its required neat, clean and orderly manner, the property owner declares and provides an express permission and consent to the City, or agents acting on its behalf, to enter the property to restore the property and/or landscaping to its required neat, clean and orderly manner as prescribed in Chapter 19.146 (Nuisance Abatement).
 3. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the responsible trash hauler. The owner of the short-term rental shall provide sufficient trash collection containers and service to meet the demand of the occupants.
 4. All pools and/or spas on-site shall be maintained in a neat, clean and healthy manner at all times. Each and every pool and/or spa shall conform to the requirements of the City's Building & Safety Codes and all applicable codes of the San Bernardino County and the state of California.
- H. Miscellaneous Conditions.
1. No signage of any type or nature shall be placed upon the site to identify the property as a vacation home rental or to solicit rental of such residence, except as set forth in Section 19.41.065 (Permit Issuance).

2. Any advertisement in any media format shall not identify the street address of the vacation home rental.

19.41.080 Noncompliance

The approval authority may revoke or void any permit for a vacation home rental use for noncompliance with the conditions and standards set forth in this Chapter and pursuant to the procedures established in Section 19.28.160 (Revocation or Modification).

- A. Violations. The following conduct shall constitute a violation for which the penalties specified in Subsection 19.41.080.B (Penalties) may be imposed, or the permit revoked:
 1. The owner/agent has failed to comply with the standard and/or operational conditions specified in Sections 19.41.065 (Permit Issuance) and 19.41.070 (Operating Standards).
 2. The owner/agent has failed to comply with conditions imposed by the Director pursuant to the provisions of Section 19.41.065 (Permit Issuance).
 3. The owner/agent has failed to comply and pay any fines imposed pursuant to Section 19.41.080 (Noncompliance) within 30 days of the date of notification.
 4. The owner/agent has failed to comply and pay the transient occupancy tax or submit a report as required by Chapter 3.24 of the Municipal Code within the required time limit.
- B. Penalties. The penalties for violations specified in Subsection 19.41.080.A shall be the responsibility of the owner as follows:
 1. For the first violation within any 12-month period, the penalty shall range from a notice of violation to a fine not to exceed \$250.00.
 2. For a second violation within any 12-month period, the penalty shall range from a notice of violation to a fine not to exceed \$500.00.
 3. For a third violation within any 12-month period, the penalty shall range from a notice of violation to a fine not to exceed \$1,000.00 to revocation of the permit with the provisions of Section 19.28.160 (Revocation or Modification).
- C. In lieu of revocation or fines as set forth above, the Planning Commission, at its sole discretion, and based upon the severity of the violations proven at an advertised revocation hearing in conformance to Section 19.28.160 (Revocation or Modification), may suspend the Vacation Home Rental Permit and the associated right to use a property as a vacation home rental for a specified period, not to exceed 12 months.