

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, ADDING SECTION 7-1249 OF THE FRESNO
MUNICIPAL CODE, RELATING TO SHORT-TERM
RENTALS

WHEREAS, the use of short-term rentals provides a form of temporary lodging to allow visitors to stay in and experience a local community; and

WHEREAS, a short-term rental permit process will serve as a deterrent to unfavorable consequences, including negative impacts and nuisance activities, that result from these rentals and cause issues for neighboring residents and public safety; and

WHEREAS, the City desires to enact this ordinance for the purpose of creating a permitting process for short-term rentals of dwelling units for transient use of 30 days or less.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 7-1249 is added to Chapter 7 of the Fresno Municipal Code to read:

SECTION 7-1249. – SHORT-TERM RENTALS.

(a) Purpose. This chapter is adopted for the purpose of requiring the owner or owners of a residential dwelling unit that is used as a short-term rental, as defined herein, to apply for and secure a permit authorizing such use in the manner provided for by this chapter.

(b) Definitions.

(1) “Owner of a short-term rental” means the person or persons holding fee title to a dwelling unit operated and used as a short-term rental, or a person or persons holding the lease estate to a dwelling unit and operating and using the leased dwelling unit as short-term rental, or the agents of any such persons.

(2) “Short-term rental” means a dwelling unit, rented in whole or in part, to any persons(s) for transient use of 30 consecutive days or less. A dwelling unit within a hotel, motel, or bed and breakfast shall not be considered a short-term rental.

(3) “Hosting platform” means a person who participates in the short-term rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

(c) Permit required. No owner or owners of a short-term rental shall rent, offer to rent, or advertise for rent the short-term rental to another person without a permit approved and issued in the manner provided for by this chapter.

(d) Permit application. Permit applicants will be provided a provisional status to operate a short-term rental once they have filed a permit application with the City, and that status shall expire upon the City’s issuance or denial of the application. The short-term rental permit application shall be as concise as possible and shall be authorized within

the City, provided the owner of a short-term rental complies with each of the following requirements:

(1) Collects and timely remits Transient Occupancy Tax ("TOT"), in coordination with any hosting platform if utilized, to the City and complies with all City TOT requirements as set forth in Article 6 of Chapter 7 of this Code. All TOT collected, pursuant to this Chapter, will be designated for code enforcement matters related to short-term rentals.

(2) Provides current contact information, including but not limited to, the phone number(s) for all owner(s) of the short-term rental and/or property manager who can be reached at all times.

(3) Takes responsibility for and actively prevents any nuisance activities that may take place as a result of short-term rental activities. The owner shall keep accurate records for a minimum of 3 years regarding all short-term rentals, including but not limited to, the name of the individual(s) who reserved the rental, duration of the stay, and amount paid for the rental.

(4) Shall include in all offers or advertisements for the short-term rental the City-issued permit number. The permit number shall be printed in the same size type as the largest type used in the main body of the offer or advertisement.

(5) Shall only advertise on a hosting platform that was listed on the owner's short-term rental permit application form,

unless the owner has submitted a written request and received written approval from the Finance Department to list another housing platform.

(6) Complies with all applicable laws, including the Noise Ordinance of the City of Fresno, all health, safety, building, and fire protection laws.

(7) Consents to receive all City notices and citations regarding their short-term rental permit by U.S. Mail and electronic mail.

(e) Prohibitions.

(1) No owner of a short-term rental shall offer, advertise, book, facilitate, or engage any short-term rental that does not comply with Section 7-1249 of this Code.

(2) No owner of a short-term rental shall offer, advertise, book, facilitate, or engage in a short-term rental for a non-residential approved building, including but not limited to, a vehicle parked on the property, a storage shed, trailer, or any temporary structure, including but not limited to, a tent.

(f) Expiration and Renewal. A short-term rental permit is valid for one year from the date of issuance. The permit may not be transferred or assigned and is valid only for the address named in the short-term rental permit application. A short-term rental permit may be renewed annually if the owner:

- (1) Pays the renewal fee;
- (2) Has complied with the provisions of Section 7-1249 of this Code and all permit conditions for the past year; and
- (3) Provides information concerning any changes to the previous application for, or renewal of, the short-term rental activity, including but not limited to, the current contact information for the owner of the short-term rental or property manager who can be reached at all times.

A renewal may be denied if a short-term rental permit issued to the applicant or for the property has been suspended or revoked in the prior 12 months at that location.

(g) Violation. In the event that a short-term rental permit holder violates this Chapter, a written warning shall be provided to the permit holder for the first nuisance violation. For all subsequent violations, the short-term rental permit holder may be subject to revocation as set forth in Section (h) below.

(h) Revocation. A short-term rental permit issued pursuant to this chapter may be suspended, modified, or revoked for violations of this Chapter, for violation of any other law on the premises of the short-term vacation rental, or for the maintenance of such other conditions as may be shown to be injurious to the public health and safety. Any revocation of a short-term rental permit shall be only as to the location that has committed a violation of this Chapter, and will have no effect on additional locations

that are permitted by the same owner. Revocation proceedings may be initiated by the City Attorney and shall be conducted pursuant to the procedures set forth in Chapter 1, Article 4 of this Code and a violation may result in a suspension of up to 12 months. A permit that is suspended or revoked is eligible to submit a renewal application for that location after the required time period has expired.

(i) Enforcements; Penalties. Notwithstanding the City’s ability to suspend or revoke a permit, if an owner of a short-term rental violates its obligations under this Section 7-1249 or the owner’s permit, the City may pursue all remedies available under law. Any violation of this Section 7-1249 or a permit, by an owner of a short-term rental, shall be subject to administrative citations as set forth in the Master Fee Schedule. In any action or proceeding brought by the City to enforce this Chapter, the City shall be entitled to recover its attorney’s fees and costs as a prevailing party.

(j) Appeal. An appeal of a citation issued under this Chapter may be made to the Administrative Hearing Officer in the manner provided in Chapter 1, Article 4 of this code.

(k) Misdemeanor. Alternatively, the City Attorney may, in his or her discretion, prosecute violations of this Chapter as a misdemeanor.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Rina Gonzales Date
Deputy City Attorney