

## **ORDINANCE NO. 2022-01**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLYMOUTH AMENDING TITLE 19, ADDING CHAPTER 19.90, SHORT TERM RENTALS TO THE CITY OF PLYMOUTH MUNICIPAL CODE**

**The City Council of the City of Plymouth does hereby ordain as follows:**

#### **SECTION 1. Recitals**

**WHEREAS**, on May 27, 2021, the City Council directed staff to work with the Planning Commission to draft regulations to add to the Zoning Code's for properties that fit the description of short term rentals; and

**WHEREAS**, on November 18, 2021, the City of Plymouth Planning Commission approved Resolution No. 2021-01 to make a recommendation to the City Council to approve the amendments to Title 19, adding Chapter 19.90, Short Term Rentals, of the Municipal Code; and

**WHEREAS**, the City Council of the City of Plymouth has conducted a properly noticed public hearing pursuant to Government Code Section 65090 and has duly considered all written and verbal testimony presented during the hearing; and

**WHEREAS**, under CEQA, the proposed Ordinance falls under the common-sense exemption because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, as the City currently allows short-term vacation rentals and the proposed ordinance would only develop a program for regulating such use; and

**WHEREAS**, in addition, the project also falls under the Existing Facilities Exemption (CEQA Guidelines Section 15301) as it applies to facilities that are currently existing as short term rentals may can be permitted in new structures, which are considered infill development, and regulating short term vacation rentals in the City represents, at most, a negligible expansion of an existing use; and

**WHEREAS**, the proposed Ordinance is consistent with the General Plan goals, policies, and implementation programs, as follows:

- Goal 3K Prudent use of development standards to achieve expected outcomes (page 3-6 of the Plymouth General Plan).
  - The purpose of these amendments is to provide an opportunity for short term rentals while also maintaining the existing residential character.
- Goal 3N Preservation of existing small town character (page 3-6 of the Plymouth General Plan)

- The purpose of these amendments is to provide an opportunity for short term rentals while also maintaining the existing residential character.
- Goal 3FF Provision of housing choices and living options in different settings (Page 3-17 of the Plymouth General Plan)
  - The purpose of these amendments is to allow short term rentals within the City, providing options to those who are visiting the City.

## **SECTION 2. Findings**

The above recitals are hereby declared to be true and correct and findings of the City Council of the City of Plymouth.

## **SECTION 3. Amendment of the Municipal Code**

Chapter 19.90, "Short Term Rentals" shall be added to Title 19, "Zoning," of the City of Plymouth Municipal Code to read as follows:

### **Chapter 19.90**

#### **Short Term Rentals**

##### **Sections:**

- 19.90.010 Purpose.**
- 19.90.020 Definitions.**
- 19.90.030 Short Term Rental Permit Requirements.**
- 19.90.040 Operational Standards.**
- 19.90.050 Penalties; Permit Denial, Suspension, and Revocation**

##### **19.90.010 Purpose.**

This chapter establishes development standards and provides a registration process for the City to track and enforce the regulations for short term rentals. The purpose of this chapter is to preserve residential character and establish operating standards to reduce potential noise, parking, traffic, property maintenance and safety impacts on adjacent neighbors.

##### **19.90.020 Definitions.**

For the purpose of this Chapter, and except where otherwise expressly defined in this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Section, they shall be construed as their ordinary meaning within the context which they are used:

"Code" means the Plymouth Municipal Code.

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

"Local contact person" means an individual who is available by telephone on a twenty-four (24) hour basis and who maintains the ability to be onsite within twenty (20) minutes and who has access and authority to assume management of the short term rental. An agent or professional property management company that meets the availability requirements can serve as the local contact person.

"Off-street parking" means any designated parking space located on the parcel.

"On-street parking" means any legal on street parking area adjacent to the short term rental parcel.

"Operator" means any and all of the following: (i) the person who is a legal owner of a short term rental; (ii) any manager, agent, representative or other similar person acting under the authority or at the direction of the owner or other operator of a short term rental.

"Short term rental" means a residential dwelling, including without limitation single-family dwelling, multi-family dwelling unit, studio, condominium, townhouse, duplex, guesthouse, bedroom within an existing residential unit, or junior accessory dwelling unit, rented for the purpose of continuous overnight lodging for a period of not less than one night and not more than thirty (30) days.

#### **19.90.030 Short Term Rental Permit Requirements.**

A. Short Term Rental Use Permit Required. Short term rental uses shall be permitted subject to the requirements of this Chapter, including compliance with the operational standards, registration, Transient Occupancy Tax payments, Business License and recordkeeping obligations required under the Code. A separate Short Term Rental use permit shall be required and maintained in good standing for each parcel in which a short term rental is located. Short Term Rental Use Permits shall be renewed every three (3) years. The issuance of any permit pursuant to this Chapter does not relieve the owner of the obligation to comply with the other provisions of this Code pertaining to the use and occupancy of the short term rental or the property in which it is located.

B. Use Requirements. Each short term rental parcel shall be used and maintained in a manner consistent with the character of the neighborhood in which it is located; shall not impair the desirability of investment or occupation of the surrounding neighborhood; and shall not have displayed thereon any sign that indicates the property is used or available for short term rental purposes. The maximum number of occupants eighteen or older in age authorized to stay overnight at any short term rental parcel shall be

limited to two persons per bedroom, plus two additional adults (minor children do not count towards allowed capacity).

C. Transient Occupancy Tax. All Short Term Rental use permits shall be subject to the transient occupancy tax pursuant to Chapter 3.30 of the Code.

D. Business License Required. All short term rental operators must obtain and maintain a business license pursuant to Chapter 5.02 of the Code.

E. Exemption. The provisions of this Chapter shall not apply to the operation of any lawfully established bed and breakfast inn, motel, hotel, or timeshare development, subject to applicable provisions of this Code.

F. Application process. An application for a Short-Term Rental use permit shall be submitted by the Operator to the Planning Director. Each Short Term Rental use permit application shall be accompanied by a nonrefundable Short Term Rental use permit fee and other fees as set by resolution of the City Council. Permits and fees required by this Chapter are in addition to any license, permit, certificate, or fee required by any other chapter of this Code. Each application shall at a minimum include the following:

1. Operator name and contact information, including owner's signature.
2. The name of the Local Contact Person, if different from the Operator, and a telephone number at which the Local Contact Person may be reached within 20 minutes.
3. Rental unit type, number of total bedrooms in the rental unit, and number of bedrooms available for rent.
4. Parking plan indicating total number of On-Street Parking and Off-Street Parking spaces.
5. Number and location of fire extinguishers, smoke detectors, and carbon monoxide alarms, and certification of compliance with Fire Code and fire safety requirements, including those pertaining to fire extinguishers, smoke detectors, and carbon monoxide alarms.
6. Such information as may be required by the Planning Director, or his or her designee, and information deemed necessary to estimate the annual transient occupancy tax to be charged for that property.
7. Such further information as may be required to enable proper administration of the Short-Term Rental use permit and this Chapter.
8. Acknowledgment that the Operator has read and understood this Chapter, and the City's operational standards for Short Term Rentals.

If the information supplied by the Operator on the application for a Short-Term Rental permit is not consistent with City records, an inspection may be required prior to or after the issuance of the Short-Term Rental use permit. An inspection fee, as set by resolution of the City Council, shall be charged for the inspection.

G. Term and Scope of Short-Term Rental Use Permit. A Short-Term Rental use permit issued under this Chapter shall expire three (3) years after the date of issuance, unless revoked or suspended earlier. Prior to the permit expiration date, an application for renewal of the Short-Term Rental use permit shall be submitted to the Planning Director, or his or her designee, containing information required by this Chapter, and payment of the renewal fee, as set by resolution of the City Council.

H. Transferability. The Short-Term Rental use permit may be transferred to another operator provided that such third-party transferee meets the requirements of this Section, subject to approval by the Planning Director.

I. Acceptance of Short-Term Rental Use Permit; No Vested Rights. Acceptance by an operator of a Short-Term Rental use permit shall constitute acknowledgment and acceptance of, and consent to: (i) the requirements and provisions of this Chapter; and (ii) the City's right to adopt or amend at any time any restrictions on the operation or use of short-term rentals, including without limitation a complete prohibition or moratorium on short term rentals.

J. Total Number of Permits. No more than 5% of the total number of residential units within the City can be registered as a short-term rental.

#### **19.90.040 Operational Standards.**

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

A. Operator Responsibilities. Operator and any Local Contact Person shall respond in a reasonable and timely manner, to ensure that every occupant of the short term rental parcel does not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbance, engage in disorderly or unlawful conduct, or overcrowd the parcel. The operator shall inform guests that they must not violate the standards of this Chapter. The operator shall be responsible for taking any action necessary to ensure that guests abide by the terms of this Chapter and other applicable provisions of this Code.

B. Local Contact Person. A Local Contact Person shall be available by telephone when contacted by the City's employees or agents or the short term rental's guest(s) on a twenty-four (24) hour basis. A Local Contact Person shall be physically present at the short term rental within twenty (20) minutes of contact. Upon receiving a call or complaint

about physical conditions or circumstances that constitute an immediate threat to the public health and safety, the Local Contact Person shall immediately contact the appropriate law enforcement, fire, or other authority. Upon receiving any call or complaint about the short term rental, the local contact person shall cause the discontinuance of any violation of this Chapter as soon as practical.

C. Maximum number of occupants. The maximum number of overnight guests for a short term rental shall not exceed 2 adults per bedroom, plus 2 additional adults. (Minor children are not counted towards capacity.) Additional guests allowed between 8:00 a.m. and 10:00 pm, total number of additional guests cannot exceed triple the allowed overnight guests.

D. Parking. On-site parking shall be provided for each short term rental guest to the extent on-site parking is possible on the parcel in which a short term rental is located. Off-site parking is allowed only on legal On-Street Parking spaces adjacent to the parcel.

E. Special Events. Any event exceeding the daytime occupancy limit must obtain a Temporary Use Permit 45 days prior to the event.

F. Trash Collection. Except for trash properly deposited in trash collection receptacles, accumulation of trash and debris outside of a short term rental at any time is prohibited. Each short term rental shall obtain solid waste and recyclable collection and disposal service from the City's franchisee.

G. Smoke Alarms. Smoke alarms, in good working order, shall be installed at a minimum in each bedroom, and at least one alarm on every level of the short term rental, including basements and habitable attics.

H. Carbon Monoxide Alarms. Carbon monoxide alarms, in good working order, shall be installed in accordance with current California Building Code requirements, and shall be installed in accordance with the manufacturer's installation instructions.

I. Fire Extinguisher and Ash Can. Each short term rental shall be equipped with one five-pound fire extinguisher, type 3-A:40-B:C, installed at a readily available location near the kitchen. If the short term rental has more than one level, an extinguisher must be mounted within each level. Fire extinguishers shall be inspected annually by a certified professional to ensure the extinguishers are in good working order. Each short term rental with a wood-burning fireplace or woodstove shall be equipped with a metal container at least five gallons in size with a tight-fitting lid, which shall be clearly labeled for ash disposal.

J. Visible Address. Each short term rental shall have an address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Whenever the address on the short term rental unit



will not be clearly visible from the street or access road fronting the property, the address shall also be placed at the public street or access road in a manner which is clearly visible from both directions of travel on the frontage road or street. Address identification characters shall contrast with their background and conform to the minimum size requirements of the California Fire Code, as amended from time to time, which currently requires numbers four (4) inches tall with a minimum stroke thickness of one-half (1/2) inch. A short term rental in a condominium building that does not have an individual address may utilize the condominium building address and shall clearly identify each unit number.

K. Inspections. The operator of each short-term rental shall allow City staff to conduct an inspection prior to the issuance of short-term rental use permit and any time thereafter upon request by the City.

#### **19.90.050 Penalties; Permit Denial, Suspension, and Revocation.**

A. It is a misdemeanor and a public nuisance to violate any of the provisions of this Chapter. Violations of this Chapter are subject to the administrative enforcement provisions set forth in Title 20 of this Code, provided that fines for violations of this Chapter shall be as set forth in subsection E herein. Any person violating the provisions of this Chapter, including without limitation guests, Operators, and Local Contact Persons may be subject to administrative or judicial remedies as set forth in this Section. The owner and Operator of a short-term rental shall be deemed responsible for all violations of this Chapter occurring at the short-term rental or in connection with its operation, provided that this shall not preclude the City from issuing fines or citations to guests, or exercising other remedies against guests, if the guests are deemed to have committed the violation.

B. The City shall have the authority to suspend or revoke a short-term rental permit, or to maintain an action for injunctive relief for violations of this Chapter.

C. Unless otherwise expressly provided, the remedies, procedures and penalties provided by this Section are cumulative as to each other and to any others available under state law or this Code. In the event of any conflict between the penalties set forth in this Chapter and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.

D. In the event the City is required to bring legal action to enforce any provision of this Chapter, the prevailing party shall be entitled to recover its reasonable attorney's fees, interest, court costs and other costs incurred in such action; provided that, such fees shall only be available in those actions or proceedings in which the City has provided notice at the commencement of such action or proceeding that the City intends to seek and recover attorney's fees.

E. Enforcement. An administrative penalty of up to five hundred dollars (\$500) per day

may be imposed for each violation of this Chapter contained in a first administrative citation, and up to one thousand dollars (\$1,000) per day for each violation contained in a second or subsequent administrative citation. A prior citation for purposes of this Subsection shall be an earlier administrative citation for violation of this Chapter on the same property that occurred less than one (1) year prior to the current citation, provided that a previous citation issued to a guest shall not be deemed a prior citation for purposes of calculating the penalty for a subsequent citation issued to a different guest at the same property.

F. Denial, Suspension or Revocation of a Short-Term Rental Use Permit. The City may deny, suspend or revoke a short-term rental use permit for any of the following reasons:

1. The short-term rental use permit application or renewal application is incomplete;
2. The short-term rental use permit application or renewal application contains a false or misleading statement or omission of a material fact;
3. The short term rental, operator or guest is currently in violation of, or has been found to be in violation of, any local, state or federal laws, statutes, ordinances, rules or regulations arising from, in connection with, or related to the operation, use, or ownership of a short term rental;
4. The short-term rental use permit of a short term rental for which three (3) citations have been issued for violations of this Chapter within a 12-month period and not overturned on appeal, including without limitation citations issued to guests and citations issued to operators, shall be revoked, and a new permit shall not be issued for a period of 12 months from the date of the permit revocation.
5. The operator is delinquent on any payment to the City of any fees, penalties, taxes, or any other monies related to the short-term rental including, but not limited to, transient occupancy taxes;
6. A short term rental use permit application may be denied due to prior revocation or suspension of a short term rental use permit;
7. The operation of the short-term rental is or has been a threat to the public health, safety, or welfare or constitutes, or has constituted, a public nuisance;
8. Absence or expiration of a short-term rental permit; or
9. Any required application fee or renewal fee has not been paid; or
10. The City has enacted a moratorium on such uses or other local or state laws prohibit granting such use permit



**SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall none the less remain in full force and effect. The people hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, portions of this Ordinance be declared invalid or unenforceable.

**SECTION 5. Effective Date and Publication.** This ordinance shall take effect (30) days after its adoption, and within (15) days after its' passage shall be published at least once in a newspaper of general circulation published by the City of Plymouth, or shall be posted in accordance with the requirement of Government Code Section 36933.

The foregoing Ordinance was introduced at a regular Meeting of the City Council of the City of Plymouth held on the 10th day of February 2022, and was passed and adopted at a regular meeting of said City Council held on the 10th day of March 2022, by the following vote:

<b>AYES:</b>	<b>Akerland, Amoruso, Klinefelter, Sim, and White</b>
<b>NOES:</b>	<b>NONE</b>
<b>ABSTAIN:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>NONE</b>

**APPROVED**

**ATTEST:**

  
Valerie Klinefelter, Mayor

  
Dana Knight, Acting Deputy City Clerk