

ORDINANCE NO. 1082 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF EL PASO DE ROBLES ADOPTING
A ZONING CODE AMENDMENT ORDINANCE
AMENDING SECTIONS 21.23A.010, 21.23A.020, 21.23A.030, AND 21.23A.050,
REPEALING SECTIONS 21.15.210, 21.15.220, 21.15.230, and 21.15.240 OF CHAPTER 21.15,
AND ADDING CHAPTER 21.34 TO THE PASO ROBLES MUNICIPAL CODE REGARDING
SHORT-TERM RENTALS**

(City of Paso Robles - Short-Term Rental Ordinance)

WHEREAS, the growing popularity of “home-sharing” and other short-term vacation rentals, through the use of websites such as Airbnb, VRBO, and Homeaway, allow individual homeowners, landlords, and tenants to list homes, apartments, and rooms for rent at the price and duration of their choosing; and

WHEREAS, the City Council finds that unregulated “home-sharing” and use of existing housing as short-term rentals can escalate the demand for City services and create adverse impacts in residential zones by introducing commercial activity in neighborhoods, adversely affecting the available housing stock in the City, and increasing adverse impacts such as noise, unpermitted special events, and traffic and parking congestion in residential areas; and

WHEREAS, in 2016 the City conducted several community workshops attended by operators of short-term rentals and concerned neighbors; and

WHEREAS, a Short-Term Rental Task Force met eight times to review issues related to short-term vacation rentals and explore potential policies; and

WHEREAS, there was a consensus that there should be a reasonable balance between the regulation of short-term rental operations, which pay transient occupancy tax (“TOT”) to the City, and the recognized need to protect the character of residential neighborhoods; and

WHEREAS, the Short-Term Rental Task Force submitted an outline of items to be addressed in a short-term rental ordinance; and

WHEREAS, the proposed ordinance is beneficial to the public health, safety and general welfare of the community as it establishes performance standards to ensure the compatibility between short-term vacation rentals and the residential character of neighborhoods in which they may be located;

WHEREAS, on October 10, 2017 the Planning Commission held a public hearing to consider the proposed Short-Term Rental Ordinance and continued the hearing to October 24, 2017 with direction to staff to further analyze the section of the ordinance prohibiting transfers of permits and the 3-year term;

WHEREAS, on October 24, 2017 the Planning Commission reconvened the public hearing to consider a recommendation the City Council on the proposed Short-Term Rental Ordinance; and

WHEREAS, on November 7, 2017 the City Council held a duly noticed public hearing to consider a recommendation from the Planning Commission and heard public testimony on the proposed Short-Term Rental Ordinance; and

WHEREAS, the City Council deferred taking action on the proposed ordinance in November 2017; and

WHEREAS, between November 2016 and February 2019, the number of business licenses issued by the City for short-term rentals has increased from 167 to 323; and

WHEREAS, due to the significant increase in the number of business licenses issued to short-term rentals and additional community concerns regarding the impacts of short-term rentals upon their neighborhoods, the City Council held a duly noticed public hearing on February 5, 2019 to consider a proposed Short-Term Rental Ordinance urgency ordinance;

WHEREAS, due to a voting conflict, on February 19, 2019 the City Council rescinded adoption of the Short-Term Rental Ordinance urgency ordinance and referred the draft ordinance back to the Short-Term Rental Task Force for additional review and public input; and

WHEREAS, the Short-Term Rental Task Force held eight public meetings from February to April 2019 and forwarded a recommendation to the City Manager regarding changes to the Short-Term Rental Ordinance; and

WHEREAS, the Short-Term Rental Task Force's recommendations have been reviewed by City staff and the City Attorney and incorporated into the following draft Short-Term Rental Ordinance.

WHEREAS, the Planning Commission held a public hearing to consider the proposed Short-Term Rental Ordinance on April 23, 2019 and voted 4-0 to continue the hearing to May 14, 2019 with direction to staff to further analyze various sections of the ordinance; and

WHEREAS, the Planning Commission reconvened a continued public hearing to consider the proposed Short-Term Rental Ordinance on May 14, 2019 and voted 4-0 to continue the hearing to May 15, 2019 to allow Commissioner Davis time to prepare; and

WHEREAS, the Planning Commission held a public hearing to consider the proposed Short-Term Rental Ordinance on May 15, 2019, where they consider a staff report and public comments prior to recommending the City Council adopt a different version of the Short-Term Rental Ordinance,

WHEREAS, on June 5, 2019 the City Council held a duly noticed public hearing at the adjourned June 4, 2019 regular City Council meeting to consider a recommendation from the Planning Commission and heard public testimony on the proposed Short-Term Rental Ordinance and introduced an ordinance for first reading by title only; and

WHEREAS, on June 18, 2019 the City Council did not introduce the ordinance for second reading, but rather referred the ordinance back to staff to prepare a modified version of the Short-Term Rental Task Force's recommended ordinance; and

WHEREAS, on July 16, 2019 the City Council held a duly noticed public hearing to consider a revised Short-Term Rental Ordinance along with a recommendation from the Planning Commission and the Short-Term Rental Task Force; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council hereby finds the recitals of this resolution as true and correct, and such recitals are hereby incorporated by reference as though fully set forth in the text of this draft Ordinance.

Section 2. This proposed ordinance is Statutorily Exempt from CEQA consistent with Section 15061.b.3, that there no possibility the activity in question may have a significant effect on the environment.

Section 3. . The City Council adopt the following Ordinance as shown in in Sections 4, 5 and 6 attached hereto, and incorporated herein by reference.

Section 4. Part II (Bed and Breakfast Establishments) of Chapter 21.15 of the Paso Robles Municipal Code is hereby repealed in its entirety, specifically Sections 21.15.210, 21.15.220, 21.15.230, and 21.15.240.

Section 5. The following sections in Chapter 21.23A are hereby amended as follows:

Section 21.23A.010 - Purpose: Paragraph O. is hereby added to read as follows:

O. Short-Term Rental Permits

Section 21.23A.020 - Authority to make decisions: – Sub-paragraph l. to Paragraph C.1 is hereby added to read as follows:

- l. Appeals to modify or overrule decisions of the Director of community development with respect to the issuance, denial or revocation of Short-Term Rental Permits, in accordance with Chapter 21.34.

Section 21.23A.030 – Hearing requirements: Paragraph O. is hereby added to read as follows:

- O. Appeal of Short-Term Rental Permits. Public hearings, noticed as prescribed by Section 21.23A.040(A) shall be conducted by the planning commission.

Section 21.23A.050 – Effective date of decisions: Paragraph O is hereby added to read as follows:

- O. Short-Term Rental Permit Appeals. Fifteen calendar days following planning commission adoption of a resolution specifying the decision made; provided that an appeal has not been filed to the city council and that the city council has not called the Short-Term Rental Permit up for council hearing.

Section 6. Chapter 21.34 is hereby added to the Municipal Code of the City of El Paso de Robles as follows:

CHAPTER 21.34 SHORT-TERM RENTAL PERMITS

21.34.010 Scope, Purpose and Findings.

A. The purpose of this Chapter is to document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any short-term rental use within the city.

B. The city council hereby finds that unregulated transient occupancy uses in residential and non-residential districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located.

C. The city council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to short-term rental permits is necessary to protect the public health, safety and welfare. The purpose of this Chapter is to provide a permit system and to impose operational requirements to minimize the potential adverse impacts to surrounding neighbors of transient uses in residential neighborhoods and zoning districts, such as traffic congestion, street parking, and noise, and to ensure the health, safety and welfare of renters and guests patronizing short-term rentals.

D. The provisions of this Chapter will also benefit the public welfare by providing an additional source of revenue to the city, as operators of short-term rentals are required to pay transient occupancy tax to the city, which will offset some of the additional costs of providing services to the renters.

E. The City Council hereby finds that the city's regulation of short-term rental uses in accordance with this Chapter is a valid exercise of the city's police power in furtherance of the legitimate governmental interests documented in this Chapter.

F. The City Council hereby finds that short-term rentals are an allowable accessory use to legally permitted, existing residential dwellings within all zoning districts subject to the regulations of this code section, applicable Council resolutions, and other sections of this municipal code.

21.34.020 Definitions

A. "Applicant" means any person, firm, partnership, association, joint venture, corporation, or an entity, combination of entities or consortium, who seeks or seek approval of a Short-Term Rental Permit under the authority of this Chapter.

B. "Authorized Agent" means the person specifically authorized by an Owner, in writing, to represent and act on behalf of the Owner and to act as an operator, manager and contact person of a Non-Hosted Accommodation, and, along with the Owner, to provide and receive any notices identified in this Chapter on behalf of the Owner.

C. "Bed and Breakfast" means a Homeshare with no more than five (5) bedrooms, a permit issued by the San Luis Obispo County Health Department for food service, and which may be used for special events only when special events are authorized by a conditional use permit issued in compliance with this Code.

D. "Bedroom" means any habitable room with no less than 70 square feet of floor area and no dimension less than seven (7) feet, in a dwelling, with at least one wall located along an exterior wall with a window that can be used for emergency egress, and equipped with ventilation, heating, smoke detector and carbon monoxide detector. Egress window requirements shall be based on the California Building Code requirements at the time of original construction of the room.

E. "Director" means the Director of Community Development of the City, or a designee of the Community Development Director or City Manager.

F. "Enforcement Officer" means the Director, chief building official, fire marshal, city manager or any other city employee designated by the Director or city manager to enforce this Chapter.

G. "Good Neighbor Brochure" means a handbook prepared by the city regarding the general rules of conduct to be followed by Renters and applicable provisions of the Paso Robles Municipal Code.

H. "Guest" means an invitee of a Renter or other person visiting a Renter of a Short-Term Rental unit who does not rent the unit.

I. "Homeshare" means a Short-Term Rental structure in which the Owner both resides and remains during the time a Renter is occupying the Short-Term Rental unit. This can include an accessory dwelling unit (ADU) located on the same parcel as with the primary residence occupied by

the owner. As a Homeshare, the Owner may be absent from the property during the time a Renter is occupying the Short-Term Rental unit for a maximum of 30 days within any calendar year, only if an Authorized Agent has been designated and provided to the City to respond to complaints as required in Section 21.34.050.

J. “Hotline” means the telephonic service maintained by the city for the purpose of receiving complaints regarding the operation of any Short-Term Rental.

K. “Hotline Contact” means the person designated on the Permit who shall be available by telephone 24 hours a day, 7 days a week during the entire time a Short-Term Rental property is occupied by a Renter.

L. “Non-Hosted Accommodation” means a Short-Term Rental structure that is not occupied by either the Owner or an Authorized Agent while it is being occupied by a Renter. A Non-Hosted Accommodation permit may operate as a Homeshare, but not the converse.

M. “Owner” means the person or entity holding fee title to the real property that is the subject of a Short-Term Rental Permit.

N. “Permit” means the permit issued by the city, in accordance with the procedures set forth in this Chapter, allowing an Owner or Authorized Agent to rent a Short-Term Rental unit at the specified location.

O. “Permittee” means the person or entity to whom a Permit is issued pursuant to this Chapter.

P. “Renter” means a person, not an Owner or Authorized Agent, renting or occupying a Short-Term Rental property for fewer than 28 days in accordance with the terms of this Chapter. For purposes of Chapter 5.06, “Renter” shall have the same meaning as “Transient,” as defined in Section 5.06.020.

Q. “Short-Term Rental” means any habitable structure constructed for residential occupancy under the California Building Code for which a rental contract for occupancy has been made for a term of 27 days or fewer and which the Short-Term Rental use is permitted to operate, pursuant to a current and valid Permit on file with the City. Short-Term Rentals include both Homeshares and Non-Hosted Accommodations

21.34.030 Permit Requirements

A. No Owner may operate, or allow a subject property to be operated, as a Short-Term Rental unless and until it has been issued (1) a Permit issued by the city in accordance with this Chapter 21.34; and (2) a business license tax certificate, pursuant to Chapter 5.04 of the Paso Robles Municipal Code. Together, the Owner and Owner’s Authorized Agent shall be responsible for applying for and for renewing the business license tax certificate and the Permit.

B. All short-term rental permits shall consistent with Table 21.34.030.1. and Table 21.34.030.2.

Table 21.34.030.1. Short Term Rental Permitting Table

Rental Type	Homeshare Permit	Non-Hosted Accommodation Permit
Short-Term Rental	<p>Short-Term Rental Permit may be issued for the following:</p> <ul style="list-style-type: none"> • Primary dwelling • Second Units • Guest Houses • Multi-family residential apartments • Residential portions of Mixed Use structures <p>Interpretations:</p> <p>1. A maximum of two (2) Homeshare Short-Term Rental Permits will be issued per legal parcel in the R-1 zoning district.</p>	<p>Short-Term Rental Permit may be issued for the following:</p> <ul style="list-style-type: none"> • Primary dwelling • Second Unit • Residential portions of Mixed Use structures consistent with interpretation (2). <p>Interpretations:</p> <p>1. Multi-family residential apartment units (4 or more dwellings per lot) may not be used as Non-Hosted Short-Term Rentals.</p> <p>2. No more than two (2) Non-Hosted Short-Term Rental</p>

		Permits will be issued per legal parcel.
Bed & Breakfast - Food Service	Conditional Use Permit San Luis Obispo County health permit	Not permitted

Table 21.34.030.2. Non-Hosted Accommodation Separation Requirement

No short-term rental permit for a Non-Hosted Accommodation shall be issued in conflict with this table.

Exceptions:

1. Permit applicants in possession of a valid short-term rental business license, with an application submitted date on or before July 16, 2019 shall be exempt from the numeric requirements for purposes of Permit issuance.
2. Homeshare Permits are not subject to the separation requirement.

Zoning District	Minimum Separation Distance	Interpretation
R-1 – Single-Family Residential	100 feet	<ol style="list-style-type: none"> 1. Measured from perimeter of property line. 2. Does not apply to a second short-term rental permit on the same lot.
All other zones	0 feet	No separation requirement

C. The application form for a Permit shall be available from the Community Development Department. A separate Permit application is required for each rental address or individual rental unit. The Owner (for a Homeshare Permit) or the Owner and registered Authorized Agent (for a Non-Hosted Accommodation Permit) shall be required to provide, maintain and keep current the following information on the Permit application:

1. Name and contact information (including home/business telephone numbers, mobile phone numbers, email address and permanent mailing address) of the Owner and Authorized Agent, if any, of the Short-Term Rental property.
2. Identification of whether the Short-Term Rental is a Homeshare and/or Non-Hosted Accommodation.
3. Address of the Short-Term Rental property.
4. Floor plan (to scale) showing all interior rooms and location of each Bedroom with number of beds (including sofa beds or hide-a-beds) to be rented as part of the Short-Term Rental and approximate square footage in the Short-Term Rental property, and the maximum number of overnight Renters, subject to the limitations set forth in Section 21.34.030 D., below.
5. Site plan showing entire property on which Short-Term Rental unit is located, including the power panel disconnect, house water main valve, number and location of designated on-site parking spaces available (including garage parking) for use by Renter(s) and storage location of trash containers and scheduled day for trash pickup.
6. Evidence satisfactory to city that each Bedroom meets all local building and safety code requirements.
7. Acknowledgement that the Owner, and the Authorized Agent, if any, has read all regulations pertaining to the operation of a Short-Term Rental, including this Chapter, the city’s business license tax requirements (Chapter 5.04), the city’s transient occupancy tax requirements (Chapter 5.06), City Council Resolution 17-082 creating the Paso Robles Tourism Improvement District and agreement to pay the required assessments thereunder, the San Luis Obispo County Visitors and Conference Bureau (dba Visit SLO CAL) and agreement to pay the required assessments thereunder, and to comply with any additional administrative regulations promulgated by the Director to implement this Chapter.
8. The name and all forms of contact information of the registered contact person (who may be the Owner or the Authorized Agent, if any) who shall be available by

telephone 24 hours a day, 7 days a week, and who shall be able to respond within 30 minutes of receipt of a complaint while the Short-Term Rental property is occupied by a Renter.

9. Any other information as the Director deems reasonably necessary to administer this Chapter.
10. Acknowledgement and agreement that any and all use of the property for Short-Term Rental shall cease upon transfer of the property, expiration of the Permit, or revocation of the Permit, pursuant to Section 21.34.060.
11. Agreement to hold harmless, indemnify, and defend the city against any claims or litigation arising from the issuance or revocation of the Permit.
12. Agreement to pay any costs to enforce the conditions of the Permit, including, but not limited to any city authority response to verified nuisance complaints, or inspections of the Short-Term Rental Property.
14. Certification under penalty of perjury as to the accuracy of the information provided on the Permit application and agreement to comply with all conditions of the Permit and this Chapter.

D. Permit Application Process.

1. Processing Fee. The City Council, by resolution, shall specify from time to time, in its master fee schedule, the amount of the Permit application and processing fee, based upon the city's reasonable estimated costs for processing and reviewing the Permit application materials and maintaining the Hotline. The Permit application and processing fee shall be non-refundable.
2. Numeric Limits on the Processing and Issuance of Short-Term Rental Permits. The City Council, by resolution, may adopt procedures to implement permit issuance, including the establishment of application periods, waitlists and/or grace periods for applicants already in possession of valid short-term rental business licenses, and may limit the total number of Short-Term Rental Permits available for issuance.
3. Review. Upon review of the materials submitted with the Permit application, the Director shall determine whether a Permit will be issued or the application is incomplete and notify the Applicant within 60 days. If the Director determines that the Permit may be issued upon compliance with certain conditions, the Director shall notify the Applicant in writing of the nature of the conditions that must be satisfied in order to receive a Permit. If the Director determines that the Permit should be denied, the Director shall notify the applicant in writing of the reasons for the denial. The decision of the Director may be appealed to the Planning Commission pursuant to the procedures set forth in Chapter 21.23A.
4. Permit Renewal. No earlier than 12 months and at least sixty (60) days prior to the expiration of a Permit, the Owner and the Authorized Agent, if any, of a Short-Term Rental shall submit an application to renew the Permit on a form available from the City, along with a renewal fee in an amount to be established by resolution of the City Council in the city's master fee schedule. The Owner or Authorized Agent shall identify any notice of violation or concern (including any compliance or citation issued by the city) issued for the Short-Term Rental use during the Permit Term, and shall document how the violation or concern has been addressed. If the Director determines that any past violation or concern has not been adequately addressed, or that a history of past violations is detrimental to the public health, safety, or welfare, the Director may determine that the Permit is ineligible for renewal for a period of 12 months. The Applicant or any interested person may appeal the decision of the Director to the Planning Commission pursuant to the procedures set forth in Chapter 21.23A.
5. Permit Transfer Prohibited. No Permittee shall transfer, or attempt to transfer, a Permit to any other person.

Exceptions: Short-Term Rental Permits may be transferred to a new owner in the TC-1 and TC-2 Zoning Districts (Uptown / Town Center Specific Plan) and any other "T" zoning districts.

E. Permit Conditions. Each Permit issued pursuant to this Chapter shall be subject to all of the following conditions:

1. The term of each Permit issued pursuant to this Chapter shall be for three (3) years. Upon the expiration or lapse of any Permit, it shall be of no further force or effect.
2. A copy of the Permit and Good Neighbor Brochure shall be posted in a prominent location inside the Short-Term Rental unit.
3. The Permittee shall require any Renter to sign an agreement acknowledging receipt of the Good Neighbor Brochure and agreement to comply with its terms. If the rental is through a third party hosted on-line platform, the Permittee shall require the third party to provide an on-line link to the Good Neighbor Brochure and a mechanism by which a Renter shall provide an acknowledgement of receipt of the Good Neighbor Brochure and agreement to comply with its terms.
4. The Permittee shall require Renters to utilize the designated on-site parking spaces, to the maximum extent possible.
5. The Permittee shall limit (i) parking on public streets, (ii) overnight occupancy, and (iii) daytime guests of the Short-Term Rental property to the numbers specified in the following table:

Table 21.34.030.2 Short-Term Rental Parking and Occupancy Limits

# of Bedrooms	Minimum On-site Parking	Total # of Overnight Occupants (9 pm. to 7 a.m.)	Maximum # of Daytime Occupants (7 a.m. to 9 p.m.)
0 / 1 bedrooms	1	2	6
2 bedrooms	2	4	8
3 bedrooms	3	6	10
4 bedrooms	4	8	12
5 bedrooms	5	10	14

Exceptions to Table 21.34.030.2.

- 5.a. The Director may approve exceptions to the parking requirements for short-term rentals with existing, non-conforming on-site parking deficiencies in all zoning districts.
- 5b. Children 2 years of age and under are not counted as occupants.
6. The Permittee shall provide access to the garage of the Short-Term Rental if the garage has been included in the determination of the number of available on-site parking spaces.
7. It is the intent of the city to enforce sections of the Streets and Highways Code related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency vehicle access area.
8. The Permittee shall provide appropriate refuse and recycling service for the Short-Term Rental property. Property shall be free of debris both onsite and in the street. Refuse and recycling cans shall be maintained in a clean and sanitary condition, stored in the approved onsite location, moved to the pickup location no more than 24 hours prior to trash pickup, and returned to storage no more than 24 hours after pickup.
9. The Permittee shall post in a conspicuous interior location near the entry door, an informational sign for Renters with important notices, rules and regulations; immediate contact information for Owner/Agent, Police, and Emergency Services; Hotline telephone number; emergency procedures; site address; maximum allowed number of permitted overnight renters, daytime occupants, and vehicles; neighborhood quiet time regulations; and trash pickup instructions and trash pickup days.
10. The Permittee shall ensure that the Renters and/or Guests of the Short-Term Rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code, including but not limited to any City noise regulations including Chapter 9.07 (Prohibited Conduct);

11. The Permittee shall, upon notification that Renters and/or Guests of the Short-Term Rental property have violated any Permit conditions (including any unreasonable noise or disturbances, disorderly conduct, or violations of this Code or state law), promptly act to stop the violator(s) and prevent a recurrence of the violation, provided, however, that the City does not intend to authorize, and the City does not authorize, the Permittee to act as a peace officer or place himself or herself in harm's way.
12. The Permittee shall not allow the Short-Term Rental property to be used for any gathering where the number of persons will exceed the permitted daytime occupancy limits, as set forth in this Section, unless an approved city use permit for a special event has been obtained.
13. The Owner or Authorized Agent must be available to respond to any nuisance complaints within 30 minutes, at all times when the Short-Term Rental is rented, 24-hours a day.
14. The Permittee shall allow the City, upon 24-hour notice from the city, to inspect, with cause, the Short Term Rental for compliance with the requirements of this Chapter. Permittee shall pay an inspection fee in an amount set by the City Council by resolution for the city's master fee schedule based on the estimated reasonable cost to perform the inspection.
15. Within 10 days of permit issuance, the Owner or agent shall notify all neighbors, within 50 feet of the perimeter of the property, that a Short-Term Rental Permit has been obtained. Notification will include a copy of the Good Neighbor Brochure and the owner's name and phone number.

F. Rental Agreements. The Permittee shall enter into a written rental agreement with the Renter of any Short-Term Rental property, or shall enter into an agreement provided by a third party hosted on-line platform, which agreement shall, at a minimum, include the following:

1. The name, address, mobile phone, text and email address of the Renter.
2. The terms and conditions of the rental agreement, including occupancy limits, noise prohibitions and vehicle parking requirements.
3. Acknowledgment by the Renter that he or she is legally responsible for compliance by all occupants of the Short-Term Rental and any guests with the conditions of this Section and the terms of the rental agreement.
4. Acknowledgment by the Renter of receipt of a copy of the Good Neighbor Brochure.
5. Acknowledgment and agreement that the City may inspect the Short-Term Rental property, for cause, upon 24-hours' notice.

21.34.040 Occupancy and Guest Limits for Short-Term Rentals.

The number of overnight occupants and guests for each Short-Term Rental property shall be limited in accordance with Table 21.34.030.2 and state law, based on the number of Bedrooms identified in the Short-Term Rental Permit.

21.34.050 Short-Term Rental Hotline

A. The City shall establish and maintain a non-emergency Hotline telephone number for the express purpose of receiving complaints regarding the operation of any Short-Term Rental property, and forwarding those complaints to both the Owner and Authorized Agent, if any, for that Short-Term Rental property for immediate resolution of the complaint, and/or, if necessary, to the Paso Robles Police Department if the complaint has not been resolved. Owner/Authorized Agent will be responsible for paying any and all city costs incurred in response to the complaint. The Hotline number and the city complaint policy shall be included in all Permits, the Good Neighbor Brochure, and in all rental agreements for all Short-Term Rental properties. In addition, the city shall post the Hotline number on the city website.

B. The city / Hotline shall maintain a record of complaints received on the Hotline that shall include the following information:

1. Date and time of complaint;
2. Nature of complaint;

3. Address of the Short-Term Rental property that is the subject of the complaint;
 4. Complainant's name, address and contact information; and
 5. Actions taken by the Hotline attendant in response to the complaint including, but not limited to: persons contacted, including law enforcement, if applicable, and date and time of actions taken in response to complaint.
 6. Corrective action taken by Owner/Authorized Agent in response to complaint.
- C. Hotline Response
1. The Owner or Authorized Agent shall resolve the complaint within thirty (30) minutes of being notified of a complaint by the Hotline.
 2. The Owner or Authorized Agent shall notify the Hotline attendant of the corrective action taken and results obtained within thirty (30) minutes of being notified of a complaint by the Hotline.
 3. If the Owner or Authorized Agent believes the situation is un-safe, they shall immediately contact the Police Department for assistance. Proactively contacting the Police Department for assistance will not be counted as a permit violation.

21.34.060 Enforcement

A. Revocation of Permit. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor. At any time during the term of permit, the Director is authorized to initiate proceedings to revoke a Permit (or pursue any other remedy set forth in Title 1 of this Code), if the Director determines in his or her discretion that (i) the Permittee provided materially false or misleading information in any submittal required under this Chapter; or (ii) the Permittee has committed a total of three (3) violations of a combination of any of the violations specified in Section 21.34.060.B within a 365-day period ; or (iii) the Permittee fails to maintain an active business license tax certificate per Chapter 5.04.

In the event the Director determines that any of the conditions described above exists, the Director is authorized to issue an order specifying the violations to be cured. If the Permittee fails to cure the violations identified in the order within the time period specified, the Director may pursue any of the remedies set forth in Title 1 of this Code, including but not limited to the issuance of administrative citations, revocation of permit, criminal prosecution, and/or civil action. The City Council may, by resolution, establish escalating administrative fines for violations of this Chapter. The Applicant or any interested person may appeal the decision of the Director to the planning commission pursuant to the procedures set forth in Chapter 21.23A.

B. Cause for Revocation or Non-Renewal of a Permit

1. Failure to remit required fees and taxes.
2. Attempt to transfer of the permit to another owner.
3. Operation for other than the specific purpose of the property as a short-term rental including, but not limited to:
 - a. Criminal activity, habitual public nuisance, or serial violation of the ordinance take place at, on, or with respect to the short-term rental property;
 - b. Keeping of a disorderly place; that is, the ownership and/or management of any property purported to be a short-term rental where unlawful practices regularly occur will result in the loss of the short-term rental permit;
 - c. Operation of the property for other than the specific purpose of a short-term rental including but not limited to allowing or taking part in dealing of controlled substances, gambling, pandering, or prostitution, or sub-letting for such illegal use or uses;
4. Keeping of a disorderly place, defined as one or more criminal complaints verified within a 365-day period or two or more complaints requiring law enforcement response, also within a 365-day period;
5. The property constitutes a public nuisance pursuant to Section 9.06.030 of the Paso Robles Municipal Code. In addition to any other remedy allowed by law, the City may enforce the provisions of this Ordinance through the provisions Chapter 9.06 of the

Paso Robles Municipal Code, including civil, criminal, and administrative abatement proceedings, administrative citations, and penalties.

6. Failing to comply with regulations specified (by written notice) all related corrective measures within a 30-day period;
7. Advertising the short-term rental and purposely not including in the advertisement display the short-term rental permit identification;
8. Failure to comply with the short-term rental occupancy and parking requirements;
9. Failure to maintain solid waste and recycling consistent with short-term rental requirements.

C. Operating without a Permit. Operating a Short-Term Rental without a permit is a violation of the Paso Robles Municipal Code and any person operating a short-term rental without a permit is guilty of a misdemeanor subject to the enforcement process and a fine of not more than \$1,000.. Each Owner and/or Authorized Agent is guilty of a separate offense for each and every day during any portion of which the violation of this chapter or any rule or regulation promulgated there under is continued.

D. Pursuant to California Government Code Section 38771, the city council hereby declares the following condition to constitute a public nuisance: operating and/or maintaining a Short-Term Rental without a valid Permit.

E. The penalties in this chapter are in addition to, and not in lieu of, any other available remedy at law. All remedies prescribed under this chapter shall be cumulative and the election of one or more remedies shall not bar the City from the pursuit of any other remedy for the purpose of enforcing the provisions hereof or in the abatement of any public nuisance.

21.34.070. Sunset Clause

This ordinance shall expire within three (3) years of the effective date unless the City Council has conducted a review of its provisions and either extended or amended the Short-Term Rental Ordinance.

Section 7. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 8. Effective Date. This Ordinance shall be in full force and effect 30 days after its passage and adoption as provided by Government Code section 36397.

Section 9. Publication. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed Ordinance is to be adopted and shall post a certified copy of the proposed Ordinance in the Office of the City Clerk. Within fifteen (15) days of the adoption of the Ordinance, the City Clerk shall cause a summary of the Ordinance to be published, including the vote for and against the same, in accordance with Government Code Section 36933.

INTRODUCED at a regular meeting of the City Council held on July 16, 2019, for first reading by the City Council of the City of El Paso de Robles, and adopted on the 6th day of August, 2019, by the following vote:

AYES: Strong, Garcia, Martin

NOES:

ABSENT:

ABSTAIN: Gregory, Hamon



Steven W. Martin, Mayor

ATTEST: 

Melissa Martin, Deputy City Clerk