

DRAFT Short-Term Rentals Regulations

Chapter 16.106 Short-Term Rentals

16.106.010 Title.

This ordinance shall be known as the Short-Term Rentals Ordinance (“Ordinance”). This ordinance shall be applicable in the City of Claremont, California, which shall be referred to herein as “City.”

16.106.020 Purpose.

A. The purpose of this chapter is to regulate privately owned residential dwellings within the City used as short-term rental units, ensure transient occupancy taxes (TOT) are paid and collected, and minimize the potential adverse effects of short-term rental units on surrounding residential neighborhoods.

B. This chapter is not intended to allow any residential property owner or authorized agent to violate any private conditions, covenants, and restrictions applicable to the owner’s property that may prohibit the owner from using their property as a short-term rental unit, as defined by this chapter.

C. The City reserves the right to change the regulations provided in this chapter at any time, including discontinuing the issuance of short-term rental unit permits, notwithstanding any impacts to existing or future short-term permit holders. Anyone accepting a short-term rental unit permit pursuant to this chapter acknowledges and accepts that possibility.

16.106.030 Definitions.

Accessory Dwelling Unit means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

Apartment shall mean a residential unit within a multifamily development designed for occupancy by individual families, where the units are part of a common property ownership structure and rented or leased for residential purposes. This includes developments with two or more dwelling units under single ownership or management but excludes individually owned units within a condominium development.

Applicant means the property owner.

Bedroom A private room within a vacation rental furnished with a bed and intended primarily for sleeping which is 70 square foot or greater in size. Consists of four walls to the ceiling, at least one of which is located along an exterior wall with a window and must be separated

from other rooms by a door. The room must be accessible to a bathroom without crossing into another bedroom.

Business Entity means a corporation, partnership, or other legal entity that is not a natural person or a personal or family trust. In addition, the following shall not be considered a “business entity” under this chapter: any partnership, limited liability partnership, or limited liability company consisting solely of natural persons, the number of whom does not exceed four.

Change of property ownership means the transfer of title from one person to another.

Contract means an agreement or evidence of any tenancy that allows or provides for the vacation rental of property.

Daytime occupancy means the hours between 8:00 a.m. and 10:00 p.m.

Daytime occupants mean the guest who may occupy a vacation rental during a daytime occupancy.

Enforcement official means the City Manager, Police Chief, Community Development Director, Building Official, or one or more of their respective designees.

Good Cause for the purposes of denial, suspension, revocation, imposition of conditions, renewal, and reinstatement of a vacation rental registration certificate means: (1) the applicant, owner, the owner's agent, or the local contact person has failed to comply with any of the terms, conditions, or provisions of this chapter or any relevant provision of this code, state law, or any rule or regulation promulgated thereunder; (2) the applicant, owner, owner's agent, or local contact person has failed to comply with any special conditions that were placed upon the vacation rental registration certificate by the enforcement official; or (3) the vacation rental has been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the vacation rental is located.

Good neighbor brochure means a document prepared by the enforcement official that summarizes general rules of conduct, consideration, and respect, including without limitation provisions of the Claremont Municipal Code applicable to or expected of guests to the city.

Homeshare interest means a portion of an owner's home that is subject to homesharing as provided in this chapter

Homesharing means an activity whereby the owner hosts visitors in the owner's primary residence, for compensation for periods of thirty consecutive days or less, while the owner lives on-site and in the home throughout the visitor's stay.

Hotline means the telephonic service operated by or for the purpose of receiving complaints regarding the operation of any vacation rental and the forwarding of such complaints to the appropriate city enforcement officials or, if applicable, the local contact person. For the purposes of this chapter, the term "hotline" also includes any contact in person or by telephone, email, and digital or electronic communication, or correspondence of any kind to and/or from any enforcement official.

Junior vacation rental registration means a vacation rental certificate authorizing fewer annual contracts and for which a lower registration fee shall be charged.

Local Contact Person means the owner, a local property manager, or agent of the owner, who is available 24 hours per day, seven days per week for the purpose of responding in-person within 30 minutes to complaints regarding the condition, operation, or conduct of occupants of the vacation rental, or any agent of the owner authorized by the owner to take remedial action and who responds to any violation of this code.

Owner means the natural person or persons who is/are the owner of record of the property. The term "owner" also includes a personal or family trust consisting solely of natural persons and the trustees of such trust or the members of any partnership, limited liability partnership, or limited liability company consisting solely of natural persons, the number of whom does not exceed four. The term "owner" does not include a business entity.

Property means a residential, legal lot of record on which a vacation rental is located.

Rental term means the period of time a responsible person rents or leases a vacation rental.

Responsible person means an occupant of a vacation rental who is at least 21 years old and who shall be legally responsible for compliance of all occupants of the unit and/or their guests with provisions of this chapter.

Single-family dwelling is a residential unit designed and intended for occupancy by one household, which may be located in a standalone structure or within a development where each unit is independently owned. This includes detached homes and condominiums, whether detached or attached, but excludes multi-unit buildings containing more than two dwelling units under single property ownership or with shared access corridors.

Vacation rental means a single-family dwelling, accessory dwelling unit, or portion thereof, utilized for occupancy for dwelling, lodging, or sleeping purposes without the owner being present for a period of 30 consecutive days, other than ongoing month-to-month tenancy granted to the same renter for the same unit. The term "vacation rental" is synonymous with "short-term rental" and transient use" and does not include homesharing.

VR zone means a city recognized zone or area within the city. The City council may for the purpose of this chapter only, determine zones areas by resolution. The City Council by

resolution may recognize, for purposes of this chapter only, a new zone.

VR zone percentage means a percentage derived by dividing the total number of residential dwelling units within a zone that have been issued a vacation rental registration certificate (not including any junior vacation or homesharing rental registration certificates) by the total number of residential dwelling units within that zone and multiplying that quotient by 100.

VR zone percentage cap means the maximum VR zone percentage allowed by the city council in each zone. The VR zone percentage cap will be the same for all zones. The VR zone Percentage Cap may be adjusted by the City Council by ordinance or resolution.

16.106.040 Vacation Rental – Registration certificate required.

- A. The operation of a vacation rental or a homeshare interest without a vacation rental registration certificate is prohibited.

- B. A vacation rental registration certificate shall not be issued to any business entity. A natural person, partnership, limited liability partnership, or limited liability company that does not qualify as a “business entity,” or personal or family trust shall not maintain any financial interest in more than one vacation rental. For this purpose, financial interest includes both legal and beneficial ownership as well as any arrangement that provides for receipt of any portion of revenues generated by the vacation rental. For purposes of this section, a person shall be deemed to have a financial interest in any vacation rental that is owned by their spouse or registered domestic partner regardless of the terms of any contractual arrangement, such as any transmutation (i.e., pre- or post-nuptial) agreement. An owner shall only be issued and can only maintain one vacation rental registration certificate at any time.

- C. Each owner of a vacation rental who rents, exchanges, trades, gifts, or grants such vacation rental for a period of 30 consecutive days or fewer shall fully comply with all provisions of this chapter related to the use and occupancy of a vacation rental, and the operational requirements, provided in this chapter.

- D. No owner of residential property in the city shall rent any vacation rental interest for a period of 30 consecutive days or fewer without a valid rental registration certificate for a vacation rental pursuant to this chapter.

- E. A copy of the current registration certificate as issued by the city and the maximum number of guests allowed on the premises shall be displayed in a clear and legible manner in a conspicuous and easily accessible location in the unit and on all advertising related to each vacation rental or home-sharing interest, including without limitation, web-based advertising, hosting platform, print media, and television.

F. The issuance and or renewal of a registration certificate shall be deemed evidence that the holder of such registration certificate has registered a vacation rental property with the city and that holder acknowledges the holder's obligation to comply with all provisions of this chapter and the code. The issuance of a registration certificate shall not be construed as bestowing or granting any vested right of entitlement.

16.106.050 Caps on Certificates based on Zone.

The City shall not issue any new vacation rental registration certificate other than junior vacation or homesharing rental registration certificates in any zone in which the zone percentage cap has been exceeded or would, with the issuance of any such certificate, be exceeded. In the event the zone percentage cap has been exceeded for a particular zone, and additional complete applications are on file with the city for vacation rental registration certificates within that zone, if and when the zone percentage falls below the applicable zone percentage cap for that zone, any additional certificates for that zone shall be issued in order of the date on which applications were filed with the city (i.e., on a "first in time, first in right" basis).

16.106.060 Agency.

- A. An owner may retain an agent with an exclusive listing arrangement or representative to assist in the compliance with requirements of this chapter, including, without limitation, the filing of a complete vacation rental registration the management of the vacation rental unit or units, and compliance with the requirements of this chapter including the collection and payment to the city of all transient occupancy taxes due and payable on the vacation rental unit. The owner and any such agent or representative of owner must have the authority to evict any tenant, resident, or guest permitted to reside at the vacation rental for violation of any provision of this chapter or regulation thereof. Except as provided in subsection (b) of this section and notwithstanding any agency relationships between an owner and an agent or representative, the owner of the vacation rental unit or units shall execute all applications and documentary requirements as provided in this chapter and shall remain responsible for compliance with the provisions of this chapter. The failure of an agent to comply with this chapter shall not relieve the owner of the owner's obligations under the provisions of this chapter
- B. In the event an owner enters into an exclusive listing arrangement, the vacation rental registration certificate may be secured, and the transient occupancy registration certificate requirements provided in this chapter may be performed by the agent or representative and not by the owner; however, the agent or representative shall separately account all revenues and costs on a per property basis, including without limitation transient occupancy taxes

and the gross rent amounts used to calculate such taxes.

16.106.070 Vacation Rental Registration Requirements.

- A. Prior to use of a property as a vacation rental, and annually thereafter, the applicant shall register the property as a vacation rental with the city on a registration form furnished by or acceptable to the enforcement official and signed by the applicant under penalty of perjury. Each application shall contain the following information:
1. The name, address, and telephone number of the owner of the unit for which the vacation rental registration certificate is to be issued. The name, address and telephone numbers of any other natural persons, limited liability companies or personal or family trusts that hold any financial interests in the vacation rental as well as copies of legal documents creating such financial interests.
 2. The name, address, and telephone number of the exclusive listing agent, if any, of the owner of the unit.
 3. The name, address, and 24-hour telephone number of the local contact person and verification that the local contact person can respond in-person to the site of the vacation rental within 30 minutes. The local contact person may only use the address of the vacation rental if the local contact person will be present at the unit for the duration of each contract.
 4. The address of the residential property proposed to be used as a vacation rental.
 5. The number of bedrooms and the applicable overnight and daytime occupancy limit of the unit consistent with the provisions of 16.106.080(B).
 6. Evidence of a valid transient occupancy registration certificate issued by the city for the vacation rental unit.
 7. Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a vacation rental.
 8. Executed indemnification and hold harmless agreement in a form approved by the city attorney, agreeing to indemnify, save, protect, hold harmless, and defend the City of Claremont, the city council of the City of Claremont, individually and collectively, and the City of Claremont representatives, officers, officials, employees, agents, and volunteers from any and all claims, demands, damages, fines, obligations, suits, judgments, penalties, causes of action, losses, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising out of owner's actions or inaction in the operation, occupancy, use, and/or maintenance of the property.
 9. Evidence of insurance coverage as required under Section 16.106.080(v) of this chapter.
 10. Completion of building, fire, and safety inspection and completion of any

corrections identified by an enforcement official. Such inspections shall include a review of the premises for compliance with the operational requirements of this chapter, including without limitation determining the total number of qualified bedrooms.

11. Written acknowledgement in a form approved by the enforcement official that there are no covenants or other deed restrictions on the property that prohibit or limit the use of the property as a vacation rental. The enforcement official may accept a written consent from the governing board of a homeowners' association with jurisdiction over the property in satisfaction of this requirement.
 12. Such other information as the enforcement official deems reasonably necessary to administer this chapter.
- B. The registration of a vacation rental shall be accompanied by a fee established by resolution of the city council; provided, however, the fee shall be no greater than necessary to defer the cost incurred by the city in administering the provisions of this chapter.
- C. A vacation rental registration certificate shall be denied if a registration certificate for the same unit and issued to the same owner has previously been revoked pursuant to Section 16.106.120. The denial of a registration certificate for any reason may be appealed in accordance with the provisions of Chapter 16.321 of the Municipal Code.
- D. Upon change of property ownership, the registration certificate shall expire, and the property shall not be used as a vacation rental until the new or successor owner is issued a vacation registration certificate. The provisions of Section 16.106.040(b) shall be applicable to any such new or successor owner. In the event of a change in agent or the occurrence of any other material fact set forth in the annual registration, a new registration for a vacation rental shall be required to continue operation of the vacation rental and within seven days of said change the owner or their exclusive listing agent shall submit the required registration and fee.
- E. The owner or their exclusive listing agent shall cancel the vacation rental registration certificate within seven days of the date the vacation rental is sold or otherwise disposed of or after an event that results in the unit no longer in use as a vacation rental.

16.106.080 Operational Requirements and Standard Conditions.

- A. The owner shall use reasonably prudent property ownership/management practices to ensure that the vacation rental unit complies with all applicable codes regarding fire, building and safety, health and safety, and all other

relevant laws.

- B. The owner shall limit overnight occupancy of the vacation rental unit to a specific number of occupants, with a maximum of two persons plus one per bedroom, and no more than eight occupants total within the vacation rental unit. The owner may allow up to two minor children, age 12 or under, to occupy the vacation rental in addition to the maximum number of occupants otherwise permitted under this subsection. For the purposes of this section, a studio shall be considered as one bedroom. The number of bedrooms in a vacation rental shall be verified by the enforcement official using county assessor records, city building records, or a physical inspection of the premises prior to the issuance of a registration certificate. In addition to the total number of guests allowed for overnight occupancy under this subsection, the owner may permit up to double the overnight occupancy limit for daytime occupants
- C. A maximum of one automobile per bedroom, plus one additional automobile, is allowed for each vacation rental. Overnight parking for all vehicles must be provided on-site. For the purposes of this section, a studio shall be considered as one bedroom.
- D. Advertising and/or renting one or more vacation rentals as part of a cluster or compound is prohibited.
- E. For any property for which a Junior vacation rental registration certificate has been issued, no more than four contracts for vacation rental use of that property shall be allowed or provided in any calendar year.
- F. During the rental term each vacation rental unit is rented, the owner, their agent, and/or the local contact person designated by the owner, after being contacted by the enforcement official, shall be available 24 hours per day, seven days per week, for the purpose of: (1) responding by telephone within 15 minutes of complaints from or through the hotline; and (2) responding in-person within 30 minutes to any additional or successive complaints regarding the condition, operation, or conduct of occupants of the vacation rental.
- G. The owner shall use reasonably prudent property ownership/management practices to ensure that the occupants and/or guests of the vacation rental unit do not create unreasonable noise disturbances, engage in disorderly conduct, or violate provisions of the municipal code or any state law.
- H. Notwithstanding the provisions of Section 16.154.020, any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or any machine or device for the producing or reproducing of any sound shall be conducted within a fully enclosed vacation rental unit and shall not be audible

at the property line of the vacation rental.

- I. Prior to occupancy pursuant to each separate occasion of rental of a vacation rental, the owner or the owner's agent or representative shall enter into a written contract with a responsible person where: (1) the responsible person will provide the responsible person's name, age, address, and a copy of a government issued identification; (2) establishes and sets out the terms and conditions of the contract, including without limitation, occupancy limits, noise prohibitions, and vehicle parking requirements; (3) requires the responsible person to acknowledge and agree that he or she is legally responsible for compliance of all occupants of the vacation rental or their guests with all provisions of this chapter and/or the municipal code; (4) the owner or the owner's agent provides a copy of the "Good Neighbor Brochure" to the responsible person; (5) the responsible person provides a list of all guests by name; and (6) the responsible person provides a list of all guests' vehicles, including license plate numbers. Each contract shall be maintained by the owner or the owner's agent for a minimum of four years and shall be readily available for inspection upon request of the enforcement official. A summary or abstract of the written contract, in a form approved by the enforcement official, shall be filed with the enforcement official prior to each applicable occupancy, in a manner approved by the enforcement official, and shall be posted in a conspicuous location on the vacation rental property and shall be made available on-site at the request of an enforcement official.
- J. The enforcement official shall be the first responder and have primary responsibility for the enforcement of this chapter. In the event the enforcement official notifies the owner, or their agent, the owner, or their agent, that the responsible person, including any occupant and/or guest of the vacation rental unit, has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of provisions of the municipal code or any state law, shall promptly respond in a timely and appropriate manner to prevent a recurrence of such conduct by those occupants or guests, and evict one or more of the guests when requested by the enforcement official. For the purpose of this subsection and subsection (j) below, the phrase "in a timely and appropriate manner" shall mean in person contact within 30 minutes for any call from the enforcement official.
- K. Failure of the owner or their agent to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the vacation rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this chapter. It is not intended that an owner, agent, or local contact person act as a peace officer or place himself or herself in an at-risk situation.
- L. Trash and refuse shall not be left stored within public view, except in proper

containers for the purpose of collection by the collectors in compliance with section 8.08.220. The owner of the vacation rental unit shall use reasonably prudent property ownership/management practices to ensure compliance with all the provisions of Chapter 8.08 of the Municipal Code (Garbage and Solid Waste).

- M. All home repairs (external and internal), garden and yard maintenance, and pool cleaning and maintenance shall not be performed on Sundays or federal holidays, except in the case of an emergency or the occurrence of an unexpected event that reasonably warrants a timely or immediate response. Repairs and maintenance shall not be scheduled in advance to occur during the days and time specified in this subsection.
- N. The owner or the owner's agent or representative shall meet and greet the responsible party at the vacation rental and obtain their name, address, and a copy of a valid government identification. The owner or owner's agent shall explain and describe all rules and regulations applicable to the use of the property as a vacation rental and the responsibilities of the responsible party to the neighbors and the City as well as the owner. The owner shall secure the signature of the responsible party and all adult guests to a statement of rules and regulations prepared by the city manager prior to or within 24 hours of the arrival of the guest at the vacation rental.
- O. The owner of the vacation rental unit shall post a copy of the registration certificate and a copy of the conditions set forth in this section, including all rules and regulations applicable to the use of the property as a vacation rental, on the inside of the front door and the primary door to the backyard or in a conspicuous location near each such door.
- P. The owner shall provide each occupant of a vacation rental with the following information prior to occupancy of the unit and/or post such information in a conspicuous place within the unit:
 - 1. The name of the managing agency, agent, rental manager, local contact person, or owner of the unit, and a telephone number at which that party may be reached on a twenty-four-hour basis;
 - 2. The maximum number of occupants permitted to stay in the unit;
 - 3. The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property;
 - 4. Notification that any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or any machine or device for the producing or reproducing of any sound shall only be operated within a fully enclosed vacation rental unit and shall not be audible at the property line of the vacation rental;
 - 5. Notification that the occupant may be cited or fined by the city and/or

immediately evicted by the owner pursuant to state law, in addition to any other remedies available at law, for creating a disturbance or for violating any provision of this chapter;

6. Notification that failure to conform to the occupancy requirements of the vacation rental unit is a violation of this chapter;
 7. A copy of this chapter of the Claremont Municipal Code, as may be amended from time to time.
- Q. The use of a vacation rental unit shall not violate any applicable conditions, covenants, or other restrictions on real property.
- R. The owner shall comply with all provisions of Chapter 3.28 of the Municipal Code concerning transient occupancy taxes, including, but not limited to, submission of a monthly return for each vacation rental in accordance with Section 3.28.060. The monthly return shall be filed each month regardless of whether the vacation rental unit was rented or not during each such month.
- S. The city manager shall have the authority to impose additional standard conditions, applicable to all vacation rental units or identifiable classes of vacation rentals, as necessary, to achieve the objectives of this chapter. A list of all such additional standard conditions shall be maintained and on file in the office of the city clerk and such offices as the city manager designates.
- T. Notwithstanding the provisions of subsection (O) above, upon a determination of good cause, the city manager may impose additional or special standards or requirements for placement or imposition of special conditions or performance standards for owners, owner's agents, local contact persons, and their affected vacation rentals. The standard conditions may be modified by the enforcement official upon request of the owner or their agent based on site-specific circumstances for the purpose of allowing reasonable accommodation of a 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 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 to the standard conditions shall not further exacerbate an already existing problem.
- U. The city manager shall have the authority to establish administrative rules and regulations, which may include, but are not limited to, registration conditions, reporting requirements, inspection frequencies, enforcement procedures, advertising restrictions, disclosure requirements, or insurance requirements consistent with the provisions of this chapter, for the purpose of implementing,

interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this chapter. No person shall fail to comply with any such regulation. A copy of such administrative rules and regulations shall be on file in the office of the City Clerk.

- V. Owner shall procure, maintain, and pay premiums for commercial insurance policies that cover short term rental of property for each vacation rental with minimum limits as may be established by the city manager from time to time.
- W. Owner in good standing shall secure a biannual building and fire and safety inspection prior to renewal of the vacation registration certificate. Owner with one or more violations shall secure an annual building and fire and safety inspection prior to renewal of the vacation registration certificate.

16.106.090 Homesharing Authorization.

- A. Notwithstanding any provision of this chapter to the contrary, homesharing shall be authorized in the city, provided that the owner complies with each of the following requirements:
 - 1. Obtains and maintains at all times a vacation rental registration certificate for homesharing;
 - 2. Operates the homesharing interest in compliance with all vacation registration certificates for homesharing conditions, which may be imposed by the Enforcement Official to effectuate the purpose of this chapter;
 - 3. Collects and remits transient occupancy tax requirements as set forth in this code;
 - 4. Takes responsibility for and actively prevents any nuisance activities that may take place as result of homesharing activities;
 - 5. Complies with all applicable laws, including all health, safety, building and fire protection laws;
 - 6. Complies with regulations promulgated pursuant to this chapter.
- B. In the event the owner of a homeshare interest does not live on-site, in the home, and is not able to respond within 30 minutes to complaints regarding the condition, operation, or conduct of occupants of the homesharing interest, the property shall be deemed a vacation rental and owner shall be required to fully comply with the provisions of this chapter relating to vacation rentals, including without limitation, securing a vacation rental registration certificate.

16.106.100 Specific Prohibitions.

- A. No person or entity shall offer or provide an apartment, or any portion thereof, for rent for 30 consecutive days or less to any person.
- B. No person or entity shall maintain any advertisement of a vacation rental that is in violation of any provision of this chapter.
- C. No person, including, without limitation, an apartment owner, an apartment manager, or a representative of the apartment owner or manager, shall evict any tenant or otherwise terminate a lease for the purpose of converting an apartment to a vacation rental or in anticipation of converting an apartment to a vacation rental. In addition to any other remedy provided under the Claremont Municipal Code, failure to comply with this provision may be asserted as an affirmative defense in an action brought by or on behalf of the apartment owner, apartment manager, or representative to recover possession of the unit. Any attempt to recover possession of a unit in violation of this chapter shall render the apartment owner, apartment manager, or representative liable to the tenant for actual or punitive damages, including damages for emotional distress, in a civil action for wrongful eviction. The tenant may seek injunctive relief and money damages for wrongful eviction and the prevailing party in an action for wrongful eviction shall recover costs and reasonable attorneys' fees.
- D. No person shall offer or rent an accessory dwelling unit (ADU) approved under California Government Code Section 66323 or 65852.2(e) for rent for 30 consecutive days or less to any person.
- E. No person shall offer both a single-family dwelling and its accessory dwelling unit (ADU) as separate vacation rentals simultaneously. An ADU may not be rented for periods of 30 consecutive days or less unless the owner resides in the primary single-family dwelling on the same property. However, the owner may obtain both a homesharing certificate for a portion of the primary residence and a vacation rental certificate for the ADU, provided all other requirements of this chapter are met.
- F. No person who received funding through the City's ADU Grant Program or other city-provided funds shall offer or provide an ADU or primary residence for rent for 30 consecutive days or less to any person during the terms of the covenant.
- G. No person shall use, or allow the use of, a short-term rental property for commercial events, including but not limited to weddings, receptions, baby

showers, corporate gatherings, parties, or similar events that exceed the approved occupancy limits or generate income, sponsorship, or promotional benefits for the host. This prohibition applies regardless of whether the event is advertised, ticketed, or privately hosted. Short-term rental properties shall be used solely as temporary lodging accommodations for registered occupants.

16.106.110 Audit.

Each owner and agent or representative of any owner shall provide the enforcement official with access to each vacation rental and the books, records, documents, papers, tax returns, and bank accounts at any time during normal business hours as the enforcement official may determine are necessary or convenient for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.

16.106.120 Violations.

- A. Any person who violates a provision of this chapter is subject to criminal sanctions and administrative penalties pursuant to Chapter 16.406 and the specific penalties as provided in this chapter. Any person who uses, or allows the use of, residential property in violation of the provisions in this chapter is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this chapter. An administrative citation issued pursuant to Chapter 16.406 for a first violation shall be \$100, for a second violation \$200 and each subsequent violation shall be \$500. Each administrative citation for a violation of any provision of this chapter shall be levied or assessed against the owner.
- B. Upon the third violation in any twelve-month period, the city manager shall suspend the vacation registration certificate for two years. Notwithstanding the preceding sentence, failure by any person who is responsible to remit to the city the city's transient occupancy tax pursuant to Chapter 3.28 following written notice to do so, shall result in a suspension for 12 months of that person's vacation registration certificate for the applicable property.
- C. Any person who operates a vacation rental without a vacation registration certificate, shall be liable to the city for the payment of transient occupancy tax pursuant to the provisions of the Claremont Municipal Code Chapter 3.24, including, without limitation, penalties and interest, payment of an administrative fine in the amount of \$100, and permanent ineligibility to operate a vacation rental in the city. In the event the person continues to operate a vacation rental without a vacation registration certificate, the person shall be liable for an administrative fine in the amount of \$200 for the second

violation and \$500 for each subsequent day the vacation rental is operated without a certificate.

- D. Any person who advertises a vacation rental without including the vacation registration certificate in any advertising for such vacation rental or without timely tendering full monthly payments of transient occupancy tax, shall pay a fine in the amount of \$100 and the owner's vacation registration certificate shall be suspended for six months for a first offense and shall pay a fine in the amount of \$200 and the owner's vacation registration certificate shall be revoked for a second offense. For each subsequent violation there shall be a fine in the amount of \$500.
- E. The failure of an owner or the owner's agent or representative to comply with an order of any police officer shall result in the revocation of the vacation registration certificate.
- F. The appeal and hearing provisions of Chapter 16.321 shall apply to any revocation or suspension of a registration certificate.
- G. Any person who fails to pay any fee or charge provided in this chapter within the time required, shall pay a penalty in the amounts established by the city council by resolution. Such penalty may also include interest from the date on which the fee or charge became due and payable to the city until the date of payment.
- H. The filing of knowingly false claims against a vacation rental or the guests staying in a vacation rental is prohibited and shall be punishable by administrative fines as provided in Chapter 16.406 of this code.
- I. In addition to, and not in lieu of, any other remedy allowed by law, all remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy, criminal, civil, or administrative which may be pursued by the city to enforce this chapter and/or address any violation of this code or to remedy any other public nuisance.

16.106.130 Requirements Not Exclusive.

The requirements of this chapter shall be in addition to any license, permit, or fee required under any other provision of this code. The issuance of any permit pursuant to this chapter shall not relieve any person of the obligation to comply with all other provisions of this code pertaining to the use and occupancy of vacation rental or the property on which it is located.

SECTION __. The mayor shall sign this ordinance and the city clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days, publish in the Claremont Courier, a weekly newspaper of general circulation, printed, published, and circulated in the City of Claremont and thirty (30) days thereafter it shall take effect and be in force.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 200_.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:

City Attorney, City of Claremont