

ORDINANCE NO. 300

**AN ORDINANCE OF THE TOWN OF YUCCA VALLEY, CALIFORNIA,
REPEALING CHAPTER 9.54 OF THE MUNICIPAL CODE AND ADDING
CHAPTER 5.40 TO THE MUNICIPAL CODE, AND AMENDING SECTIONS
9.07.040 AND 9.66.010 OF THE MUNICIPAL CODE**

WHEREAS, on or about October 3, 2017, the Town of Yucca Valley adopted Chapter 9.54 (Short-Term Vacation Rentals), an ordinance regulating the use of privately owned single family residential dwelling or duplex units as short-term vacation rentals; and

WHEREAS, since Chapter 9.54 went into effect, the Town has issued over 450 short term vacation rental permits; and

WHEREAS, numerous residents have expressed public safety and general health and welfare concerns about adverse effects of short term vacation rentals; and

WHEREAS, on November 23, 2021, the Town of Yucca Valley Planning Commission held a public hearing to consider revisions to the existing Short Term Vacation Rental Ordinance, and provide recommendations for amendments to the ordinance.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY ORDAINS
AS FOLLOWS:**

SECTION 1. RECITALS.

The recitals set forth above are true and correct and are adopted as findings.

SECTION 2. REPEAL OF CHAPTER 9.54.

Chapter 9.54 (Short-Term Vacation Rentals) of the Town of Yucca Valley Municipal Code is hereby repealed in its entirety.

SECTION 3. ADDITION OF CHAPTER 5.40.

(a) Chapter 5.40 (Short-Term Vacation Rentals), as set forth in Exhibit A, attached hereto and incorporated herein, is hereby added to the Town of Yucca Valley Municipal Code.

(b) Upon the effective date of this ordinance, duplex units that are the subject of an existing Short-Term Vacation Rental Permit, shall be considered legal nonconforming units, and may continue to operate as Short-Term Vacation Rental Units and may continue to apply for and receive permit renewals in accordance with Chapter 5.40 until the permit expires or is terminated, or until there is a change of ownership in the subject duplex unit.

(c) Upon the effective date of this ordinance, any Short-Term Vacation Rental unit that is not in compliance with Section 5.40.060(E)(4) of Exhibit A to this Ordinance, shall be considered a legal nonconforming unit, and may continue to operate as a legal nonconforming unit without complying with Section 5.40.060(E)(4) until the expiration or termination of the Short-Term Vacation Rental Permit. If the owner of the legal nonconforming unit seeks to renew the Short-Term Vacation Rental Permit, they must comply with all provisions of Chapter 5.40.

SECTION 4. AMENDMENT TO SECTION 9.07.040.

The following shall be added to Table 2-3 (Permitted Land Uses and Permit Requirements for Residential and Hillside Reserve Zoning District) in Section 9.07.040 (Permitted Uses and Permit Requirements) of the Town Municipal Code:

(a) "TSTVRP: TEMPORARY SHORT-TERM VACATION RENTAL PERMIT" shall be added to the defined "Permit required" list of Table 2-3.

(b) The following information shall be added to the body of Table 2-3:

Type Of Use	Permit Required by Zoning District				Notes And Other Regulations
	R-HR	RL	RS	RM	
Short-Term Vacation Rental	TSTVRP	TSTVRP	TSTVRP	TSTVRP	Pursuant to Chapter 5.40

SECTION 5. AMENDMENT TO SECTION 9.66.010.

The first sentence of Section 9.66.010, subsection (A), is amended and restated as follows: "A land use compliance review is required for (1) requests to increase in the total number of occupants, vehicles, and guests permitted in the short-term vacation rental unit in accordance with Section 5.40.060; and (2) proposed expansions of existing developed properties pursuant to table 4.4 of this section:"

SECTION 6. SEVERABILITY

The Town Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION 7. CEQA

This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to

result in a direct or reasonably foreseeable indirect physical change to the environment. 14 Cal. Code Regs. § 15378. The Ordinance is also exempt from CEQA because it is an organizational or administrative activity of governments that will not result in direct or indirect physical change in the environment. 14 Cal. Code Regs. § 15378(b)(5). The Town Clerk shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 8. EFFECTIVE DATE

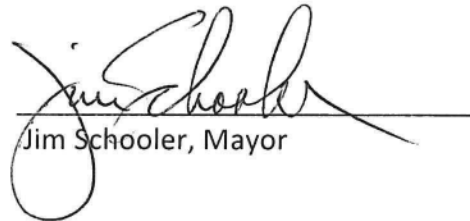
This Ordinance shall take effect thirty (30) days from its adoption by the Town Council of the Town of Yucca Valley.

SECTION 9. PUBLICATION

The Town Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the Town in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 39633(c).

SECTION 10. CERTIFICATION

The foregoing Ordinance was approved and adopted at a meeting of the Town Council held on the 1st day of March, 2022.



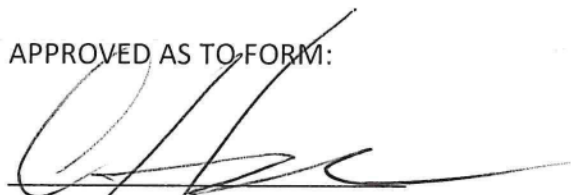
Jim Schooler, Mayor

ATTEST:



Lesley Copeland, Town Clerk

APPROVED AS TO FORM:



Chad Herrington, Assistant Town Attorney

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Lesley R. Copeland, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 300 as duly and regularly introduced at a meeting of the Town Council on the 15th day of February 2022, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 1st day of March 2022 by the following vote, to wit:

Ayes: Council Members Denison, Lombardo, and Mayor Schooler

Noes: None

Recused: Council Members Abel, Drozd

Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 1st day of March 2022.



Town Clerk of the Town of
Yucca Valley

EXHIBIT A

CHAPTER 5.40

TEMPORARY SHORT-TERM VACATION RENTAL PERMIT

SECTION:

- 5.40.010: Purpose
- 5.40.020: Definitions
- 5.40.030: Authorized Agent or Representative
- 5.40.040: Temporary Short-Term Vacation Rental Permit - Required
- 5.40.050: Temporary Short-Term Vacation Rental Permit - Application
- 5.40.060: Operational Requirements and Standard Conditions
- 5.40.070: Additional Development Standards
- 5.40.080: Nuisance Response Plans
- 5.40.090: Maximum Number of Temporary Short-Term Vacation Rental Permits
- 5.40.100: Recordkeeping Duties
- 5.40.110: Permit Administration, Amendments, Revocations and Violations
- 5.40.120: Verified Short-Term Vacation Rental Permit Operational Violations
- 5.40.130: Director's Meetings
- 5.40.140: Expiration of Permits

5.40.010: **PURPOSE:**

The purpose of this chapter is to establish regulations for the temporary use of privately owned single-family residential dwellings that are used as short-term vacation rentals and to ensure the collection and payment of transient occupancy taxes as provided in Chapter 3.24 of the Town Code and minimize the negative secondary effects of such use on surrounding residential properties and residents. The permitting process, standards, and regulations contained herein are intended and designed to ensure the public health, welfare and safety, and tranquility, peace, quiet, preservation of the dark night sky, and low-density desert characteristics of Yucca Valley neighborhoods are not altered, affected, or minimized in any manner or form by the operation of Temporary Short-Term Vacation Rentals.

This chapter is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term vacation rental purposes as defined in this Chapter.

5.40.020: **DEFINITIONS:**

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

APPLICABLE LAWS, RULES AND REGULATIONS:	Any laws, rules, regulations, and codes (whether local, state, or federal) pertaining to the use and occupancy of a privately owned dwelling unit as a short-term vacation rental, and includes all rules, standards, regulations, and laws as established by the Yucca Valley Town Code in its entirety.
APPLICANT:	The owner of the short-term vacation rental unit or the owner's authorized agent or representative.
AUTHORIZED AGENT OR REPRESENTATIVE:	The designated agent or representative who, in addition to the property owner, is responsible for compliance with this chapter with respect to the short-term vacation rental.
DIRECTOR:	That person acting in the capacity of the Director of Community Development Department or his or her designee.
DIRECTOR'S MEETINGS:	Meetings held by the Director with vacation rental unit owners, property owners, residents, neighborhood residents, regarding the permitting and operations of vacation rentals, the adherence of vacation rentals to adopted standards, regulations and conditions of approval, for the purpose of collecting facts, evidence and information regarding potential violations of regulations and conditions of approval and for preparing recommendations to the Town Manager for potential permit actions.
GUEST:	Any individual visiting the Short-Term Vacation Rental Unit who is not a occupant.
GOOD NEIGHBOR BROCHURE:	A document prepared by the Town that summarizes the general rules of conduct, consideration, and respect, including without limitation, provisions of the Town of Yucca Valley Code and other applicable laws, rules or regulations pertaining to the use and occupancy of short-term vacation rental units.

LOCAL CONTACT
PERSON:

The person designated by the owner or the owner's authorized agent or representative who shall be available twenty-four hours per day, seven days per week for the purpose of: (1) responding within fifteen (15) minutes by telephone or text and within or less than thirty (30) minutes to be on-site, to complaints regarding the condition, operation, or conduct of occupants of the short-term vacation rental unit; and (2) taking remedial action to resolve any such complaints.

NUISANCE RESPONSE
PLAN:

A plan containing the required information identified in this chapter and addresses how the owner will respond to nuisances; including, but not limited to, noise, parties, excessive guests and cars, light trespass, excessive and windblown trash, trash cans out before or after trash collection day, loud music, bands, and all other similar nuisances.

OCCUPANT:

Any individual two (2) years in age or older, that occupied or intends to occupy a short-term vacation rental unit overnight.

OWNER:

The person(s) or entity(ies) that hold(s) legal and/or equitable title to the subject short-term vacation rental unit.

PROPERTY:

A residential legal lot of record on which a short-term vacation rental unit is located.

RESPONSIBLE PERSON:

An occupant of a short-term vacation rental unit who is at least twenty-one years of age and who is legally responsible for ensuring that all occupants of the short-term vacation rental unit and/or their guests comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term vacation rental unit.

REVOCATION HEARING:

A hearing to consider revocation of a Temporary Short-Term Vacation Rental permit.

SHORT-TERM VACATION
RENTAL (STVR):

A short-term vacation rental is a detached single-family residential unit constructed and

permitted for residential dwelling purposes, and which was constructed pursuant to the Building Codes in effect at the time of its construction. A short-term vacation rental does not include a duplex, condominium, tent, recreation vehicle, teepee, or any other type of structure, vehicle, or facility which was not constructed and permitted as a detached single-family residential unit.

TEMPORARY SHORT-TERM VACATION RENTAL PERMIT (TSTVRP):

A temporary permit, not exceeding two (2) years in length, issued to the owner of the property, that authorizes the temporary use of a privately owned residential dwelling as a short-term vacation rental unit pursuant to the provisions of this Chapter, and which incorporates by consolidation a transient occupancy permit and a business license otherwise required by Chapters 3.24 (Transient Occupancy Tax) and 5.20 (Business Registration) of the Yucca Valley Town Code.

TOWN MANAGER

The Town Manager of the Town of Yucca Valley, or his or her designee.

SHORT-TERM VACATION RENTAL UNIT:

A privately owned detached single-family residential dwelling, rented for occupancy for dwelling, lodging, or sleeping purposes for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days; except any private dwelling house or other individually owned residential dwelling unit rented only once in a calendar year.

TRANSIENT:

For purposes of this chapter means any person who seeks to rent or who does rent a short-term vacation rental unit.

5.40.030: **AUTHORIZED AGENT OR REPRESENTATIVE:**

- A. An owner may authorize an agent or a representative to comply with the requirements of this chapter on behalf of the owner.
- B. Notwithstanding subsection A, the owner shall not be relieved from any personal responsibility and personal liability for noncompliance with any applicable law, rule or

regulation pertaining to the use and occupancy of the subject short-term vacation rental unit, regardless of whether such noncompliance was committed by the owner's authorized agent or representative or the occupants of the owner's short-term vacation rental unit or their guests.

5.40.040: TEMPORARY SHORT-TERM VACATION RENTAL PERMIT – REQUIRED:

- A. The owner or the owner's authorized agent or representative shall obtain a temporary short-term vacation rental permit, a business registration certification, and transient occupancy tax certificate from the Town before renting or advertising the availability of a short-term vacation rental unit.
- B. A temporary short-term vacation rental permit is valid for a maximum two (2) year period. Permit renewal application for a temporary short-term vacation rental shall be applied for and evaluated by the Town consistent with this Chapter. Temporary short-term vacation rental permits are particular to the property owner, are not transferable, and do not run with the land.

5.40.050: TEMPORARY SHORT-TERM VACATION RENTAL PERMIT – APPLICATION:

- A. The owner shall submit the following information on a temporary short-term vacation rental permit application form provided by the Town, in addition to any additional information deemed necessary by the Director.
 - 1. The name, address, telephone number, and email addresses, and address of the owner of the subject short-term vacation rental unit.
 - 2. The name, address, telephone number and email address, of the owner's authorized agent or representative, if any.
 - 3. The name, address, email address, and twenty-four (24) hour telephone number of the local contact person.
 - 4. The address and assessor parcel number of the proposed short-term vacation rental unit, internet listing sites and listing numbers.
 - 5. Contact name and phone number of the homeowners association, if applicable.
 - 6. The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed short-term vacation rental unit.

7. Acknowledgement of receipt and inspection of a copy of the good neighbor brochure.

8. The approximate square footage of the STVR and the square footage of all bedrooms within the STVR.

9. Notarized acknowledgement that the structure meets all building and safety and zoning codes of the Town of Yucca Valley at the time of construction.

10. A diagram and/or photographs of the premises showing and indicating the location and designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants.

11. The location of pools, hot tubs, spas, or similar elements installed and/or constructed on the property.

12. Acknowledgment that the owner, agent, and local contact individuals have read all regulations pertaining to the operation of a short-term vacation rental and acknowledgement of their responsibility to assist in enforcement of operating rules and in the payment of transient occupancy taxes.

13. Copy of the business registration/application filed with the Town of Yucca Valley for the rental unit.

13. Copy of the Transient Occupancy Tax (TOT) permit application filed with the Town.

14. Documentation of insurance coverage for the structure as a STVR.

15. Nuisance response plan. Failure to submit a nuisance response plan in accordance with this Chapter shall result in the denial of the permit application, and the applicant is required to reinitiate the application process.

16. Such other information as the Director deems reasonably necessary to administer this Chapter.

- B. The temporary short-term vacation rental permit application shall be accompanied by an application fee as established by resolution of the Town Council.
- C. A temporary short-term vacation rental permit application may be denied if the applicant has had a prior temporary short-term vacation rental permit for the same unit revoked within the past twelve (12) calendar months.
- D. Within fourteen (14) days of a change of owner's agent or representative, or any other change in material facts pertaining to the information contained in the STVR permit

application, the owner or owner's authorized agent or representative shall submit an application and requisite application fee for a new temporary short-term vacation rental permit, which shall be obtained prior to continuing to rent the subject unit as a short-term vacation rental. In the event of a change of ownership for a property that previously obtained a temporary short term vacation rental permit, the permit holder shall notify the Town within fourteen (14) days of the change of ownership. The temporary short term vacation rental permit shall immediately expire upon the change of ownership.

- E. All applications shall be filed in person by the property owner or the authorized agent or representative of the property owner. Appointments with the Director or the Director's representative are required and shall be scheduled no less than thirty (30) days in advance of application submittal. No application shall be accepted via mail, email, or in person submitted by any individual who is not the property owner or the authorized agent or representative of the property owner.
- F: All applications shall be complete at the time of submittal. No incomplete application can be accepted by Town staff.

5.40.060: OPERATIONAL REQUIREMENTS AND STANDARD CONDITIONS:

- A. The owner and/or owner's authorized agent or representative shall use reasonably prudent business practices to ensure that the short-term vacation rental unit is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term vacation rental unit.
- B. In accordance with the table below, only those occupants to whom the short-term vacation rental has been leased, and their guests, are authorized to be on the premises. No other individual is allowed on the property during the leased period. The number of occupants, guests, and vehicles in any given short-term vacation rental unit shall be limited as follows.

Number of Bedrooms	Total Number of Overnight* Occupants and Vehicles	Total Number of Daytime** Occupants/Guests and Vehicles
0 - Studio	2 Occupants, 1 Vehicle	8 Total Occupants/Guests, 4 Vehicles
1	4 Occupants, 2 Vehicles	8 Total Occupants/Guests, 4 Vehicles
2	6 Occupants, 2 Vehicles	8 Total Occupants/Guests, 4 Vehicles
3 or more	8 Occupants, 3 Vehicles	12 Total Occupants/Guests, 6 Vehicles

For short-term vacation rental units with four (4) or more bedrooms, owners or the owners authorized representative or agent, may apply for a Land Use Compliance

Review in accordance with Chapter 9.66, authorizing an increase in the total number of occupants, vehicles, and guests permitted in the short-term vacation rental unit. A Land Use Compliance Review application for short-term vacation rental units shall be prepared and made available by the Director.

*Overnight (10:00 P.M. – 7:00 A.M.) **Daytime (7:00 A.M. – 10:00 P.M.)

- C. While a short-term vacation rental unit is rented, the owner, the owner's authorized agent or representative and/or the owner's designated local contact person shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of responding, including being physically on site within thirty (30) minutes to complaints and concerns, and responding to all complaints and concerns within fifteen (15) minutes via telephone or text message, regarding the condition, operation, or conduct of occupants of the short-term vacation rental unit or their guests.
- D. The owner, the owner's authorized agent or representative, and/or the owner's designated local contact person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the short-term vacation rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule, or regulation pertaining to the use and occupancy of the subject short-term vacation rental unit.
- E. Noise: No radio receiver, musical instrument, phonograph, compact disk player, loudspeaker, karaoke machine, sound amplifier, or any machine, device or equipment that produces or reproduces any sound shall be used outside or be audible from the outside of any short-term vacation rental unit between the hours of 10:00 P.M. and 7:00 A.M.
 - 1. It is unlawful for any owner, renter, occupant, or guest located at a short-term vacation rental unit to make, cause to be made, or allow to be made any loud, excessive, impulsive, or intrusive noise that disturbs the peace or quiet or that causes discomfort or annoyance to any reasonable person of normal sensitivities in the area. Such types of noises or actions causing noises include, but are not limited to, yelling, shouting, hooting, whistling, singing, playing a musical instrument, emitting, or transmitting any loud music or noise from any mechanical or electrical sound making or sound amplifying device, and the habitual barking, howling, or crowing of animals.
 - 2. The standard for enforcement of this subsection is the "reasonable person" standard. The inquiry is whether the noise would disturb the peace or quiet or cause discomfort or annoyance to a reasonable person under the same or similar circumstances.
 - 3. Factors that may be considered in determining whether a violation of this subsection has been committed include, but are not limited to the following: the level of noise; the level and intensity of the background (ambient noise), if any; the proximity of the noise

to the residential unit in question; the time of day or night the noise occurs; the duration of the noise; whether the noise is constant, recurrent or intermittent; and whether the noise is produced by a mechanical or electronic device.

4. The owner or owner's authorized agent or representative shall install Noise Aware hardware and software, or its equivalent or better, prior to operations. The data collected by the hardware and software shall be made available to the Town immediately upon request. The noise monitoring equipment should be installed as near to abutting property lines as possible. The short-term vacation rental owner may desire to have additional noise and video monitors on the site beyond this requirement.

F. Prior to occupancy of a short-term vacation rental unit, the owner or the owner's authorized agent or representative shall:

1. Obtain the contact information of the responsible person.

2. Provide a copy of the good neighbor brochure to the responsible person.

3. Require such responsible person to execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants of the short-term vacation rental unit and their guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term vacation rental unit and shall require the responsible person to sign a copy of the Town's regulations for short-term vacation rentals. This information shall be maintained by the owner or the owner's authorized agent or representative for a period of three (3) years and be made readily available upon request of any officer of the Town responsible for the enforcement of any provision of the Town Code or any other applicable law, rule, or regulation pertaining to the use and occupancy of the short-term vacation rental unit.

4. The owner, the owner's authorized agent or representative and/or the owner's designated local contact person shall greet the responsible person or communicate electronically prior to occupancy of the STVR by the responsible person. The responsible person shall be provided a verbal briefing in person or via electronic means on the Town's rules, regulations, and standards for STVRs, and shall sign copies, which must be retained by the owner for a period of three (3) years.

G. The owner, the owner's authorized agent or representative and/or the owner's designated local contact person shall, upon notification that the responsible person and/or any occupant and/or guest of the short-term vacation rental unit has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule, or regulation pertaining to the use and occupancy of the subject short-term vacation rental unit, promptly respond in a timely and appropriate manner to immediately halt or prevent a recurrence of such conduct by the responsible person and/or any occupants and/or guests. Failure of the owner, the

owner's authorized agent or representative and/or the owner's designated local contact person to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term vacation rental unit in a timely and appropriate manner shall be subject to all administrative, legal, and equitable remedies available to the Town.

- H. The owner, the owner's authorized agent or representative and/or the owner's designated local contact person shall report to the Director the name, violation, date, and time of disturbance of each person involved in two or more disorderly conduct activities, disturbances or other violations of any applicable law, rule, or regulation pertaining to the use and occupancy of the subject short-term vacation rental unit, within five (5) business days of the second occurrence.
- I. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the Town's authorized waste hauler on scheduled trash collection days. The owner, the owner's authorized agent or representative shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapter 6.02 (Solid Waste Handling and Recycling Services) of the Town Code.
- J. No sign, as that term is defined in Ordinance 156 (Signs), shall be posted on the premises to advertise the availability of the short-term vacation rental unit. Off-site directional signs are prohibited. An easily identifiable address sign shall be posted on the property.
- K. Parking shall be allowed on site only and shall not exceed the maximum number of vehicles as identified in the Table of Section 5.40.060.B.
- L. The owner, the owner's authorized agent or representative and/or the owner's designated local contact person shall post a copy of the short-term vacation rental permit and a copy of the good neighbor brochure in a conspicuous place within the short-term vacation rental unit, and a copy of the good neighbor brochure shall be provided to the responsible person of the subject short-term vacation rental unit.
- M. Unless otherwise provided in this Chapter, the owner and/or the owner's authorized agent or representative shall comply with all provisions of Chapter 3.24 of the Town Code concerning transient occupancy taxes, including, but not limited to, submission of returns in accordance with Section 3.24.080 of the Town Code, which shall be filed even if the short-term vacation rental unit was not rented during each such month.
- N. The Director shall have the authority to impose additional conditions on the use of any given short-term vacation rental unit to ensure that any potential secondary effects unique to the subject short-term vacation rental unit are avoided or adequately mitigated.

- O. The standard conditions set forth herein may be modified by the Director upon request of the owner or the owner's authorized agent or representative based on site-specific circumstances for the purpose of allowing reasonable accommodation of a short-term vacation rental. All requests must be in writing and shall identify how the strict application of the standard conditions creates an unreasonable hardship to a property such that, if the requirement is not modified, reasonable use of the property for a short-term vacation rental would not be allowed. Any hardships identified must relate to physical constraints to the subject site and shall not be self-induced or economic. Any modifications of the standard conditions shall not further exacerbate an already existing problem.
- P. The owner and/or the owner's authorized agent or representative shall post, in a place or location deemed acceptable by the Director, the current short-term vacation rental permit number on or in any advertisement appearing in any newspaper, magazine, brochure, television trade paper, Internet website, etc., that promotes the availability or existence of a short-term vacation rental unit. In the instance of audio-only advertising of the same, the short-term vacation rental permit number shall be read as part of the advertising.
- Q. All outdoor lighting shall be fully shielded so that all light goes below a horizontal plane, and shall not result in light trespass onto any abutting property. Certification shall be provided by the owner prior to permit approval.
- R. Posted Notice within Unit: Each short-term vacation rental unit shall have a clearly visible and legible notice posted within the unit, on or adjacent to the front door, containing the following information:
1. The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be immediately reached on a twenty-four (24) hour basis.
 2. The maximum number of occupants.
 3. The maximum number of vehicles allowed to be parked on the property.
 4. Notification of the arrangements that the owner has made to allow the renter to properly store and dispose of trash or refuse in accordance with the terms of the Town Code.
 5. Notification that failure to comply with the requirements of this Chapter, including parking and occupancy standards, as well as public and private nuisance standards, is a violation of the Town Code, and that such violation may result in enforcement actions to address the violation. These may include actions to abate the nonconformity, the institution of criminal, civil, or administrative actions, or, under certain circumstances,

the calling of law enforcement for the removal of guest occupants and their vehicles from the property to the extent authorized by law. The notification shall state in a prominent format that users of the unit are prohibited from disturbing the peace of the surrounding neighborhood and that doing so is a violation of this Chapter.

6. Location of utility emergency shut off valves (including how to access valves and, if necessary, tools needed for such purposes).

7. Phone numbers of local emergency medical and law enforcement services.

8. Property boundary map for the purpose of exterior property recreational activities and parking to deter trespassing on other privately owned properties.

9. Notice that noise monitoring equipment has been installed on the property.

5.40.070: ADDITIONAL DEVELOPMENT STANDARDS:

The following are additional development standards, in addition to those zoning standards established for single family residential structures as contained in Article 2, Zoning Districts and Development Standards, and Article 3, Development Standards, of Title 9, Development Code, of the Yucca Valley Town Code.

A. Zoning Districts: STVRs shall only be allowed in RM, RS, RL and RHR Zoning Districts as established on the Yucca Valley Zoning Map.

B. Number of Units Per Parcel: Only one short-term vacation rental unit may be established on any parcel, regardless of parcel size.

C. Notice:

1. Following any action to approve a permit application for a short-term vacation rental, the Director shall cause notice to be provided to all property owners and tenants within three hundred (300) feet of the proposed short-term vacation rental site, indicating the approval granted.

2. The notice of approval to surrounding property owners shall also provide name, email address, and phone number of the "local contact person" designated for the short-term vacation rental unit.

5.40.080: NUISANCE RESPONSE PLANS:

A. Each nuisance response plan accompanying an application for a permit required by this

Chapter shall contain the following information and otherwise be in a form required by the Director. The nuisance response plan shall address potential violations of the Yucca Valley Town Code including windblown trash, trash cans placed out before or after trash collection day, excessively loud music, night sky and other lighting violations, parties, loud noises, excessive vehicles, excessive guests, loud parties, and trespassing onto adjoining or surrounding properties. Nuisance response plans that do not adequately address how violations shall be addressed by management operations with the renters in accordance with this Chapter or that do not contain the required information as established by this Chapter or the Director shall result in denial of the temporary short-term vacation rental permit. No application for the same property may be resubmitted to the Town within a twelve (12) month period. Nuisance response plans shall include the following:

1. The name, mailing address, email address and telephone number of the owner or owners of the residential dwelling unit or units to be used as a short-term vacation rental pursuant to the permit.
2. The name, address, email address, and telephone number of the person or persons who will be available by telephone, and who will be responsible for promptly responding to or causing a prompt response to a nuisance complaint arising out of the occupancy or use of the short-term vacation rental unit(s) by occupants, their visitors and/or their guests. For the purposes of this Chapter, a return telephone call to a complainant, and the ability to be on-site, within thirty (30) minutes of the initial complaint shall be deemed "prompt." Documentation shall be provided with the application that clearly illustrates the ability for any responding individual to be on-site within the thirty (30) minute time frame.
3. No more than a total of three (3) persons shall be designated in the response plan as a person responsible for responding to or causing a response to a nuisance complaint; and
4. Only one such person shall be designated as the person responsible for responding to a nuisance complaint during any particular hours of the day, different days in a week, and/or different weeks of the year.
5. The manner of responding to or causing a response to a nuisance complaint, including, but not limited to, the manner in which the complainant or complainants will be notified of the response and the method of documenting prompt responses and timely corrective action.
6. The manner of assuring timely corrective action to remedy the conditions that caused the nuisance complaint. For the purposes of this Chapter, "timely corrective action"

shall include, at a minimum, a telephone call or text message to the primary adult occupant of the short-term vacation rental within fifteen (15) minutes of the initial nuisance complaint. Timely corrective action shall also include being on-site within thirty (30) minutes of the initial nuisance complaint.

7. The proposed maximum number of overnight occupants, with supporting documentation identifying unusual size, interior layout, parking, or other physical characteristics, if any, that support a request for occupancy greater than two (2) persons per bedroom.

8. The number of off-street parking spaces and number of bedrooms available at the short-term vacation rental unit.

9. Any other information deemed necessary by the Director.

- B. At any time, the owner or owners of a short-term vacation rental unit may change the content of the nuisance response plan approved incidental to the issuance of the permit by filing an amended response plan with the permit administrator. Such amended response plan shall contain all the information and be in the form required by this Section and shall be accompanied by an amended response plan fee in an amount established by the Council by resolution.

5.40.090: MAXIMUM NUMBER OF TEMPORARY SHORT-TERM VACATION RENTAL PERMITS

- A. At no time shall the number of Temporary Short-Term Vacation Rental Permits issued exceed ten percent (10%) of the Town's official inventory of detached single-family residential dwelling units. The Director shall annually, in January of each calendar year, adopt the official inventory number of detached single-family residential dwelling units within the Town. The official inventory shall only be adjusted once each calendar year.
- B. After the maximum number of issued Temporary Short-Term Vacation Rental Permits is reached, completed applications shall be placed on a waiting list in the order received.
- C. No additional TSTVRP shall be issued until an existing TSTVRP has expired, been revoked, or is no longer operational. Upon a TSTVRP expiring, being revoked or no longer in operation, the Director shall cause the next complete application on the waiting list to be processed in accordance with this Chapter.

5.40.100: RECORDKEEPING DUTIES:

The owner or the owner's authorized agent or representative shall maintain, for a period of three (3) years, records in such form as may be required by the tax administrator (as defined in Chapter 3.24) to determine the amount of transient occupancy tax owed to the Town. The tax administrator shall have the right to inspect such records at all reasonable times, which may be subject to the subpoena by the tax administrator pursuant to Chapter 3.24 (Transient Occupancy Tax) of the Town Code.

5.40.110: PERMIT ADMINISTRATION, AMENDMENTS, REVOCATIONS AND VIOLATIONS:

- A. Additional Conditions: A violation of any provision of this Chapter by any of the occupants, responsible party(ies), owner(s) or the owner's authorized agent(s) or representative(s) shall authorize the Director to impose additional conditions on the use of any active short-term vacation rental unit to ensure that any future violations are avoided. The Director shall provide ten (10) days' notice prior to the imposition of additional conditions. The owner may appeal the imposition of additional conditions by submitting a notice of appeal to the Director within 10 days of receiving the notice from the Director. The notice of appeal shall set forth the reasons and evidence that support the owner's position that additional conditions are not necessary to avoid future violations. The notice of appeal shall be accompanied by an appeal fee, as set by the Town Council by resolution. The appeal shall be heard in accordance with subsection (b) of this section.

- B. Appeal of Additional Permit Conditions: Any appeal of additional conditions imposed by the Director in accordance with this section shall be heard by the Town Manager. The appeal hearing shall be set no more than 30 days from the Town's receipt of the notice of appeal. Imposition of the additional condition shall be stayed until the conclusion of the appeal. At the appeal hearing, the Town Manager shall hear and consider all relevant evidence and receive testimony. The hearing shall not be conducted in accordance with the California Evidence Code. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state. Any relevant evidence shall be considered if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of similar affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. The hearing may be continued by the Town Manager from time to time. Within ten (10) days of the conclusion of the hearing, the Town Manager shall issue a decision as to whether the additional conditions are necessary to avoid future violations at the STVR property in question. The Town Manager shall have the authority to affirm, modify, or reject the conditions imposed by the Director. The decision of the Town Manager shall be final.

- C. Permit Suspension or Revocation: Any request for a permit suspension or revocation by

the Director based on violations of this Chapter shall be conducted in accordance with the terms and provisions of this subsection (c). The owner of a STVR unit subject to a permit suspension or revocation hearing shall be provided with not less than 20 days' notice prior to the day of the hearing. The hearing shall be conducted by the Town Manager. The Town Manager shall hear and consider all relevant evidence and receive testimony. The hearing shall not be conducted in accordance with the California Evidence Code. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state. Any relevant evidence shall be considered if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of similar affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. The hearing may be continued by the Town Manager from time to time. Within ten (10) days of the conclusion of the hearing, the Town Manager shall issue a decision regarding the suspension or revocation of the permit for the STVR property in question. The Town Manager shall have the authority to approve the permit suspension or revocation, modify the existing conditions of the permit, or reject the permit suspension or revocation request. The decision of the Town Manager shall be final.

- D. Enforcement and Violations: A violation of any provision of this Chapter by any of the occupant(s), responsible party(ies), owner(s) or the owner's authorized agent(s) or representative(s) shall constitute grounds for modification, suspension and/or revocation of the short-term vacation rental permit and/or any affiliated licenses or permits, in addition to public nuisance violation procedures of the Town Code as defined and established in the Town Code.

- E. The owner shall agree to the conditions of approval and permit requirements, in addition to all other standards and conditions as implemented under Chapter 5.40, as follows.

1. As the owner, I fully understand that the permit authorizes short-term vacation rental activity in a residential neighborhood in the Town of Yucca Valley. Yucca Valley residents value the tranquility, peace, quiet, night sky, and low-density desert characteristics of their neighborhoods. Activities associated with the operation of the short-term vacation rental that disturbs, disrupts, and impedes the general enjoyment of the desert character and qualities that Yucca Valley residents value may result in the issuance of operational penalties, infraction citations, misdemeanor citations and other court actions, up to and including the revocation of the permit, in accordance with Chapter 5.40, these conditions of approval and the Town of Yucca Valley Town Code.

2. As the owner, I fully understand that these Conditions of Approval are for Temporary Short-Term Vacation Rental Permit, TSTVRP XX-XX. The residential structure is located at (address) and is also identified as APN: XXX-XXX-XX. The approved permit is subject to compliance with these conditions of approval. Pursuant to Chapter 5.40 of the Town of Yucca Valley Development Code, effective December 1, 2017, a Temporary Short-Term Vacation Rental Permit is a temporary permit and approval is valid for a twenty-four (24) month period. The Town is not obligated or required to renew the permit or to extend the permit beyond the twenty-four (24) month approval period. The Town Council may conclude and close the short-term vacation rental program at any time. This permit is issued to the owner, this permit does not run with the land or structure, and this permit is not transferrable.

3. As the owner, I fully understand that verified trespass by guest occupants onto any adjoining, adjacent or property in the vicinity of the short-term vacation rental unit may result in revocation or suspension of the temporary short-term vacation rental permit. The permit suspension or revocation hearing shall be administered by the Town Manager, and the decision of the Town Manager shall be final.

5.40.120: VERIFIED SHORT-TERM VACATION RENTAL PERMIT OPERATIONAL VIOLATIONS:

Verified operational violations of Chapter 5.40 and of any and/or all conditions of approval, at a minimum, shall result in the following.

- A. \$1,500.00 fine paid to the Town of Yucca Valley for the first verified operational violation.
- B. \$3,500.00 fine paid to the Town of Yucca Valley for the second verified operational violation within twelve (12) months.
- C. \$5,000.00 fine paid to the Town of Yucca Valley for the third verified operational violation within twelve (12) months.

In addition to the fines set forth in this section, in the event of a violation, the Director may seek to add conditions, suspend, or revoke the permit in accordance with Section 5.40.140.

5.40.130: DIRECTOR'S MEETINGS:

When verifiable complaints are received, the Director may schedule a review of the Temporary Short-Term Vacation Rental Permit. The Director shall notify the owner and all property owners within three hundred (300) feet of the short-term vacation rental unit no less than twenty (20) days in advance of the Director's meeting.

Attendance by the property owner or owner representative or authorized agent is mandatory. Failure of the owner to attend shall result in a suspension or revocation hearing in accordance with this Chapter.

5.40.140: **EXPIRATION OF PERMITS:**

Permits expire on the date of expiration listed on the permit. No renewal application can be processed if it has expired prior to the permit renewal application being filed with the Town.