

ORDINANCE 570

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR
ADDING CHAPTER 17.40, SHORT-TERM RENTALS,
TO THE DUNSMUIR MUNICIPAL CODE**

WHEREAS, due to concern about the conversion of long-term housing to short-term rentals, the City of Dunsmuir desires to create a registry of short-term rentals that will allow the City to monitor the conversion of existing residences; and

WHEREAS, because of the Very High Fire Hazard Severity Zone that is present throughout the city and surrounding area, and due to concerns about entrapment in public pools and spas, the City desires to adopt short-term rental regulations that protect and enhance public safety; and

WHEREAS, due to concern about the loss of parking, neighborhood disturbances, and the improper storage of garbage resulting from unregulated short-term rentals, the City of Dunsmuir wishes to establish short-term rental regulations for the public peace, comfort and general welfare.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Dunsmuir does ordain as follows:

SECTION I: Chapter 17.40, Short-term Rentals, is hereby added to the City of Dunsmuir Municipal Code to read as follows:

**CHAPTER 17.40
SHORT-TERM RENTALS**

17.40.010 - Purpose.

Being situated in an area of scenic natural beauty adjacent to a major transportation corridor, Dunsmuir offers easy access to recreational opportunities throughout the region. As a result, short-term rentals have existed in the community for many years. Nevertheless, growth in the popularity of this lodging type has generated a need to establish short-term rental regulations that protect the public health, safety, comfort, and general welfare of the city's residents and visitors. In addition to the requirements, regulations, and standards for short-term rentals imposed by this chapter, all other applicable requirements, regulations, and standards imposed elsewhere in the Dunsmuir Municipal Code and pursuant to state and federal law apply.

17.40.020 - Definitions.

The following words, phrases, and terms as used in this chapter shall have the following meanings:

"Bedroom" means a room that contains a minimum of seventy (70) square feet and a closet, the construction of which was authorized by a building permit, if a building permit was required at the time of construction, and which currently meets all requirements of the California Residential Code and contains a window or opening that can be used for emergency egress.

"Guest" or "Guests" means the individual or individual(s) occupying the short-term rental for the purpose of staying overnight.

"Local contact person" means an individual who is personally available by telephone on a twenty-four (24) hour basis and who maintains the ability to be onsite within forty-five (45) minutes and who has access and authority to assume management of the short-term rental. An agent or professional property management company that meets the availability requirements can serve as the local contact person.

"Operator" means any and all of the following: the person who is a legal owner of a short-term rental; a person who has the legal right to possession of a short-term rental; a person who has a legal right to receive or collect any monies as rent for the occupancy of a short-term rental; and any manager, agent, representative or other similar person acting under the authority or at the direction of the owner or other operator of a short-term rental.

"Property owner" means the owner or owners of record of the subject real property as shown on the latest equalized assessment role of Siskiyou County or as otherwise actually known to the city clerk or the city clerk's designee, including but not limited to individuals, groups, corporations, and other legal entities with at least five (5) percent ownership in the subject real property.

"Short-term rental" means any place, space, or structure, or portion of any place, space, or structure, which is or may be occupied, or intended or designed for occupancy by transients for purposes of sleeping, lodging, or similar use in conformance with the city's zoning regulations, and shall include, but not be limited to the following: single-family dwellings, cabins, cottages, apartments, studios, condominiums, townhouses, duplexes, triplexes, fourplexes, a bedroom or bedrooms within an existing residential unit, second dwelling units and guesthouses constructed prior to January 1, 2017, and other forms of shelter constructed with a building permit and rented for the purpose of continuous overnight lodging for a period of not less than one night and not more than thirty (30) days.

"Transient occupancy registration certificate" means the certificate of registration described in Section 3.24.050 of this code.

17.40.030 - Prohibitions.

- A. Registration certificate required. It is unlawful for any person to advertise, maintain, operate or use a short-term rental within the city without a transient occupancy registration certificate, or in violation of the terms and conditions of the certificate or of this chapter (including without limitation the occupancy restrictions set forth in the certificate).
- B. Accessory Dwelling Units. It is unlawful for any person to advertise, maintain, operate, or use as a short-term rental an accessory dwelling unit or junior accessory dwelling unit as those terms are used in California Government Code Sections 65852.2 and 65852.22, or as amended. No transient occupancy registration certificate shall be issued for any accessory dwelling unit or junior accessory dwelling unit. Each rental occurring without a transient occupancy registration certificate and each rental of an accessory dwelling unit or junior accessory dwelling unit shall be a separate violation.
- C. Prohibited short-term rentals. A structure or property with a recorded covenant, deed restriction, or agreement restricting its use, including without limitation dwelling units with affordability restrictions, and dwelling units for which short-term rentals are prohibited, shall not be used for short-term rentals. Short-term rentals are prohibited in structures not intended for residential occupancy under the California Building Code Standards and this code.

- D. Incidental camping. A transient occupancy registration certificate does not authorize incidental camping, which means any overnight camping, sleeping in tents or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles parked on the short-term rental property.
- E. Outdoor fires. No outdoor fires (e.g., firepits, campfires, etc.) are permitted at short-term rentals. Propane burning fireplaces and firepits are acceptable provided the device is in the rear yard at least ten (10) feet from all structures, neighboring property, flammable material, and vegetation. Outdoor fires do not include annual yard maintenance by the property owner or operator in compliance with local and state regulations.
- F. Grills and barbeques. Grills and barbeques are not permitted beneath a potentially flammable source including trees, umbrellas, decks, or other appurtenant structures. All grills and barbecues shall be no less than ten (10) feet away from a structure and any flammable materials, such as a woodpile. Grills and barbeques other than electric powered pellet grills and propane grills are prohibited at short-term rentals.
- G. Subletting. Guests are prohibited from subletting a short-term rental. Only operators with a valid transient occupancy registration certificate may advertise and rent a residential unit as a short-term rental.
- H. Special events. Weddings, corporate events, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise, or other problems in the neighborhood are prohibited from occurring at a short-term rental property.

17.40.040 - Registration Certificate Requirements.

- A. Annual registration required. Transient occupancy registration certificates shall be renewed annually, and separate certificates are required for each short-term rental. The certificate requirements for short-term rentals are set forth below. The issuance of any certificate pursuant to this article does not relieve the owner of the obligation to comply with the other provisions of this code pertaining to the use and occupancy of the short-term rental or the property in which it is located. Short-term rentals are allowed in all zone districts that allow residential use with approval of a transient occupancy registration certificate, however, no more than two transient occupancy registration certificates shall be issued to any property owner for short-term rentals located in the R-1, R-2, R-3, and R-4 residential zone districts.
- B. Application process. An application for a transient occupancy registration certificate shall be submitted by the property owner to the city clerk or the clerk's designee. Each transient occupancy registration certificate application shall be accompanied by a nonrefundable transient occupancy registration certificate fee. The fee schedule shall be established by resolution of the city council following a public hearing and may be adjusted by resolution of the city council following a public hearing. Permits and fees required by this chapter are in addition to any license, permit, certificate, or fee required by any other chapter of this code. Each application shall at a minimum include the following:
 - 1. Property owner name and contact information.
 - 2. Operator name and contact information.
 - 3. The name of the local contact person, if different from the operator, and a telephone number at which the local contact person may be immediately reached.

4. Address and assessor's parcel number for property at which the short-term rental is located.
 5. Rental unit type (i.e., single-family dwelling, duplex, apartment, etc.). If more than one residential unit is located on the property, the application must identify if the rental unit is the property's primary or secondary dwelling.
 6. Maximum occupancy. The maximum occupancy of a short-term rental shall be two guests per bedroom, plus two additional people excluding children under five (5) years of age. Occupancy limits shall apply between the hours of 10:00 pm and 7:00 am.
 7. Total number of off-street parking spaces available on-site.
 8. Number of trash receptacles satisfying the requirements of Section 17.40.050(D).
 9. Number and location of fire extinguishers, smoke detectors, and carbon monoxide alarms, and certification of compliance with Fire Code and fire safety requirements, including those pertaining to fire extinguishers, smoke detectors, and carbon monoxide alarms.
 10. Date of the most recent inspection of the short-term rental conducted by city staff and the Dunsmuir-Castella Fire Department pursuant to this chapter.
 11. Acknowledgment that the operator has read and understood this chapter, and the city's parking, garbage collection, guest safety, and operational standards.
 12. If the information supplied by the operator on the application for a transient occupancy registration certificate is not consistent with city records, an additional inspection may be required prior to or after the issuance of the transient occupancy registration certificate. An inspection fee shall be charged for the inspection.
- C. Term and scope of certificate. A transient occupancy registration certificate issued under this chapter shall expire at the end of the calendar year for which it is issued, unless revoked or suspended earlier. The certificate authorizes the operator to operate the short-term rental only in accordance with the terms and conditions of the certificate. Subject to the provisions of Section 17.40.050 herein, a certificate will be renewed if prior to expiration, the following is provided: updated application information (if changes have occurred), new certifications and acknowledgments required in subsections (B)(8) and (B)(11) above, and payment of the registration fee. Renewal applications may be submitted commencing on October 1st of each year. Renewals for which applications received after November 30th in a given year might not be received by applicants prior to January 1st, and the advertisement or operation of a short-term rental for which a renewed certificate has not been received shall constitute a violation of this chapter.
- D. Acceptance of registration certificate. Acceptance by an operator of a transient occupancy registration certificate shall constitute acknowledgment and acceptance of, and consent to, the requirements and provisions of this chapter.
- E. Effective date. To allow approximately six (6) months for short-term rentals to be brought into compliance, inspections and transient occupancy registration certificates shall not be required until January 1, 2022.

17.40.050 - Inspections.

All short-term rentals and the parcels on which they are located shall be inspected by the city and the Dunsmuir-Castella Fire Department prior to commencement of the use. The inspection(s) shall verify compliance with all standards and conditions of operation including safety requirements. After the initial inspection(s), said rental unit and short-term rental property shall be reinspected by the Dunsmuir-Castella Fire Department annually and by the city not less than once every three years for as long as the unit is used as a short-term rental. The operator shall submit a completed inspection form or forms to the city showing that the unit has passed inspection and is approved for short-term rental. Completion of the semi-annual inspections will be verified at the time of transient occupancy registration certificate renewal. The actual cost of such inspections, plus any administrative charges, shall be paid by the operator pursuant to the city's adopted fee schedule.

17.40.060 - Operational Standards.

All short-term rentals shall comply with the following standards and shall not generate other potential disturbances which may disrupt the peace, safety, and general welfare of the neighborhoods in which they are located.

- A. Operator responsibilities and recordkeeping. The operator shall inform guests that they must not violate the standards of this chapter. The operator shall be responsible for taking any action necessary to ensure that guests abide by the terms of this chapter and other applicable provisions of this code. The operator shall collect and maintain for each guest registration the name and contact information of the registered guest, the number of guests, and the amount of rent paid (including all ancillary charges such as cleaning charges). All such records shall be maintained for a period of three years and shall be furnished to the city within five days upon request.
- B. Local contact person. A local contact person shall be personally available by telephone on a twenty-four (24) hour basis and shall be physically present at the short-term rental within forty-five (45) minutes of contact by city employees or agents or the guest(s). Upon receiving a call or complaint about physical conditions or circumstances that constitute an immediate threat to the public health and safety, the local contact person shall immediately contact the appropriate law enforcement, fire, or other authority.
- C. Parking. When located in a zoning district where off-street parking is required, one off-street parking space shall be provided for short-term rentals with two or fewer bedrooms and two off-street parking spaces shall be provided for short-term rentals with three or more bedrooms. When located on property with more than one dwelling unit, the off-street parking requirement for the short-term rental is in addition to all other off-street parking requirements. No vehicle, including without limitation boat trailers and recreational vehicles, may be parked at a short-term rental in an unpaved area or in a location or manner that does not comply with city standards.
- D. Trash and recycling. The accumulation of trash, debris, and recyclable materials outside of a short-term rental at any time is prohibited. Weekly trash collection and recycling shall be provided for each short-term rental. A minimum service level of one trash can shall be maintained for each short-term rental in addition to recycling service. If one trash can is insufficient to accommodate all trash generated by occupants of the short-term rental, the operator shall arrange for whatever increased level of service is required to accommodate all trash generated onsite. Garbage and recycling shall not be placed outside for collection prior to the day of pickup. When garbage and recycling are stored

outdoors prior to the day of pick up, it shall be stored immediately adjacent to the unit and kept within a bear-resistant and rodent-resistant container that complies with Section 8.08.080(F) and that is large enough to accommodate all garbage and recycling generated onsite within a one-week period.

- E. Interior posting requirements. The following information shall be posted within the interior of the rental unit in a visible location: the name of the operator and a telephone number at which that party can be reached on a 24-hour basis; the maximum number of guests permitted to stay overnight in the unit; the maximum number of vehicles that are allowed to be parked on the property; notification that trash and recyclable materials must be placed into cans provided for that purpose; notification that vehicles must be parked on paved areas on the property; off-street parking requirements during snow storms and snow removal; a description of the city's audible alert system; the telephone number of the Sheriff's Office; building exits, exit routes, and fire extinguisher locations; emergency evacuation information; use of outdoor fires and barbecues, when applicable; a notice regarding potential penalties associated with violation of this chapter; and for short-term rentals with wood-burning fireplaces or woodstoves, instructions on the safe operation of such appliances and the safe disposal of ashes.
- F. Smoke alarms. Smoke alarms, in good working order, shall be installed at a minimum in each bedroom, and at least one alarm on every level of the short-term rental, including basements and habitable attics.
- G. Carbon monoxide alarms. Carbon monoxide alarms, in good working order, shall be installed at a minimum outside each bedroom, on every level of the rental unit, including basements and habitable attics, and bedrooms or attached bathrooms with a fuel-burning appliance, and shall be installed in accordance with the manufacturer's installation instructions.
- H. Fire extinguisher and ash can. Each short-term rental shall be equipped with one five-pound fire extinguisher, type 3-A:40-B:C, installed at a readily available location near the kitchen. If the short-term rental has more than one level, an extinguisher must be mounted within each level. Fire extinguishers shall be inspected annually by a certified professional to ensure the extinguishers are in good working order. Each short-term rental with a wood-burning fireplace or woodstove shall be equipped with a metal container at least five gallons in size with a tight-fitting lid, which shall be clearly labeled for ash disposal.
- I. Visible address. Each short-term rental shall have an address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Whenever the address on the short-term rental unit will not be clearly visible from the street or access road fronting the property, the address shall also be placed at the public street or access road in a manner which is clearly visible from both directions of travel on the frontage road or street. Address identification characters shall contrast with their background and conform to the minimum size requirements of the California Fire Code. A short-term rental in a condominium or apartment building that does not have an individual address may utilize the condominium or apartment building address and need not comply with these requirements.
- J. Emergency communications. If located in an area with inadequate cellular service, each short-term rental unit shall contain a working landline phone or Voice Over Internet Protocol phone.

- K. Advertisements. Each advertisement for a short-term rental shall list the maximum number of occupants permitted by the transient occupancy registration certificate, the maximum number of parking spaces onsite, and the number of the transient occupancy registration certificate.

17.40.070 - Penalties; certificate denial, suspension, and revocation.

It is a public nuisance to violate any of the provisions of this chapter. Violations of this chapter are subject to the administrative citation provisions set forth in Chapter 1.09 of this code, provided that fines for violations of this chapter shall be as set forth below. Any person violating the provisions of this chapter, including without limitation guests, operators, and local contact persons may be subject to administrative and/or judicial remedies as set forth herein and elsewhere in this code. In addition, the city shall have the authority to suspend or revoke the transient occupancy registration certificate, or to maintain an action for injunctive relief. Unless otherwise expressly provided, the remedies, procedures and penalties provided by this section are cumulative as to each other and to any others available under state law or this code. In the event of any conflict between the penalties set forth in this chapter and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.

- A. Enforcement. An administrative penalty of up to five hundred dollars (\$500) per day may be imposed for each violation of this chapter contained in a first administrative citation, and up to one thousand dollars (\$1,000) per day for each violation contained in a second or subsequent administrative citation. A prior citation for purposes of this chapter shall be an earlier administrative citation for violation of this chapter on the same property that occurred less than one year prior to the current citation.
- B. Denial, suspension, or revocation of a transient occupancy registration certificate. The city may deny, suspend, or revoke a transient occupancy registration certificate for any of the following reasons:
 - 1. The transient occupancy registration certificate application is incomplete;
 - 2. The transient occupancy registration certificate contains a false or misleading statement or omission of a material fact;
 - 3. The short-term rental, operator, or guest is currently in violation of, has been found to be in violation of, or is under investigation for violation of, any local, state or federal laws, statutes, ordinances, rules or regulations pertaining to the operation of a short-term rental;
 - 4. The transient occupancy registration certificate of a short-term rental for which three citations have been issued for violations of this chapter within a 12-month period and not overturned on appeal, including without limitation citations issued to guests and citations issued to operators, shall be revoked, and a new certificate shall not be issued for a period of 12 months from the date of the certificate revocation.
 - 5. The operator is delinquent on any payment to the city of any fees, penalties, taxes, or any other monies related to the short-term rental including, but not limited to, transient occupancy taxes;
 - 6. A transient occupancy registration certificate application may be denied due to prior revocation or suspension of a transient occupancy registration certificate;
 - 7. The operation of a short-term rental is a threat to the public health, safety, or welfare;

8. The lack of a fire inspection within the preceding year, a failed fire inspection unless documentation is provided that the conditions causing the failure were corrected and the short-term rental passed a subsequent fire inspection, or a refusal to allow a fire inspection or other inspection of the short-term rental;
 9. Absence/expiration of a transient occupancy registration certificate; or
 10. Any required application fee or renewal fee has not been paid.
- C. Appeal. Any operator or guest may appeal an administrative penalty imposed pursuant to this chapter as set forth in Chapter 1.09. For a denial, suspension, or revocation of a transient occupancy registration certificate, the operator may appeal to the city council by filing a notice of appeal with the city clerk within ten (10) calendar days of the denial, suspension, or revocation of the transient occupancy registration certificate and by tendering a deposit for the cost of the appeal in an amount established by the city council. The city clerk shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at the last known place of business as set forth in the appeal. At the hearing, the appellant shall have the right to testify, to be represented by counsel, to present witnesses on the appellant's behalf, to cross-examine all other witnesses and to present oral and written documents and evidence on the issues. The findings of the city council are final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing.
- D. Costs of enforcement. All money and assets collected in payment of penalties for violations of this chapter and all money and assets collected for recovery of costs of enforcement of this chapter shall be used to offset the cost of enforcement of this chapter.

17.40.080 - Changes in ownership.

Transient occupancy registration certificates issued for short-term vacation rentals do not provide a vested interest in or entitlement to the continued operation of a short-term rental upon a change of property ownership. The new owner of a property for which a transient occupancy registration certificate has been issued shall notify the city upon a change of ownership of the short-term rental. Transient occupancy registration certificates for short-term rentals shall not run with the land and shall expire upon any partial or complete transfer of ownership of a short-term rental, regardless of whether notice of the change in ownership has been provided to the city.

SECTION II: FINDINGS: Because there is not substantial evidence, in light of the whole record before the City, that this ordinance would have a significant impact on the environment, the City Council has determined that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION III: CONSTITUTIONALITY: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase of this ordinance irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION IV: This ordinance shall become effective thirty (30) days after its passage, and within fifteen (15) days after its adoption a summary of it shall be published in the Siskiyou Daily News, printed and published in Siskiyou County.

PASSED AND ADOPTED this ____ day of _____ 2021, at a regular meeting of the City of Dunsmuir City Council by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matthew Bryan, Mayor

ATTEST:

Wendy Perkins, Deputy City Clerk