ORDINANCE NO. O-2019-06


City Attorney Summary

This Ordinance (Ordinance No. O-2019-XX) would add Chapter 23.71 and Chapter 6.45 to the City of Placentia Municipal Code to define, allow and regulate Short Term Rentals as a permitted use. Additionally, this Ordinance would make conforming changes (related to Short Term Rentals) to Chapters 23.10, 23.12, 23.15, 23.18, 23.21, 23.25, 23.72, 23.106, 23.107, 23.108, 23.110, 23.111 and 23.112 of the Placentia Municipal Code.

WHEREAS, the City of Placentia ("City") has the authority under Article 11, Section 5 of the California Constitution and the City Charter to make and enforce all ordinances and regulations with respect to municipal affairs; and

WHEREAS, the City has the authority to regulate land uses and businesses operating within the City; and

WHEREAS, short-term residential rentals of private residences are business ventures that are presently not a permitted use in any residential zone of the City; and

WHEREAS, short-term residential rental arrangements (also called commercial transient housing arrangements) are not traditional rentals or leases that convey a real property interest, but rather they are overnight accommodations offered for hire for periods 29 days or less pursuant to a license. In this respect, they are quite similar to a hotel, motel, or bed and breakfast; and

WHEREAS, the Placentia City Council now seeks to permit the short-term rental use of certain legally permitted dwelling units throughout the City of Placentia in order to facilitate the booking of reservations for such uses through internet-based booking platforms, and promote tourism and economic vitality in the City; and

WHEREAS, the short-term rental of homes can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy, promoting travel and tourism and supporting the local tourism industry and business community; and
WHEREAS, the short-term rental of homes can provide homeowners an opportunity to maintain ownership of property in difficult economic circumstances; and

WHEREAS, the needs of long-term residents should be balanced with the allowance of short-term rentals; and

WHEREAS, the City Council recognizes that unregulated short-term rentals can create disproportionate impacts related to their size, excessive occupancy, and lack of proper facilities; and

WHEREAS, the presence of unregulated short-term rentals of residential dwelling units in established residential neighborhoods can create negative compatibility impacts and nuisance violations, among which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

WHEREAS, the conversion of long-term housing units to short-term rentals will result in the loss of long-term housing for Placentia residents; and

WHEREAS, it is in the public interest that short-term rental uses be regulated in order to help preserve housing for long-term tenants and to minimize any potential deleterious effects of short-term rental properties on other properties in the surrounding neighborhoods in which they are located; and

WHEREAS, the City Council finds that there is a substantial interest in furthering the public health, safety and welfare by controlling density, by protecting the residential character of areas designated for residential use, by promoting home ownership and providing appropriate housing stock to meet the needs of the City, by establishing and enforcing minimum life safety standards, and by preserving the long-term rental housing market located within the City.

WHEREAS, short-term residential rentals of private residences within the City are subject to the City's business licensing ordinance; and

WHEREAS, short-term occupancies of private residences within the City are subject to the City's transient occupancy tax; and

WHEREAS, the City desires and intends to amend the Placentia Municipal Code to make express and clarify provisions concerning short-term residential rentals, promote accurate collection of the transient occupancy tax, and enhance and maintain the residential character of its residential zones by providing regulations for short-term residential rentals within the City.

WHEREAS, the Planning Commission conducted a duly noticed public hearing on June 4, 2019 regarding the proposed ordinance and recommended that the City Council adopt this Ordinance. The City Council thereafter conducted a duly noticed public hearing on July 9, 2019 regarding this Ordinance;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLACENTIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 6.45 of the Placentia Municipal Code is added in its entirety as follows:

Chapter 6.45
SHORT-TERM RESIDENTIAL RENTALS

Sections:

6.45.010 Violation – Nuisance – Applicability.
6.45.020 Short-term residential rental, definitions.
6.45.030 Conditions of operation.
6.45.040 Business license.
6.45.050 Registration.
6.45.060 Personal availability.
6.45.070 Notice to occupants.
6.45.080 Transient occupancy tax.
6.45.090 (Reserved)
6.45.100 Signs/Advertisement.
6.45.110 Noise.
6.45.120 Occupancy.
6.45.130 Maintenance of residential character.
6.45.140 Minimum duration of rental.
6.45.150 Parking.
6.45.160 Revocation of Short-term residential rental permit and business license.
6.45.170 Administrative citation.
6.45.180 Master Associations.
6.45.190 Reserved.
6.45.200 Common Interest Developments.
6.45.210 Unlicensed Rentals.
6.45.220 Ordinance sunset.

6.45.010 Violation—Nuisance—Applicability.

It is unlawful and a violation of this Chapter, and is hereby declared a public nuisance, for any person or entity owning, renting, leasing, occupying, or having charge, control or possession of any real or improved property within the City of Placentia to cause, permit, maintain or allow any violation of this Chapter to exist thereon. Any violation of this Chapter is punishable as a misdemeanor and/or as otherwise permitted by this Code. Each and every violation of this Chapter that exists constitutes a separate and distinct violation as does each and every day, or portion thereof that any violation exists.

6.45.020 Short-term residential rental, definitions.

The following words and phrases, whenever used in this Chapter, shall have the meaning defined in this Section unless the context clearly requires otherwise:
“Advertise” means the act of drawing the public’s attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

“Booking Service” means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an Owner and a prospective Occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

"City" means the City of Placentia.


"Common Interest Development" means a residential development that is subject to the Davis-Stirling Act of the State of California, and where there exists a common area owned by an association or owners of separate interests, there has been recorded a declaration and final subdivision map, there has been conveyed to each homeowner a separate interest coupled with an interest in the common area or membership in the association, and there is a board of directors elected by the association of homeowners.

"Good Neighbor Brochure" means a document prepared by the City, as may be revised from time to time, that summarizes the general rules of conduct, consideration and respect pertaining to the use and occupancy of the short-term rental units.

“Hosting Platform” means a person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, Booking Services through which an Owner may offer premises for an occupant on a short-term basis. Hosting Platforms usually, though not necessarily, provide Booking Services through an online platform that allows an Owner to advertise the premises through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be occupant pays rent directly to the Owner or to the Hosting Platform. Hosting Platform also means a marketplace that is created for the primary purpose of facilitating the short-term rental of a residential unit offered for occupancy for tourist or transient use for compensation to the offeror of that unit, and the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining that marketplace. “Facilitating” includes, but is not limited to, the act of allowing the offeror of the residential unit to offer or advertise the residential unit on the Internet Web site provided or maintained by the operator.

"Local contact person" means the person designated by the Owner, or Owner's authorized agent, who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within one (1) hour to complaints regarding the condition, operation, or conduct of occupants of the Short-term residential rental unit; and (2) taking any remedial action necessary to resolve any such complaints.
"Managing agency or agent" means a person, firm, or agency representing the Owner of the Short-term residential rental, or a person, firm, or agency owning or operating more than one (1) Short-term residential rental.

"Master Association" means any entity which has written and valid contractual jurisdiction and authority to act on behalf of common interest developments and to exclusively manage all Short-term residential rentals within that entire common interest development, as defined in this Section 6.45.020, and development and promptly respond in the event of Short-term residential rental violations or problems.

"Multiple Rentals" means the ownership or controlling interest of any number of real properties in excess of one residential property in the City used for purposes of Short-term residential rentals as defined in this Chapter 6.45.

"Occupant" means any individual person living, sleeping or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or name in any lease, contract or other legal document to be considered an occupant.

"Owner" means any person or entity having fee-title ownership and/or appearing on the last equalized assessment roll of Orange County showing controlling interest of the Premises.

"Owner's authorized agent," or "manager," or "managing agency" means an individual or business entity, or their representative, appointed by an Owner to solicit applications, execute agreements, or otherwise act on Owner's behalf in the rental of property as a Short-term residential rental.

"Premises" means the actual single-family house or other residential dwelling unit, including all of its improved real property, which is used as a Short-term residential rental.

"Responsible person" means the signatory of a short-term rental agreement for the use and occupancy of a short-term rental unit, who shall be an occupant of the subject short-term rental unit, and is legally responsible for ensuring that all occupants of the short-term rental unit, and/or their guests, comply with all applicable laws, rules and regulations pertaining to the use and occupancy of subject short-term rental unit, and who may be held liable for any violation of all applicable laws, rules and regulations set forth in this Chapter.

"Short-term residential rental" means the rental of a residential dwelling unit by the Owner thereof to another party for a continuous period of less than thirty (30) days in the aggregate, in exchange for any form of monetary or non-monetary consideration such as, but not limited to, trade, fee, swap or any other in lieu of cash payment; and also means "Hotel" as that term is defined in section 3.20.10 of the Municipal Code.

"Transient occupancy tax" means the tax levied by the City in accordance with Chapter 3.20 of the Municipal Code. This tax is levied upon individuals or businesses engaged in the sale of sleeping accommodations to the public.

**6.45.030 Locations and Conditions of operations of Short-term residential rentals.**
(a) Pursuant to this Chapter and any other applicable provisions of this Code, short-term residential rentals are permitted in those zones identified in Chapter 23.71 only if the requirements of this Chapter are met.

(b) The requirements of this Chapter shall be met before a Short-term residential rental of a premises is permitted.

(c) Pursuant to this Chapter and any other applicable provisions of this Code, multiple rentals under one Short-term Residential Rental permit are prohibited. Each Short-term Residential Rental shall require a unique permit and business license.

(d) Notwithstanding any provisions in this Chapter to the contrary, Short-term residential rentals shall be permitted pursuant to business licenses and Short-term residential rental permits issued by the City in any new development containing at least ten (10) residential units, unless the City Council expressly prohibits Short-term Residential Rentals in a Development Agreement or as a condition in a Use Permit.

6.45.040 Business license.

(a) Business license required for Short-term residential rentals. The Short-term residential rental of any Premises in the City is deemed to be a "business" as defined in Chapter 6.04 of this Code. It is unlawful for any person or entity, including, without limitation, the Owner of a Premises and Managing agency or agent, to engage in the business of Short-term Residential Rentals without first obtaining and maintaining both a valid business license from the City pursuant to Chapter 6.04 of this Code for the purpose of operating any number of Short-term Residential Rentals and an operating permit for each property to be used as a Short-term Residential Rental. The business license and operating permit or copy thereof shall be prominently displayed in a visible location at the Short-term residential rental Premises during any periods of occupancy thereof by any person other than the Owner(s) of the premises. At no time shall the Short-term residential rental be used for temporary activities such as weddings, receptions, and large parties attended by more than the occupants of the Short-term residential rental.

(b) Penalty for violation. Failure to obtain and maintain a business license or continuing to operate a Short-term residential rental business after suspension or revocation of a business license, knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring a business license for Short-term residential rentals, or failing to pay the full amount of any business license tax when due, shall be punishable in accordance with the provisions of Section 6.04.240 of this Code. An action against an Owner or any permittee of a business license for Short-term residential rentals who is in violation of any of the provisions of this Section may be brought pursuant to Chapter 8.06 or Section 6.04.240 of this Code, in addition to the business license suspension and revocation proceedings described in Section 6.45.160. Nothing herein shall be construed to limit the City’s right to pursue any and all code enforcement or any and all available remedies at law.
6.45.050 Registration.

On a written form prepared by the Director of Development Services or his/her designee, of the City, the Owner shall register with the City as the point of contact for the Short-term Residential Rental Premises and shall be responsible for all requirements of this Chapter. However, such registration is deemed satisfied if accomplished by a Managing agency or agent on behalf of the Owner. The Owner of the Premises shall retain primary responsibility for all requirements of this Code related to Short-term residential rentals, notwithstanding registration by a Managing agency or agent. There shall be no subleasing of any Premises for Short-term residential rental purposes; instead, only a rental agreement executed by the Owner shall be permitted for any Premises when used for Short-term residential rentals. A fee may be established by resolution of the City Council to cover costs of processing the registration. Either the Owner of the Premises or a Managing agency or agent shall provide all of the following information to the City at the time of registration, and shall promptly upon change of any such information update such information to maintain accuracy:

(a) Full legal name of the Owner of the Premises and if a business entity or trust, the individual who has responsibility to oversee its ownership of the Premises; and
(b) Street and mailing addresses of the Owner of the Premises; and
(c) Telephone number of the Owner of the Premises; and
(d) Email address of the Owner of the Premises; and
(e) Full legal name or business name of a Managing agency or agent, if any; and
(f) Street and mailing addresses of a Managing agency or agent, if any; and
(g) Telephone number of a Managing agency or agent, if any; and
(h) Street and mailing addresses of the Short-term residential rental Premises; and
(i) Telephone number of the Short-term residential rental Premises; and
(j) List of all online websites used to advertise Premises for Short-term residential rental along with all listing numbers; and
(k) Full name and telephone number of 24-hour emergency Local contact person; and
(l) Submit a Transit Occupancy Tax (TOT) registration fee as set by resolution of the Placentia City Council; and
(m) Submit a Short-term residential rental registration fee as set by resolution of the Placentia City Council; and
(n) Any other contact information the City may reasonably require.
(o) Provide the Uniform Resource Locator (URL), (i.e. the web site address) for any and all advertisements of the short-term residential rental.
(p) **Proof of insurance.**

A current business license, TOT registration and Good Neighbor Brochure shall be hung and/or placed in a conspicuous location within the Premises at all times of the Short-term residential rental business operation. In addition, each Responsible person for the Premises shall be provided with a copy of the City’s Good Neighbor Brochure by the Owner or Managing agency or agent.

The Owner or Managing agency or agent shall provide language in their rental agreement allowing for immediate termination of the rental contract, and immediate eviction upon any violation of the Municipal Code by any occupant. The Responsible person shall acknowledge
understanding of all Placentia Short-term residential rental rules and their liability for any fines incurred by occupants.

Upon successful registration, the City may issue a short-term residential rental operating permit to the owner of the Premises on a first in time and first in right basis. Notwithstanding any provisions of this Code to the contrary, the City reserves the right to deny a short-term residential rental permit to an applicant if it is determined that the geographic area within a 300-foot radius of the Premises being considered for registration has an overconcentration of short-term residential rental uses.

6.45.060 Personal availability.

(a) For each Short-term residential rental, a Local contact person shall be available by telephone on a seven (7) day per week, twenty-four (24) hour per day basis to respond to public safety calls, nuisances, or other complaints regarding the use, condition, operation, or conduct of occupants on the Premises. The Local contact person shall respond within one (1) hour to satisfactorily correct any alleged nuisance or violation of this Chapter by occupants occurring at the Premises. If the Local contact person does not respond within one (1) hour or does not satisfactorily correct the alleged nuisance or violation pertaining to the call, the Owner shall be subject to citation pursuant to Section 6.45.170 of this Code.

(b) The Local contact person shall be physically present within the geographical limits of the City during the term of the Short-term residential rental or be otherwise physically available to respond by visiting the Premises in person, at the request of the City or the City’s police authority, within one (1) hour of contact concerning any alleged nuisance or violation of this Chapter.

6.45.070 Notice to occupants.

The Owner or Managing agency or agent shall provide the Responsible person of a Short-term residential rental with the following information prior to occupancy of the Premises and shall post such information in a conspicuous place within the dwelling on the premises:

(a) The name of the Owner or Managing agency or agent and a telephone number at which each may be reached on a seven (7) day per week, twenty-four (24) hour per day basis; and

(b) Notification of the maximum number of overnight and daytime occupants permitted on the Premises pursuant to this Chapter; and

(c) Notification of the City’s noise standards, as provided in Chapter 23.76 of this Code, as may be amended from time to time; and

(d) Notification of the parking standards of this Chapter; and

(e) A copy of this Chapter of the Placentia Municipal Code, as may be amended from time to time; and
(f) Notification that an occupant may be cited or fined by the City, in addition to any other remedies available at law, for violating any provisions of this Chapter; and

(g) A copy of the "Good Neighbor Brochure"; and

(h) The Owner or Managing agency or agent shall keep on file a signed agreement acknowledging that the Responsible person and occupants agree to the general rules summarized in the Good Neighbor Brochure and rental contract, including without limitation the immediate termination provision in the rental contract for any violation of the Municipal Code by any occupant.

6.45.080 Transient Occupancy Tax.

All Short-term residential rentals shall be subject to the City's Transient Occupancy Tax (TOT) as required by Chapter 3.20 of this Code. The Owner or Managing agency or agent shall report and remit TOT to the City, even if a zero balance exists for the reporting period, once per quarter, on or before the 30th day following the dates of March 31, June 30, September 30, and December 31 of each year, on a form prepared by the City or in a manner otherwise acceptable to the City. Any Owner(s) or Managing agency or agent on behalf of Owner(s), who fails to report and remit TOT, or submit a form indicating a zero balance, concerning a Premises with a registered operating permit, subject to Section 6.45.040 of this Code, within three (3) days of written notification of delinquency from the City, shall have their operating permit for the subject Premises revoked. Such written notification will be mailed by Certified U.S. Mail to the address(es) provided to the City pursuant to Section 6.45.050 of this Code.

6.45.090 Reserved.

6.45.100 Signs/advertisement.

No sign, as that term is defined in Section 17.04.030 of this Code, shall be posted on the Premises to advertise the availability of the Short-term residential rental unit to the public.

All advertisement, including online advertisement, shall include the following information:

(a) The assigned Short-term residential rental permit number; and

(b) The number of occupants allowed to occupy the Short-term residential rental.

(c) Any sign or advertisement in violation of this Chapter shall be subject to a citation pursuant to Section 6.45.170 of this Code.

Amended by the Planning Commission on 6/11/19

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Attachment 1
THE CITY HAS ISSUED BOTH A BUSINESS LICENSE AND OPERATING PERMIT, AND THE OWNER PAYS TRANSIENT OCCUPANCY TAX. The Operating Permit License Number assigned by the City to a Short-term Residential Rental must by displayed on any Hosting Platform’s website where said short-term rental is advertised. Each Short-term Residential Rental shall have a unique operating permit number.

6.45.110 Noise.

It is unlawful for any Owner, occupant, renter, lessee, person present upon, or person having charge or possession of the Premises to make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area, or violates any provision of Chapter 10.32 (Noise), or Chapter 23.76 (Noise Control) of this Code. For the purposes of determining whether a violation of this Section has occurred, the standards set forth in Chapter 10.32 and/or Chapter 23.76 of this. Fines for violation of the noise provisions in the Municipal Code, as applicable to Short-term Code shall apply residential rentals shall be those established pursuant to Section 6.45.170 of this Code.

Sound amplification, either inside or outside the short-term rental is prohibited.

6.45.120 Occupancy.

The maximum overnight occupancy on the Premises of the Short-term residential rental, from the hours of 11:00 p.m. through 6:00 a.m. on the following morning, shall not exceed two (2) persons per bedroom with an exception for children under the age of six (6) who may additionally occupy the premises, and no additional occupants shall be permitted on the Premises during such hours. In any advertising concerning the Premises for Short-term residential rental, the Owner or Managing agency or agent shall advertise the maximum number of overnight occupants allowed as set forth above.

6.45.130 Maintenance of residential character.

The appearance of the Premises shall not conflict with the residential character of the neighborhood, either by the use of colors, materials, lighting, landscaping, window coverings or otherwise. All applicable development, design, and landscaping standards, including, but not limited to, Chapter 23 of this Code, are expressly made applicable to a Premises used for Short-term residential rentals.

Trash and refuse shall be stored outside of public view, except in proper trash containers for the purpose of collection of the trash haulers during the day the trash is collected.

Occupants shall not utilize any vehicle, tent, or other portable structure for a dwelling unit on the grounds of the Premises.

Premises may only be used for residential lodging and shall not be used for weddings, receptions, commercial functions, advertised conferences, or similar purposes. The condition of the Premises shall comply with all applicable fire, building and other health and safety laws,
6.45.140 Minimum duration of rental.

The duration of any lease or rental of Premises as a Short-term residential rental registered pursuant to Sections 6.45.040 and 6.45.050 of this Code shall be for a minimum of one (1) night and two (2) consecutive days during which time there shall be no overlapping leases or rental of the Premises. In any advertising concerning the availability of the Premises for Short-term residential rental, the Owner or Managing agency or agent shall advertise the minimum number of rental nights and days set forth in this subsection.

6.45.150 Parking.

During the term of any Short-term residential rental, a maximum of one (1) vehicle per bedroom shall be permitted for the Premises, and no additional vehicles shall be permitted. All vehicles of occupants of the Short-term residential rental shall be parked only in an approved driveway or garage on the Premises.

6.45.160 Revocation of Short-term residential rental permit and business license.

(a) Grounds for Revocation. In addition to any other penalty authorized by law, a permit and business license for a Short-term residential rental may be revoked by the City if the Director of Development Services finds, after notice to the licensee and opportunity to be heard, that the licensee or his or her agent or employee has violated, or failed to fulfill, the requirements of this Chapter or this Code,

The Director of Development Services, or designee, shall immediately revoke all rental permits from the Owner and Managing agency or agent upon three (3) violations of this Chapter pertaining to any combination of Premises owned by the Owner or managed by the Owner's Managing agency or agent within the City within any twelve (12) month period.

(b) Appeal from denial, suspension or revocation of a business license for Short-term residential rental. Any applicant for a business license for the business of Short-term residential rentals whose application was denied by the Director of Development Services, and any licensee whose business license for a Short-term residential rental is suspended or revoked by the Director of Development Services, may, within ten (10) days following such decision, appeal such decision to the Planning Commission, in which event the decision of the Director of Development Services shall be vacated and the Planning Commission shall determine whether to affirm, reverse, or modify the decision of the Director of Development Services in accordance with the requirements for Short-term residential rentals set forth in this Chapter. At least fourteen (14) days prior to the Planning Commission’s meeting to consider the appeal of the applicant or licensee, the Director of Development Services, City Clerk, or authorized designee, shall send, by United States mail, certified, return receipt requested, written notice to the applicant or licensee of the time and place at which the Planning Commission will consider the application, suspension or revocation, and the applicant or licensee shall be
provided an opportunity to be heard by the Planning Commission prior to its
decision being made. Subject to any appeal of the City Council as hereinafter
permitted, the decision of the Planning Commission shall be final, and the City
Clerk shall notify the applicant or licensee, as applicable, in writing of the decision
of the Planning Commission. If the Planning Commission affirms the decision of
the Director of Development Services denying an application or suspending or
revoking a license, the applicant or licensee shall have the right to appeal the
decision of the Planning Commission to the City Council in accordance with the
provisions of Section 23.87 of this Code, as amended from time to time. The
decision of the Planning Commission shall not be vacated during the pendency of
any appeal to the City Council.

6.45.170 Administrative citation.

(a) The City, may issue an administrative citation to any occupant, invitee, renter, lessee
or Owner of the Premises, or Managing agency or agent, and/or Hosting Platform
for a violation of any provision of this Chapter.

(b) All complaints against a Short-term residential rental for any violation of this Code
may be handled by the City on a 24-hour basis. Any police report where the City’s
police authority has concluded that a violation of this Chapter has occurred, may
be submitted to the City’s Code Enforcement Department for review, processing
and issuance of an administrative citation. Each and every day, or portion thereof,
that a violation of this Chapter exists constitutes a separate and distinct violation
for which an administrative citation may be issued. Such an administrative citation
shall be issued, notice given, and any appeals heard by the processes and in the
manner prescribed by Sections 8.06.010 through 8.06.180 of this Code, as
amended from time to time.

In addition or in the alternative, any violation of this Chapter may constitute a
misdemeanor which may be subject to the maximum punishment therefor as allowed by law.

Responsible person (renter):

The City may issue and the responsible person for each Short-term residential rental may
receive an administrative citation for any violation of this Chapter 6.45, or any other provision
of this Code which is violated during a Short-term residential rental including, without limitation,
the City’s noise ordinance, as follows:

1. First violation — Warning by City authority;

2. Second violation within any thirty (30) day period - $500 fine;

3. Third and subsequent violations within any thirty(30) day period - $1,000 fine
for each violation.
Owner:

The City may issue and the Owner may receive an administrative citation for any violation of this Chapter 6.45, or any other provision of this Code which is violated during a Short-term residential rental including, without limitation, the City's noise ordinance, by the Owner or Short-term residential rental occupant, as follows:

1. First violation – Warning by City;

2. Second and subsequent violations within any twelve (12) month period, other than operating without a business license or Short-term residential rental permit — $500 fine for each violation, and permanent revocation of business license and Short-term residential rental permit;

3. Second violation of operating without a business license or Short-term residential rental permit and permanent prohibition against receipt of a business license and Short-term residential rental permit — $1,000 fine.

4. Violations for operating without a business license or Short-term Residential Rental Permit shall be cited and enforced pursuant to Chapter 6.45 and/or Chapter 6.45.10, accordingly.

Hosting Platform

The City may issue and the Hosting Platform may receive an administrative citation for each violation of Section 6.45.210 of this Chapter.

(1) Each and every violation -- $1,000 fine per violation per day.

6.45.180 Master Associations.

Any Master Association, acting on behalf of Owners of Premises within a Country Club, may choose to operate Short-term residential rentals, and if so shall register Premises for operation as a Short-term residential rental pursuant to the requirements of Section 6.45.050. In such event, Short-term residential rentals registered by the Master Association shall not be restricted by any minimum duration of rental as otherwise set forth in Section 6.45.140.

6.45.190 Reserved.

6.45.200 Common Interest Developments

A Common Interest Development, separate and apart from a Master Association, may allow Short-term residential rentals for a minimum number of consecutive nights and days as determined by its governing board and Owners of Premises therein, provided it satisfies all of the following:

(a) The governing board of the Common Interest Development shall propose the issue of allowing the proposed specific minimum consecutive night and day Short-term residential rentals by a formal election/vote of all Owners of Premises within the Common Interest Development.
(b) At least a majority of those members voting from within the Common Interest Development shall have, by recorded vote, approved the proposal.

(c) The governing board of the Common Interest Development shall file with the City's Director of Development Services written certification of the results of such election/vote, signed by the President or Chair of the governing board and in a form and substance approved by the Director of Development Services in his/her discretion.

(d) Upon filing a certification with the City that the proposal was approved, Short-term residential rentals within the Common Interest Development shall not be restricted by the minimum duration of rental as set forth in Section 6.45.140(b), but may be operated for any minimum duration established by the above described vote.

(e) A Common Interest Development may repeal this authority by following the election/voting procedures set forth in subsections (a)-(d) above. If this authority is repealed, all Short-term residential rental permits and business licenses issued to Owners in the Common Interest Development shall remain valid and in effect, but shall automatically be deemed to be amended to allow a minimum duration of twenty-nine (29) nights (twenty-eight (28) nights in February of non-leap years), as set forth in Section 6.45.140(b).

(f) If a Common Interest Development has not chosen to allow Short-term residential rentals for a minimum duration of less than that set forth in Section 6.45.180(b), individual Owners within the Common Interest Development may apply for a Short-term residential rental permit for their own Premises in accordance with Section 6.45.180(b).

6.45.210 Unlicensed Rentals

Hosting Platforms are prohibited from facilitating the short-term residential rental of unlicensed and illegal businesses. Hosting Platforms shall not process transactions for properties that are not licensed and permitted by the City. Failure of any Hosting Platform to remove from its website the marketing information for any and all unlicensed and illegal short-term residential rental properties shall be a violation of this Section. Hosting Platforms shall not facilitate the evading of relevant taxes and regulations by any short-term residential rental.

Owners and/or Managing Agents and/or agents and/or operators of an unlicensed short-term residential rental are expressly prohibited from operating in the City and are illegal and are prohibited from being marketed as short-term residential rentals available for lodging within the City.

6.45.220 Reserved.
SECTION 2. Chapter 23.71 of the Placentia Municipal Code is added in its entirety as follows:

Chapter 23.71
Short-term Residential Rentals Licensed Use
23.71.010 Short-term Residential Rentals – Licensed Use.

A short-term residential rental is a permitted use in the following zones only upon this issuance of a license by the City pursuant to Chapter 6.34 of the Placentia Municipal Code:

(1) Residential Agricultural (R-A) – See Chapter 23.10;
(2) Single-Family Residential (R-1) – See Chapter 23.12;
(3) Low-Medium Density Multiple Family (R-2) – See Chapter 23.15;
(4) Residential Planned Community RPC – See Chapter 23.25;
(5) Planned Unit Development (PUD) – See Chapter 23.72; and
(6) Low density land use areas within Specific Plan 7 – See Chapter 23.107.
(7) Medium Density Multiple-Family (R-G) – See Chapter 23.18
(8) High Density Multiple-Family (R-3) – See Chapter 23.21
(9) Specific Plan 6 (SP-6) – See Chapter 23.106
(10) Specific Plan 8 (SP-8) – See Chapter 23.108
(11) Specific Plan 10 (SP-10) – See Chapter 23.110
(12) Transit Oriented Development Packing House District (TOD) – See Chapter 23.111
(13) Old Town Placentia Revitalization Plan (OT) – See Chapter 23.112

SECTION 3. CEQA. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act (CEQA), Section 15061 (b)(3).

SECTION 4. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable, This Ordinance amends, adds to and deletes (as applicable) sections of the Placentia Municipal Code.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after passage.

SECTION 6. PUBLICATION. The City Clerk is directed to publish this Ordinance, full text or summary form, in the manner and in the time prescribed by law.

INTRODUCED at a regular meeting of the City Council of the City of Placentia held on July 9, 2019.

PASSED, APPROVED AND ADOPTED this 23rd day of July 2019.
ATTEST:

Rhonda Shader, Mayor

Robert S. McKinnell, City Clerk

I, Robert S. McKinnell, City Clerk of the City of Placentia, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council held on the 9th day of July 2019 and was finally adopted at a regular meeting held on the 23rd day of July 2019 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAINED: Councilmembers:

ATTEST:

Robert S. McKinnell, City Clerk

APPROVED AS TO FORM:

Christian L. Bettenhausen, City Attorney