

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Supervisors Benoit and Washington

**SUBMITTAL DATE:**  
January 20, 2016

**SUBJECT:** Adoption of Ordinance No. 927 Regulating Short-Term Rentals, CEQA Exempt

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Find that the adoption of Ordinance No. 927, attached hereto as Attachment A, is exempt from CEQA pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273 because it entails the establishment, modification, structuring, restructuring of charges by public agencies that are not designed to increase services or expand a system and are designed to meet operating expenses;
2. Adopt Ordinance No. 927, an Ordinance of the County of Riverside Regulating Short-Term Rentals; and
3. Direct the Clerk of the Board to file the attached Notice of Exemption with the County Clerk for posting within five days of approval by the Board.

**BACKGROUND:**

On January 12, 2015, the Board re-introduced Ordinance No. 927 Regulating Short-Term Rentals (Item 3-3), removing occupancy limits and making other minor changes. After considering public input, the Board requested the removal of the proposed parking restrictions. The final draft incorporates this change and is now before the Board for final approval. This action will finalize the ordinance.

(Continues on next page)

  
\_\_\_\_\_  
John J. Benoit, Fourth District Supervisor

  
\_\_\_\_\_  
Chuck Washington, Third District Supervisor

FORM APPROVED COUNTY COUNSEL  
BY:  GREGORY P. PRIAMOS  
DATE: 1/20/16

The purpose of this ordinance is to establish regulations for the use of privately owned residential dwellings as short-term rentals to minimize the negative secondary effects on surrounding properties and to ensure the collection and payment of transient occupancy taxes. Agenda item 3-3 from the January 12, 2016 Board of Supervisors' meeting provides further background information relating to Ordinance No. 927.

**Impact on Citizens and Businesses**

The impacts of the adoption of this ordinance have been evaluated by staff and the Board of Supervisors. The opportunity for public review and comment was provided during the November 17, 2015 and January 12, 2016 Board of Supervisors' meetings and any verbal or written testimony provided by the public was considered by the Board at that time. Today's action on the adoption of Ordinance No. 927 will finalize the Board's approval.

**Attachments**

- A. Ordinance No. 927 as revised and reintroduced
- B. Notice of Exemption



- 1 D. Local Contact Person. The person designated by the owner or the owner's  
2 authorized representative who shall be available twenty-four hours per day,  
3 seven days per week for the purpose of responding within sixty minutes to  
4 complaints related to the short term rental and taking remedial action to  
5 resolve such complaints.
- 6 E. Operator. The owner or the owner's authorized representative who is  
7 responsible for compliance with this ordinance.
- 8 F. Owner. The person or entity that holds legal or equitable title to the short  
9 term rental.
- 10 G. Responsible Person. A guest of the short term rental who is at least  
11 eighteen years of age and who is legally responsible for ensuring that all  
12 guests of the short term rental comply with all applicable laws, rules and  
13 regulations pertaining to the use and occupancy of the short term rental.
- 14 H. Short Term Rental Certificate. A certificate that allows the use of a  
15 privately owned residential dwelling as a short term rental pursuant to this  
16 ordinance.
- 17 I. Short Term Rental. A privately owned residential dwelling, such as, but not  
18 limited to, a single family detached or multiple family attached dwelling,  
19 apartment house, condominium, cooperative apartment, duplex, mobile  
20 home on permanent foundations or a manufactured home on permanent  
21 foundations, or any portion of such dwellings, rented for occupancy for  
22 dwelling, lodging or sleeping purposes for any period less than thirty  
23 consecutive days.

24 Section 5. APPLICABILITY. This ordinance applies to short term rentals as defined  
25 in Section 4. The following do not qualify as a privately owned residential dwelling as used herein, and  
26 therefore do not need to obtain a short term rental certificate: any hotel, motel, studio hotel, rooming  
27 house, dormitory, public or private club, bed and breakfast inn, cottage inn, or country inn; a camping  
28

1 site, recreational vehicle, or park model; a hospital, sanitarium, medical clinic, convalescent home, rest  
2 home, home for aged people, foster home, halfway house, transitional housing facility, or other similar  
3 facility operated for the care, treatment, or reintegration into society of human beings; any asylum, jail,  
4 prison, orphanage or other facility in which human beings are detained and housed under legal restraint;  
5 any housing owned or controlled by an educational institution and used exclusively to house students,  
6 faculty or other employees with or without their families, any fraternity or sorority house or similar  
7 facility occupied exclusively by students and employees of such educational institutions and officially  
8 recognized and approved by it; any housing operated or used exclusively for religious, charitable or  
9 educational purposes; any housing owned by a governmental agency and used to house its employees or  
10 for governmental purposes; any camp as defined in the Labor Code or other housing furnished by an  
11 employer exclusively for employees or employees and their families; and any second unit. No guest  
12 quarters, as defined in Riverside County Ordinance No. 348 section 18.18, shall qualify as a short-term  
13 rental unless the privately owned residential dwelling on the lot is also being rented or leased as a short-  
14 term rental to the same renter or lessee.

15 Section 6. SHORT TERM RENTAL CERTIFICATE.

16 A. In addition to any land use entitlement required by Riverside County  
17 Ordinance No. 348, the operator shall obtain a short term rental certificate  
18 pursuant to Sections 6 and 7 herein from the Riverside County Planning  
19 Department before renting or advertising for rent any short term rental.

20 B. No short term rental certificate is required if a Temporary Outdoor Event  
21 permit has been obtained, for the duration of the Temporary Outdoor Event  
22 permit only.

23 Section 7. SHORT TERM RENTAL CERTIFICATE REGISTRATION FEE AND  
24 APPLICATION.

25 A. An operator shall submit to the Planning Department a short term rental  
26 certificate application provided by the County along with a first-time  
27  
28

1 registration fee of \$250. The short term rental certificate shall be valid for  
2 one year from the date of issuance.

3 B. A short term rental certificate shall be renewed on an annual basis based on  
4 the anniversary of the original certificate issuance by submitting to the  
5 Planning Director a short term rental certificate application and a renewal  
6 registration fee of \$100.

7 C. The short term rental certificate shall expire automatically when the short  
8 term rental changes ownership, and a new initial application and first-time  
9 registration fee will be required. A new application and first-time  
10 registration fee shall also be required for any short term rental that had its  
11 short term rental certificate revoked or suspended.

12 D. The registration fees may be used to cover any County costs for  
13 administering or enforcing this ordinance, including the use of an outside  
14 management company retained for such purpose.

15 Section 8. SHORT TERM RENTAL OPERATIONAL REQUIREMENTS.

16 A. The operator shall ensure that the short term rental is used in a manner that  
17 complies with all applicable laws, rules and regulations pertaining to the use  
18 and occupancy of a short term rental.

19 B. The short term rental shall be occupied for not less than two (2) days and  
20 one (1) night.

21 C. A short term rental shall not change the residential character of the outside  
22 appearance of the residence including color, material, lighting or any  
23 advertising mechanism.

24 D. Guests of the short term rental shall comply with Riverside County  
25 Ordinance No. 847 Regulating Noise, including quiet hours between the  
26 hours of 10 PM and 7 AM.

27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

E. The operator shall post the following information in a prominent location within the short term rental:

1. Operator name and number;
2. Local contact person name and number;
3. The telephone number for the sheriff's department and for code enforcement;
4. The maximum number of parking spaces available onsite;
5. Trash pick-up day and applicable rules and regulations;
6. A copy of Riverside County Ordinance Nos. 847 and 927;
7. A copy of the good neighbor brochure; and
8. Notification that a guest, local contact person, responsible person or owner may be cited or fined by the County in accordance with this ordinance and Riverside County Ordinance No. 725.

F. While a short term rental is rented, the operator or local contact person shall be available twenty-four hours per day, seven days a week for the purpose of responding within sixty (60) minutes to complaints regarding the condition, operation or guests' conduct of the short term rental.

G. Prior to occupancy of a short term rental, the operator shall do the following:

1. Obtain the name, address and copy of a valid government identification of the responsible person;
2. Provide a copy of the good neighbor brochure to the responsible person;
3. Require the responsible person to execute a formal acknowledgement that he or she is legally responsible for compliance by all guests of the short term rental with all applicable

1 laws, rules and regulations pertaining to the use and occupancy of  
2 the short term rental; and

3 4. Maintain the information required herein, including copies of the  
4 notices provided, for a period of three (3) years and make it  
5 available upon request by any officer of the County responsible for  
6 enforcement of any provision of this ordinance or any other  
7 applicable law, rule or regulation pertaining to the use and  
8 occupancy of the short term rental.

9 H. The owner, operator or local contact person shall respond within sixty (60)  
10 minutes of being notified that the responsible person or guest of the short  
11 term rental created unreasonable noise, engaged in disorderly conduct or  
12 committed violations of any applicable law, rule or regulation and halt or  
13 prevent the recurrence of such conduct. The owner, operator or local  
14 contact person shall be subject to all administrative, legal and equitable  
15 remedies available to the County for failing to respond within 60 minutes.

16 I. Trash and refuse shall not be left stored within public view, except in proper  
17 containers for purposes of collection by the County's authorized waste  
18 hauler.

19 J. The operator shall include the current short term rental certificate number  
20 on or in any advertisement appearing in any newspaper, magazine, brochure  
21 or internet website that promotes the availability of the short term rental.

22 K. An application may be denied if the applicant has had a prior short term  
23 rental certificate revoked for the same dwelling within the past twelve  
24 calendar months.

25 L. If there is a deed restriction on a property that prohibits the use of a  
26 residential dwelling as a short-term rental, then that deed restriction shall  
27 control. The County shall not enforce said deed restriction.  
28



1           Section 9.     TRANSIENT OCCUPANCY TAX. The operator shall comply with all the  
2 requirements of Riverside County Ordinance No. 495, the Uniform Transient Occupancy Tax Ordinance.  
3 For the purposes of Riverside County Ordinance No. 495 only, a short term rental shall qualify as a  
4 “hotel.” The Treasurer Tax-Collector shall be responsible for the enforcement of the provisions of this  
5 section and Ordinance No. 495 and shall have no other enforcement duties related to this ordinance  
6 beyond these responsibilities.

7           Section 10.   NOTIFICATION AND COMPLAINTS.

8           A.     Written notice will be provided to all dwellings located within 100 feet of  
9 the short term rental’s property line that a short term rental certificate was  
10 obtained for the short term rental. Such notification shall also include the  
11 operator’s and local contact person’s contact information.

12          B.     Complaints related to the operation of the short term rental including, but  
13 not limited to, unreasonable noise and disorderly conduct shall be initially  
14 directed to the local contact person. If the local contact person is  
15 unavailable or fails to respond, the complaint shall be made to the Riverside  
16 County Sheriff dispatch service.

17          C.     Complaints related to the issuance of a short term rental certification and  
18 compliance with this ordinance shall be directed to the Riverside County  
19 Code Enforcement Department.

20          Section 11.   ENFORCEMENT, VIOLATIONS, FINES AND PENALTIES.

21          A.     In addition to any other remedies provided by law, violations of this  
22 ordinance shall be enforced as authorized in Riverside County Ordinance  
23 No. 725. Each day a violation is committed or permitted to continue shall  
24 constitute a separate offense. Violations of this ordinance shall be treated as  
25 a public nuisance and strict liability offense regardless of intent.  
26  
27  
28

1 After an administrative hearing has been held in accordance with Section 10 of Riverside  
2 County Ordinance No. 725, a violation of any provision of this ordinance by any of the guests, owners or  
3 operators shall constitute grounds to suspend or revoke a short term rental certificate.

4 Section 12. SEVERABILITY. If any provision, clause, sentence or paragraph of  
5 this ordinance of the application thereof to any person or circumstances shall be held invalid, such  
6 invalidity shall not affect the other provisions of this ordinance which can be given effect without the  
7 invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be  
8 severable.

9 Section 13. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days  
10 after its adoption.

11 BOARD OF SUPERVISORS OF THE COUNTY  
12 OF RIVERSIDE, STATE OF CALIFORNIA


13 By: \_\_\_\_\_  
14 Chairman, Board of Supervisors

15 ATTEST:  
16 CLERK OF THE BOARD

17 By: \_\_\_\_\_  
18 Deputy

19 (SEAL)

20  
21 APPROVED AS TO FORM  
22 January 21, 2016

23 By:   
24 MELISSA R. CUSHMAN  
25 Deputy County Counsel

NOTICE OF EXEMPTION

To: \_\_\_\_\_ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: County of Riverside  
4080 Lemon Street  
Riverside, CA 92501

To: X Office of the County Clerk & Recorder

**Project Title:** Ordinance No. 927 An Ordinance of the County of Riverside Regulating Short Term Rentals

**Project Location:** The unincorporated area of Riverside County.

**Project Description:** Ordinance No. 927 establishes regulations for the use of privately owned residential dwellings as short terms rentals to minimize the negative secondary effects on surrounding properties and to ensure the collection and payment of transient occupancy taxes. It recognizes that short term rentals are already occurring in certain unincorporated areas of the County and clarifies that the County's Ordinance No. 495 Relating to Transient Occupancy Tax ("TOT Ordinance") and taxes required thereunder apply to all short term rentals. It also establishes that a registration fee must be paid to cover the operating fees for administering the ordinance, that notice be given to neighboring properties about the use of the residence as a short term rental, and that contact information for problems and emergencies and other information be posted within the short term rental.

**Name of Public Agency Approving Project:** County of Riverside

**Project Sponsor:** Transportation and Land Management Agency of the County of Riverside

**Exempt Status:** (check one)

- Ministerial
- Declared Emergency
- Emergency Project
- Categorical Exemption
- X Statutory Exemption (Pub. Res. Code, § 21080(b)(8), State CEQA Guidelines § 15273.)
- X Other: (State CEQA Guidelines Sec. 15061(b)(3))

**Reasons Why Project is Exempt:**

Ordinance No. 927 is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273 because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies that are not designed to increase services or expand a system and because the purpose of the fees is to meet operating expenses. Ordinance No. 927 requires a registration fee to cover the costs of administering the ordinance and specifically recognizes that a short term rental qualifies under the County TOT Ordinance. It also requires very minor activities with no potential to impact the environment such as registering with the County, obtaining a certificate, posting notices, and maintaining records of rentals. Both the procedural provisions of the ordinance and the fees are also exempt under the common sense exemption of CEQA Guidelines section 15061(b)(3) in that it can be seen with certainty that there is no possibility that paying a fee or posting notices or maintaining records may have a significant effect on the environment.

Joe Pradetto, Supervisor Benoit's Legislative Assistant  
County Contact Person

(760) 863-8211  
Phone Number

Signature: Joe Pradetto Title: Leg. Assistant Date: 1/29/16

**For County Clerk's Use Only**

