

ORDINANCE NO. 6029

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE ADDING CHAPTER 4.25 OF TITLE 4 OF THE ROSEVILLE MUNICIPAL CODE REGARDING SHORT TERM RENTALS AND AMENDING SECTION 2.26.020 OF CHAPTER 2.26 OF TITLE 2 OF THE ROSEVILLE MUNICIPAL CODE REGARDING THE BOARD OF APPEALS

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Chapter 4.25 of Title 4 of the Roseville Municipal Code is hereby added to read as follows:

**4.25.010 Purpose and intent.**

It is the purpose of this chapter to provide rules governing the issuance of permits and the establishment of operational restrictions for short-term rentals of dwellings within the City of Roseville. The intent of this chapter is to ensure that the operation of these short-term rentals are consistent with existing local, State or Federal laws, statutes, rules or regulations.

**4.25.020 Permit required.**

It is unlawful for any person to advertise, maintain, or operate a short-term rental of a dwelling in the City of Roseville without a permit required by this chapter. A short-term rental permit may not be issued for both a single family dwelling and accessory dwelling unit on the same parcel.

**4.25.030 Term and scope of permit.**

A short-term rental permit issued under this chapter shall expire twelve (12) months from the date of issuance, unless revoked or suspended earlier. The permit authorizes the permittee to conduct only such services as is described in the permit and in accordance with the terms and conditions of the permit. It is unlawful for a permittee or other responsible person to violate the terms and conditions of the short-term rental permit.

**4.25.040 Definitions as used in this chapter.**

For purposes of this chapter, the following definitions apply:

- A. "Accessory Dwelling Unit" has the same meaning as in Section 19.08.080(A).
- B. "Advertisement" means any method used to solicit interest in the rental including, but not limited to, internet-based listing or hosting services.
- C. "Single Family Dwelling" has the same meaning as in Section 19.08.080(F).
- D. "Finance director" means the director of the finance department or designee.
- E. "Lodger" means a person to whom a person is providing lodging for compensation.
- F. "Parcel" means property assigned a separate parcel number by the Placer County Assessor.

G. "Permittee" means the property owner to whom a short-term rental permit is issued.

H. "Person" means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.

I. "Primary residence" means the single family dwelling in which the permittee resides for at least one hundred eighty-three (183) days during the calendar year.

J. "Property owner" means the owner of the property on which the short-term rental exists or their agent authorized to rent the short-term rental.

K. "Short-term rental" means any single family dwelling or accessory dwelling unit located in a residential or commercial zone that is rented in whole or in part on a short-term basis. A short-term basis is thirty (30) calendar days or less to the same person.

#### **4.25.050 Application and renewal of short-term rental permits.**

A. A property owner may apply for a short-term rental permit by filing an application with the finance director. The application must be on a form approved by the finance director and may require any information or documentation consistent with the provisions of this chapter. The permit application shall be on a form furnished by the city and signed by the permittee. Such application shall include, but not be limited to, the following information:

1. Name, address, and telephone number of permittee;
2. Name, address, and 24-hour telephone number(s) of permittee and secondary point of contact, if permittee is not located onsite;
3. Floor plan, parking location(s), copy of business license, and proof of insurance;
4. Any supplemental information which the finance director finds reasonably necessary to determine whether to approve a short-term rental permit.

B. To renew a short-term rental permit, the permittee shall file an application with the finance director that complies with section A above. The application must be submitted no later than thirty (30) calendar days prior to the short-term rental permit expiration date. Untimely applications to renew short-term rental permits are subject to a late penalty in the amount established by resolution of the city council.

C. Knowingly making a false statement of fact or knowingly omitting any information that is required in an application for a short-term rental permit shall be grounds for denial of a permit.

#### **4.25.060 Permit fee.**

Every permit application shall be accompanied by a nonrefundable short-term rental permit application fee as established by resolution of the city council, as may be amended from time to time. This application fee shall be in addition to the city's business license tax, transient occupancy tax, and any other license, permit fee, or penalty fee imposed by local, State or Federal laws, statutes, rules or regulations.

#### **4.25.070 Registry required.**

A. Every permittee within the City of Roseville shall keep a register containing the following information for each person who stays at the short-term rental, and shall maintain such register for a period of eighteen (18) months:

1. Name;
2. Address;
3. Vehicle year, make, model, color;
4. License plate;
5. State in which the vehicle is registered;
6. Date of arrival;
7. Date of departure;
8. Number of guests;
9. The amount of rent paid by lodgers for each night of lodging.

#### **4.25.080 Performance standards.**

A short-term rental shall be subject to the following conditions and criteria:

A. No permittee shall, for compensation, provide lodging for more than six (6) people at any time in a short-term rental.

B. No permittee may rent both a single family dwelling unit and an accessory dwelling unit on the same parcel. It is the intent of this section that only one dwelling be rented on a short-term basis per parcel.

C. All eligible short-term rentals shall be located on a parcel developed with the permittee's primary residence and shall not be rented for more than one-hundred and eighty-two (182) days per year as a short-term rental.

D. Prior to issuance of a short-term rental permit, the permittee shall notify all owners of property, as shown on the most recent secured assessor's roll, within two hundred (200) feet of the permitted short-term rental involved in the application. The notice shall be in writing and contain the location of the short-term rental and the contact information for the permittee and the permittee's designated secondary contact.

E. The permittee or designated secondary contact must be able to be onsite and respond to any complaints within thirty (30) minutes of notification, regardless of time of day.

F. All parking associated with the operation of the short-term rental shall be onsite or located in front of the subject parcel.

G. A permittee shall post a copy of the short-term rental permit in a conspicuous place in each room in which a lodger is expected to sleep.

H. All persons operating a short-term rental shall identify the city short-term rental permit number in any advertisement for that rental.

I. No permittee shall allow any conferences, weddings, fundraisers, or similar gatherings at the short-term rental. Additionally, no permittee shall allow any special event that would otherwise require a city permit.

J. No permittee shall post on the exterior of the short-term rental or the parcel where the short-term rental exists, any sign or writing visible from the exterior of the short-term rental indicating that the dwelling is available for rent.

K. All short-term rentals shall comply with any and all Federal, State, and/or local laws, including without limitation all zoning requirements and the California Building Standards Code and Fire Code, as adopted by the City of Roseville.

#### **4.25.090 Suspending, revoking, or conditioning a short-term rental permit.**

- A. The finance director may suspend, revoke, or condition any short-term rental permit if the permittee has violated any provision of this chapter.
- B. Additionally, upon issuance of any permit, the finance director may limit the permit by any condition reasonably necessary to preserve the intent and purpose of this chapter.
- C. The conditions that the finance director may impose on the short-term rental permit include, but are not limited to:
  - 1. Requiring the permittee to remain at the short-term rental during certain hours while guests are present;
  - 2. Reducing the number of guests that are allowed to lodge at the short-term rental;
  - 3. Reducing the number of days in a year that the permittee is allowed to provide lodging;
  - 4. Reducing the number of vehicles that may park at the short-term rental.

#### **4.25.100 Grounds for denying a short-term rental permit.**

The finance director may deny an application for a short-term rental permit for any of the following reasons:

- A. The application is incomplete;
- B. The application contains a false or misleading statement or omission of a material fact;
- C. The short-term rental or permittee is currently in violation of, or under investigation for violation of, any local, State or Federal laws, statutes, rules or regulations;
- D. The short-term rental or permittee has been found to be in violation of any provision of any applicable local, State or Federal laws, statutes, rules or regulations;
- E. The property owner or occupants of the short-term rental have been found to be in violation of any applicable local, State or Federal laws, statutes, rules or regulations;
- F. The permittee or the property owner is delinquent on any payment to the city of any fees, penalties, taxes, or any other monies related to the short-term rental property including, but not limited to, transient occupancy taxes;
- G. If a short-term rental permit for the dwelling was ever revoked or suspended;
- H. The operation of a short-term rental is a threat to the public health, safety, or welfare; or
- I. Any required application fee or renewal fee has not been paid.

#### **4.25.110 Appeal of action on permit.**

- A. Any permittee may appeal the finance director's decision to deny, suspend, revoke, or condition a short-term rental permit by submitting a written notice of appeal to the finance director within fourteen (14) calendar days from the date of service of the notice of decision.
- B. The appeal hearing shall be conducted by the board of appeals.

C. Upon receipt of any appeal filed pursuant to this section, the finance director shall transmit the appeal to the city attorney's office, who shall schedule the appeal hearing within forty-five (45) calendar days, or as soon thereafter as is practicable.

D. The city attorney's office shall provide a notice of the appeal hearing to the appellant. The notice shall be in writing and contain the date, time, and location of the appeal hearing. The notice shall be provided to the appellant at the address shown on the appeal at least fifteen (15) calendar days prior to the date of the hearing.

E. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered in the appeal hearing.

F. If such appeal is not received within fourteen (14) calendar days, the decision of the finance director shall be final.

#### **4.25.120 Hearing required—Exception.**

A. A permit issued pursuant to this chapter may be suspended, revoked, or conditioned immediately upon the finance director's determination that the immediate suspension of the permit is necessary to protect the public health, safety, or welfare.

B. If a permit is immediately suspended pursuant to subsection A, the permittee subsequently may request a hearing pursuant to Section 4.25.110.

#### **4.25.130 Violations.**

A. Violation of any provision of this chapter may be charged as an administrative citation, misdemeanor, or infraction, at the discretion of the city attorney. It is unlawful for any person to operate a short-term rental without complying with the provisions of this chapter.

B. Violations of this chapter are hereby declared to be a public nuisance. Additionally, a public nuisance may be deemed to exist if operation of the short-term rental results in:

1. More than one response to the parcel, property, and/or short-term rental, from law enforcement officers during the term of the permit;
2. Disruption to the free passage of persons or vehicles in the immediate neighborhood;
3. Excessive noise, as defined by Section 9.24.150 of this code, which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public; or
4. Any other impacts on the neighborhood or public generally which are disruptive of normal activity in the area.

C. The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Roseville Municipal Code. None of the penalties or remedies authorized by, or set forth in, the Roseville Municipal Code shall prevent the city from using any other penalty or remedy under State statute which may be available to enforce this chapter or to abate a public nuisance.

#### **4.25.140 Severability.**

The provisions of this chapter are hereby declared to be severable. If any section, sentence, clause, phrase, word, portion or provision of the ordinance codified in this chapter is held invalid, or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of said ordinance which can be given effect without the invalid portion. In adopting said ordinance, the city council affirmatively declares that it would have approved and adopted said ordinance even without any portion which may be held invalid or unenforceable.

SECTION 2. Section 2.26.020 of Chapter 2.26 Title 2 of the Roseville Municipal Code is hereby amended to read as follows:

**2.26.020 Purpose.**

The board of appeals shall hear appeals of decisions of the building official pursuant to Sections 16.04.110 and 17.08.530, appeals of decisions of the fire chief pursuant to Section 16.16.050, appeals of decisions of the environmental utilities director pursuant to Section 14.20.450, appeals of decisions of the chief of police pursuant to Section 9.45.260, and appeals of decisions of the finance director pursuant to Section 4.25.110. Members of the board of appeals shall also provide a pool of hearing examiners to sit on hearing panels pursuant to Sections 2.50.070 and 2.52.070 of this title.

SECTION 3. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 4. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this 28th day of November, 2018, by the following vote on roll call:

AYES            COUNCILMEMBERS: Gore, Alvord, Herman, Allard

NOES            COUNCILMEMBERS: None

ABSENT        COUNCILMEMBERS: Rohan

  
VICE MAYOR

ATTEST:

  
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City Clerk