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84.01.060 Accessory Dwelling Units.

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(c) Common Ownership and Rental Terms. Accessory dwelling units are not intended for sale separate from the primary residence but may be rented separately from the primary residence in all regions of the County for a term longer than 30 days, or in the Mountain and Desert Regions for a term less than 30 days provided the short-term rental complies with Chapter 84.28 (Short-Term Residential Rentals).

SECTION 3. Chapter 84.28 of the San Bernardino County Code is amended to read:

Chapter 84.28 Short-Term Residential Rentals

Sections:

84.28.010 Purpose.

84.28.020 Applicability.

84.28.030 Definitions.

84.28.040 Permit Required.

84.28.050 Application Process.

84.28.060 Occupancy Standards.

84.28.070 Conditions of Operation.

84.28.080 Enforcement.

84.28.090 Suspension of Permit.

84.28.100 Revocation of Permit.

84.28.110 Hosting Platform Requirements.

84.28.010 Purpose.

The purpose of this chapter is to establish a permit procedure, and maintenance and operational standards, for the use of legal residential dwelling units located in the Mountain and Desert Regions as transient occupancies, to ensure the health and safety

of occupants, guests, and the surrounding residential neighborhood, and to minimize negative secondary effects associated with such use.

84.28.020 Applicability.

The standards and permit procedures of this chapter apply to all persons involved, and at all times, as more fully set forth herein, in the short-term rental of residential dwelling units as a single housekeeping unit where allowed in the Mountain and Desert Regions in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses). "Short-term" means less than 30 days.

84.28.030 Definitions.

The definitions in this section are intended to apply to this chapter only. Any term which is not specifically defined herein shall have the definition as provided by Division 10 of the Development Code or elsewhere within the County Code.

(a) "Booking transaction" means any reservation or payment service provided by a person who facilitates a short-term rental unit transaction between a prospective short-term residential rental unit renter and a short-term residential rental unit owner.

(b) "Hosting platform" means a marketplace in whatever form or format, which facilitates rental of a short-term residential rental unit through advertising, match-making or any other means, using any medium or facilitation, and from which the operator of the hosting platform derives revenues from providing or maintaining the marketplace.

(c) "Inspections – initial" means any inspection incident to the review of an application for an initial short-term residential rental unit permit. The responsible department shall inspect the subject property, including the exterior and interior of the residential dwelling unit, to determine maximum occupancy and parking capacity for the property, and to verify compliance with the standards of this chapter and of other applicable County Code provisions.

(d) "Inspections – renewal" means the reinspection, upon the application for renewal of a short-term residential unit permit, of the subject property and the residential dwelling unit and other structures or improvements on the property, based on standards

1 established by the responsible department, to ensure continued compliance with the
2 standards of this chapter and of other applicable County Code provisions.
3 Notwithstanding anything to the contrary, an applicant for the renewal of an expiring short-
4 term residential rental unit permit is in the same position as a person seeking a permit in
5 the first place and shall comply with all applicable standards of this chapter at the time of
6 renewal.

7 (e) "Potentially affected property owner" means the owner of property that is
8 located within the applicable distance from the short-term residential rental unit as set
9 forth in Table 85-2 of Section 85.03.080.

10 (f) "Responsible department" means the department or subdivision thereof
11 designated by the Chief Executive Officer of the County of San Bernardino to implement
12 this chapter.

13 (g) "Short-term residential rental unit owner" means the owner of a property, as
14 defined in Section 810.01.170, with a single-family dwelling unit that is being used as a
15 short-term residential rental unit; any individual or organization working on behalf of such
16 property owner; or any individual or organization that has the legal right to rent out, or
17 allow the occupancy of a single-family residential dwelling unit as a short-term residential
18 rental unit.

19 (h) "Short-term residential rental unit renter" means an individual who enters
20 into an agreement or is authorized by the short-term residential rental unit owner,
21 regardless of remunerations, the use of property as a short-term residential rental unit.
22 Such renter is not considered a tenant or a person who hires a dwelling unit under Civil
23 Code section 1940.

24 (i) "Short-term residential rental unit" means a residential dwelling unit or
25 portion thereof rented or otherwise used for residential transient occupancy, as defined
26 in Section 14.0203. A short-term residential rental unit shall not be used for any
27 commercial activity, which includes but is not limited to weddings, wedding receptions,
28 corporate retreats, business meetings or conferences, filming photography shoots, a

1 fraternity party, or any other similar gathering, unless regulated under an approved
2 County-issued permit. Transient occupancy generally means occupancy for 30
3 consecutive calendar days or less.

4 **84.28.040 Permit Required.**

5 (a) A short-term residential rental unit owner may use a single-family dwelling
6 unit as a short-term residential rental unit only if such owner has a current valid short-
7 term residential unit permit and complies with the requirements of this chapter and other
8 applicable provisions of the County Code and other laws. A separate permit shall be
9 required for each dwelling unit used as a short-term residential rental unit when there is
10 more than one legal single-family dwelling unit or a duplex on the parcel. An accessory
11 dwelling unit, primary dwelling unit, guesthouse, casita, or other residential accessory
12 structure may be permitted as a short-term residential rental unit when at least one of the
13 dwelling unit (primary dwelling, accessory dwelling unit, or caretaker dwelling) is occupied
14 by the property owner or legal agent.

15 (b) Short-term residential unit renters are subject to the uniform transient
16 occupancy tax of Section 14.0203.

17 (c) A short-term residential rental unit permit is transferrable to the new owner
18 of the rental unit in question, provided that the new owner informs the County of its desire
19 to assume the responsibilities of holding the short-term residential rental unit permit in
20 question within 30 days of taking title to the property. Within 30 days of taking title to the
21 property, the new owner is also responsible to provide the County with the information
22 necessary to satisfy the requirements of Section 84.28.050(a)(1) through (7), so that the
23 County may be assured that the new owner understands its duties and responsibilities as
24 the owner of a short-term residential rental unit. The County may also charge a fee for
25 changing the permit record, as set forth in the schedule of fees in Division 6 of Title 1 of
26 the County Code.

27 **84.28.050 Application Process.**

28 (a) **Application.** An application for a short-term residential rental unit permit

shall be submitted to the responsible department on a pre-approved form. The required content of the form may be revised from time to time, but at a minimum shall require the following:

- (1) Property owner name and contact information.
- (2) Applicant name and contact information, if different from the property owner.
- (3) Address and Assessor's parcel number for the property containing the single-family dwelling unit, accessory dwelling unit or other permitted structure to be used as a short-term residential rental unit.
- (4) Total square footage of the single-family dwelling unit, accessory dwelling unit or other permitted structure to be used as a short-term residential rental unit.
- (5) Total square footage of habitable space to be used for overnight sleeping purposes.
- (6) The name of the managing agency, agent, or property manager, if different from the property owner, and a telephone number at which that party may be immediately reached on a 24-hour basis.
- (7) Acknowledgment that the property owner and applicant have read and understand this chapter.
- (8) A fee amount to cover an initial inspection and one additional inspection, as set forth in the schedule of fees in Division 6 of Title 1 of the County Code. If further additional inspections are required, then the owner or applicant shall be required to pay additional inspection fees.

(b) Notification Requirements.

- (1) The responsible department shall provide notice of the application to all potentially affected property owners in the following circumstances:
 - (A) The application is submitted as a result of the issuance of a notice of violation due to the advertising of a dwelling unit for short-term residential rental use or use of a property as a short-term residential rental unit without a short-term

1 residential rental unit permit.

2 (B) During the processing of the application, the responsible
3 department is made aware of circumstances that would lead it to reasonably believe that
4 the property has been used in violation of this chapter, including but not limited to that the
5 property was used as a short-term residential rental unit without a short-term residential
6 rental unit permit.

7 (2) If there are additional costs to the County in providing notice to all
8 potentially affected property owners, the cost of the permit application shall be changed
9 to allow the County to recover those costs. The notice shall provide that comments may
10 be submitted to the responsible department up to 20 calendar days after the date of said
11 notice.

12 (3) The responsible department shall notify the applicant if the
13 application is approved or denied at the applicant's mailing address as shown on the most
14 recent application or otherwise filed with the responsible department. Within 7 calendar
15 days of the issuance or renewal of a short-term residential rental permit, the responsible
16 department shall send notice to all potentially affected property owners that a permit was
17 issued. This notice shall contain, at a minimum, the following information:

18 (A) The name of the managing agency, agent, property manager,
19 or owner of the unit, and a telephone number at which that party may be immediately
20 reached on a 24-hour basis;

21 (B) The phone number of the County's 24/7 short-term rental
22 complaint line;

23 (C) The maximum number of occupants allowed in the unit;

24 (D) The maximum number of vehicles allowed to be parked on the
25 property.

26 (c) **Operation During Application Process.** Notwithstanding Section
27 84.28.040, while a new application for a short-term residential rental unit permit is
28 pending, a dwelling may be used as a short-term residential rental unit provided that the

unit has passed a physical inspection by the County and otherwise complies with the requirements of Sections 84.28.060 and 84.28.070 and any applicable requirements set forth in Chapter 1 of Division 3 of Title 6 and Chapter 19 of Division 3 of Title 6 of the County Code and other law.

(d) **Application Denial.** An application for a short-term residential rental unit permit or renewal of a permit under this chapter shall be denied by the responsible department upon one or more of the following grounds:

(1) The application is incomplete or the applicant has otherwise failed to comply with the requirements of this chapter.

(2) The applicant or permittee provided material information that was knowingly incorrect, or provided material information that the applicant should have reasonably known was incorrect, in the application for a permit under this chapter.

(3) The short-term residential rental unit or property is not in compliance with the standards of this chapter or other applicable County Code provisions and has failed to pass the initial or renewal inspection.

(e) **Applicant Appeals.** An applicant may appeal the denial or conditional acceptance of an application for a short-term residential rental permit. Such appeal must be in writing and submitted to the responsible department within 10 days of the date of the notice provided pursuant to Section 84.28.050(b)(3). When the tenth day is not a County business day, the time frame is extended to the second consecutive County business day following the tenth day. The appeal shall follow the procedure set forth in Section 84.28.090(c).

(f) **Affected Property Owners' Appeals.** Potentially affected property owners may appeal the granting of a new short-term residential rental unit permit. All such appeals must be submitted to the responsible department within 10 days of the date of the notice provided pursuant to Section 84.28.050(b)(3). When the tenth day is not a County business day, the time frame is extended to the second consecutive County business day following the tenth day. The ground for such appeal is limited to the claim

1 that past use of the property as a short-term residential rental unit has not complied with
2 one or more requirements of Sections 84.28.060(b) through (d), or Section 84.28.070, or
3 that, based on competent evidence, any prospective use for such purpose will likely not
4 comply with one or more of such requirements. Such appeal shall be heard in the same
5 manner as specified in Section 84.28.090(c). The applicant shall be provided notice of
6 the hearing. If the potentially affected property owner prevails in the appeal, then the
7 applicant's application shall be deemed to be denied and such decision shall be the final
8 decision of the County. No further appeal shall be available at the administrative level.

9 (g) **Permit Renewal.** The short-term residential rental unit permit shall be
10 renewed biennially. Permit renewal shall be approved if the current conditions of
11 operation and other standards in this chapter have been met, the subject property,
12 residential dwelling unit, and other structures or improvements on the property pass the
13 renewal inspection, and the applicable renewal fee as set forth in the San Bernardino
14 County Code schedule of fees is paid. Renewal payments submitted after permit
15 expiration are subject to a delinquent fee pursuant to the schedule of fees. Continued
16 use of a short-term residential rental unit is prohibited following permit expiration until
17 renewal payment, including any delinquent fee, has been received by the County. Failure
18 to submit renewal payment within 45 days of permit expiration, including any delinquent
19 fee, shall result in closure of the short-term residential rental unit permit. The short-term
20 residential rental unit owner shall be required to submit a new application, pay the
21 applicable new permit application fee, and be subject to the application process in
22 subsection (a) above.

23 **84.28.060 Occupancy Standards.**

24 (a) **Compliance with Uniform Codes and Other Laws.** At the time of
25 issuance of a short-term residential rental unit permit and thereafter, the short-term
26 residential rental unit shall be in compliance with the California Fire Code, California
27 Building Code, the National Fire Protection Association Standards or regulations, and any
28 other applicable uniform codes, as adopted by the County of San Bernardino, and other

applicable laws and codes.

(b) **Occupancy Limits.** Occupancy limits per room for all short-term residential rental units shall be determined as follows:

(1) In order for a room to be considered habitable space for overnight sleeping purposes, it must be a minimum of 70 square feet. A 70 square foot room may sleep one person. Each sleeping room occupied by more than one person shall contain not less than 50 square feet of floor area for each additional person.

(2) Kitchens, bathrooms, toilet rooms, halls, closets, storage or utility spaces, and similar areas are not considered habitable rooms for sleeping purposes, thus the square footage represented by these rooms shall not be used in the calculation for determining the maximum number of occupants.

(c) **Maximum Occupancy Limits.** Maximum occupancy limits per short term residential rental unit shall be determined as follows:

(1) Notwithstanding the allowances per subdivision (b) above, the maximum occupancy of a short-term residential rental unit shall not exceed 6 persons if the rental unit is smaller than 800 square feet.

(2) Notwithstanding the allowances per subdivision (b) above, the maximum occupancy of a short-term residential rental unit shall not exceed 8 persons if the rental unit is smaller than 1,200 square feet.

(3) Notwithstanding the allowances per subdivision (b) above, on parcels smaller than one-quarter acre, the maximum occupancy of a short-term residential rental unit shall not exceed 10 persons.

(4) Notwithstanding the allowances per subdivision (b) above, on parcels smaller than one-half acre, the maximum occupancy of a short-term residential rental unit shall not exceed 12 persons.

(5) Notwithstanding the allowances per subdivision (b) above, on parcels one-half acre to one acre, the maximum occupancy of a short-term residential rental unit shall not exceed 15 persons.

1 (6) Notwithstanding the allowances per subdivision (b) above, on
2 parcels one acre or greater, the maximum occupancy of a short-term residential rental
3 unit shall not exceed 20 persons.

4 (7) Notwithstanding the allowances per subdivisions (b) and (c)(1)
5 through (6) above, the maximum occupancy of a short-term residential rental unit shall
6 not exceed the occupancies supported by the on-site parking spaces as required by
7 subdivision (d) below.

8 (d) **Parking.** All vehicles of short-term residential rental unit renters must be
9 parked on the short-term residential rental unit property. No vehicle of renters shall be
10 parked on neighboring properties or within the transportation right-of-way, or in any
11 manner that would create an obstruction. Parking shall be provided on-site at a ratio of
12 not less than one parking space for every four renters. Short-term residential rental
13 properties with occupancy limits of two renters shall be limited to two vehicles. Parking
14 spaces may include garage, carport, and driveway spaces, and may allow for tandem
15 parking. On-site parking areas shall be kept free from any obstructions, including but not
16 limited to excessive amounts of snow, which would prevent use for vehicle parking. Only
17 the approved parking areas/spaces pursuant to the short-term residential rental unit
18 permit shall be used for vehicle parking. Pursuant to Section 84.28.080(a)(2), violations
19 of the parking requirements of this chapter may result in vehicles being towed without
20 notice.

21 **84.28.070 Conditions of Operation.**

22 The following are minimal requirements for short-term residential rental units.
23 These are in addition to any other applicable requirements of this chapter, other
24 applicable provisions of the County Code, or other law.

25 (a) **Prohibited Uses of Property.** A short-term residential rental unit may not
26 be used for any transient occupancy other than the purposes described in the definition
27 of short-term residential rental unit set forth in Section 84.28.030(i), and in conformity with
28 the requirements of this chapter.

1 (b) **Record Keeping.** The property owner or property manager shall maintain
2 records sufficient to prove compliance with this chapter and other applicable laws. These
3 records shall be maintained so that they can be readily provided to the County, and
4 provided in such a manner that establishes that the property owner or property manager
5 is routinely maintaining such records.

6 (c) **Registration.** The short-term residential rental unit owner, as defined in
7 Section 84.28.030(g), shall administer registration prior to allowing occupancy of the
8 rental unit. The registration shall include review of the short-term residential rental unit
9 regulations with at least one adult renter of the rental unit. At the time of such registration,
10 the renter shall be provided a complete written or digital copy of the rental unit rules and
11 regulations, as well as disclosure of the penalties associated with violations. The
12 registration material shall advise the renter of the occupancy and vehicle/parking
13 limitations, responsibility to avoid nuisance behavior, and that the use of the rental unit
14 for commercial activity, which includes, but is not limited to weddings, wedding receptions,
15 corporate retreats, business meetings or conferences, fraternity parties, or any other
16 similar gatherings shall be prohibited unless authorized by a County-issued permit. The
17 registration material shall contain a space for an acknowledgement to be signed by the
18 renter as having read, understood and agreed to all provisions. Registration materials
19 shall be preserved for the term of the short-term residential rental unit permit, and shall
20 be provided to the County, when requested, to confirm compliance with short-term
21 residential rental unit permit conditions of operation and regulations set forth in this
22 chapter. If the owner fails to provide adequate directions to the unit or fails to confirm
23 acknowledgement and understanding of the rental unit rules and regulations, the
24 conditions of operation of the short-term residential rental unit permit may be amended
25 by the County to require in-person registration.

26 (d) **Advertising.**

27 (1) Advertising that promotes a short-term residential rental unit for a
28 use that is not permitted or could not be permitted by this code or other law, is prohibited.

(2) All advertising, including real-estate magazines, fliers, newspapers, television or radio commercials, internet pages, or coupons, that promote the use of a short-term residential rental unit prior to approval of a short-term residential rental unit permit pursuant to Section 84.28.040(a), shall be prohibited. All advertisements featuring a permitted short-term residential rental unit shall specify the maximum permitted number of occupants and vehicles for the rental unit.

(e) **Posted Notices within Unit.** The County-issued short-term residential rental unit permit shall be posted on or adjacent to the front door, and an exit/emergency evacuation map shall be posted in each sleeping room. In addition, each short-term residential rental unit shall have a clearly visible and legible notice posted in a prominent location within the unit, containing the following information:

(1) The address of the short-term residential rental unit.

(2) 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 24-hour basis.

(3) The maximum number of occupants permitted to stay overnight in the unit.

(4) The maximum number of vehicles allowed to be parked on the property.

(5) The contact person or agency, and phone number for snow removal.

(6) 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 requirements of this chapter.

(7) 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 County 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

1 circumstances, the calling of law enforcement for the removal of guests and their vehicles
2 from the property to the extent authorized by law. The notification shall state in a
3 prominent format that users of the unit are prohibited from disturbing the peace of the
4 surrounding neighborhood and that doing so is a violation of this chapter and the rental
5 agreement.

6 (8) Location of utility service connections, including how to access
7 service connections and instructions and any tools necessary to disconnect the short-
8 term residential rental unit from utility services in the event of an emergency.

9 (9) Phone numbers of local emergency medical and law enforcement
10 services.

11 (10) Property boundary map for the purpose of deterring trespassing on
12 other privately owned properties and identification of the approved parking area(s).

13 (f) **Call Response.**

14 (1) The short-term residential rental unit owner or agent shall be
15 personally available by telephone on a 24-hour basis and maintain the ability to be
16 physically present at the property within one hour in order to respond and remedy calls
17 or complaints regarding the condition or operation of the unit or the behavior of persons
18 on the property in violation of this chapter or other law.

19 (2) On a 24-hour basis, within one hour of receiving a call or a complaint,
20 the short-term residential rental unit owner must confirm whether or not the complaint is
21 valid. If the complaint is valid the short-term residential rental unit owner shall immediately
22 take corrective action within the lawful authority of the owner to abate the violation, or to
23 cause the nuisance behavior that disturbs the peace of the neighboring properties to stop,
24 for the entire duration of the occupancy of the person causing or allowing such violation
25 or nuisance behavior. Such corrective action may necessarily include, under certain
26 circumstances, the contacting of law enforcement, County officials, or other appropriate
27 officials for the removal of guests and their vehicles from the property to the extent
28 authorized by law.

1 (3) Calls or complaints about physical conditions or circumstances that
2 constitute an immediate threat to the public health and safety shall obligate the owner to
3 immediately contact the appropriate law enforcement, fire, or other authority.

4 (4) Each owner shall keep a written record of the times and type of
5 complaints received, what response was undertaken by the owner, and when such
6 complaints were resolved. This written record shall be made available to the County upon
7 request, and shall be retained by the owner for the term of the short-term residential rental
8 unit permit.

9 (g) **Responsibilities of Owner to Prevent Nuisance Behavior and Maintain**
10 **Neighborhood Peace and Quiet.** The owner shall take all lawful action necessary to
11 ensure that renters and occupants abide by the terms of this chapter and other applicable
12 provisions of the County Code and law. The owner must inform renters and occupants
13 that they are not to violate any noise standards, parking standards, or otherwise create a
14 public or private nuisance.

15 (h) **Loud and Disturbing Noise.**

16 (1) It is unlawful for any owner, renter, occupant, or guest located at a
17 short-term residential rental unit to make, cause to be made, or allow to be made, either
18 willfully or through failure to exercise control, any loud, excessive, impulsive, or intrusive
19 noise that disturbs the peace or quiet or that causes discomfort or annoyance to any
20 reasonable person of normal sensitivities in the area. Such types of noises or actions
21 causing noises include, but are not limited to, yelling, shouting, hooting, whistling, singing,
22 playing a musical instrument, emitting or transmitting any loud music or noise from any
23 mechanical or electrical sound making or sound amplifying device, and the habitual
24 barking, howling, or crowing of animals.

25 (2) The standard for enforcement of this subdivision is the “reasonable
26 person” standard. The inquiry is whether the noise would disturb the peace or quiet or
27 cause discomfort or annoyance to a reasonable person under the same or similar
28 circumstances.

(3) Factors that may be considered in determining whether a violation of this subdivision has been committed include, but are not limited to, the following:

- (A) The level of noise;
- (B) The level and intensity of the background (ambient) noise, if any;
- (C) The proximity of the noise to the residential unit in question;
- (D) The time of day or night the noise occurs;
- (E) The duration of the noise;
- (F) Whether the noise is constant, recurrent, or intermittent; and
- (G) Whether the noise is produced by a mechanical or electronic device.

(i) **Safety.**

(1) Solid fuel burning outdoor fireplaces, chimineas, barbeques, and fire pits are prohibited in the Mountain Region.

(2) The interior and exterior of the short-term residential rental unit shall be kept free of hazardous conditions at all times.

(3) Spas/hot tubs shall be covered and locked when not in use.

(j) **Sanitation.**

(1) Every short-term residential rental unit shall be cleaned after each occupancy change in order to make the unit sanitary.

(2) If linens are provided for use by renters, said linens will be exchanged for clean linens after each occupancy.

(3) The exterior of the short-term residential rental unit shall be maintained and kept free of debris.

(4) Spas/hot tubs shall be maintained and cleaned as frequently as needed to preserve sanitary conditions.

(k) **Trash/Refuse.** Trash shall be deposited in approved trash collection containers on the short-term residential rental unit property. Trash containers shall be

1 kept closed when not in use, never be permitted to overflow, and kept in a clean condition
2 without excessive build-up of encrusted wastes in or on the container.

3 (1) In the Mountain Region, short-term residential rental unit owners
4 shall procure pull-out trash collection service and animal-proof trash containers from the
5 County-approved refuse collection hauler when said service is available. A sufficient
6 number of containers based on occupancy levels of the rental unit shall be procured.

7 (2) In the Desert Region, short-term residential rental unit owners shall
8 procure trash collection service and trash collection containers from the County-approved
9 refuse collection hauler when said service is available. A sufficient number of containers
10 based on occupancy levels of the rental unit shall be procured.

11 (3) Trash shall be removed from the premises after each occupancy
12 unless routine commercial trash collection is provided to the premises.

13 (l) **Animals.**

14 (1) **License.** No person shall have, keep, or maintain any dog on the
15 property of a short-term residential rental unit unless he or she is able to provide proof of
16 a current license or license tag issued by the County or other applicable municipal dog
17 licensing agency.

18 (2) **Control of Animals.** No person owning or having control of any
19 animal shall permit such animal to stray or run at large upon any unenclosed area on or
20 off the short-term residential rental unit property. No person may lawfully bring his or her
21 dog off a short-term residential rental property unless the dog is restrained by a leash and
22 the person is competent to restrain the dog, or the dog is properly restrained and enclosed
23 in a vehicle, cage, or similar enclosure.

24 (3) **Noise.** It shall be unlawful for any person owning or having control
25 of any animal to be allowed to create excessive noise in violation of subdivision (h) of this
26 section.

27 **84.28.080 Enforcement.**

28 (a) **General.**

1 (1) Owners and renters of short-term residential rental units shall comply
2 with the requirements of this Chapter and all other applicable sections of the County Code
3 and other law. A hosting platform shall comply with the requirements of Section 84.28.110
4 and all other applicable sections of the County Code and other law.

5 (2) In addition to any enforcement action and remedy authorized by this
6 Chapter, a violation of any requirement of this chapter may result in remedial action by
7 appropriate members of County staff or any enforcement officer as defined in Chapter 2
8 of Division 1 of Title 1 of the County Code without notice if providing notice is not
9 reasonable considering the need for immediate remedial action, and/or if prior notice to
10 the property owner or the renters, either verbal or written, has not resulted in appropriate
11 remedial action by the property owner. If the violation consists of a violation of any of the
12 parking requirements of this chapter, then the remedy may include the towing of the
13 vehicle or vehicles causing the violation of the parking requirement. Remedial actions
14 taken under this section, other than any criminal citations, are subject to appeal pursuant
15 to Chapter 2 of Division 1 of Title 1 of the County Code or other applicable provision, but
16 no request for appeal shall stay the remedial actions taken pursuant to this section.

17 (3) In addition to any enforcement action and remedy authorized by this
18 chapter, a violation of any requirement of this chapter may be subject to the enforcement
19 and remedy provisions of Chapter 2 of Division 1 of Title 1 of the County Code and any
20 other applicable enforcement and remedy provisions of the County Code or provided
21 under the law.

22 (b) **Uniform Transient Occupancy Tax - Failure to Pay.** Failure by the
23 owner, or when applicable, a hosting platform to collect and remit to the Tax Collector the
24 Uniform Transient Occupancy Tax may result in the Tax Collector pursuing any remedy
25 against the owner or hosting platform, including imposing and collecting said tax from the
26 owner or hosting platform, authorized under Chapter 2 of Division 4 of Title 1 of the County
27 Code or other applicable law. Notwithstanding the duty imposed by Section 84.28.110(a),
28 the use of a hosting platform to facilitate the rental of a short-term residential rental unit

1 shall not relieve an owner of liability for violations of this subsection.

2 (c) **Administrative Subpoena.** The County may issue and serve an
3 administrative subpoena as necessary to obtain specific information identified in Section
4 84.28.110 regarding short-term residential rental unit listings located in the
5 unincorporated areas of San Bernardino County. Any subpoena issued pursuant to this
6 subsection shall not require the production of information sooner than 30 days from the
7 date of service. A person that has been served with an administrative subpoena may
8 seek judicial review during that 30-day period.

9 **84.28.090 Suspension of Permit.**

10 (a) **Suspension of Permit.** A short-term residential rental unit permit may be
11 suspended for the following reasons:

12 (1) Substandard building or property or unsafe building or structure. Any
13 violation of the requirements of Chapter 1 of Division 3 of Title 6 or Chapter 19 of Division
14 3 of Title 6 of the County Code that results in the issuance of a notice of defect or notice
15 and order to repair. Notice of such suspension shall be provided pursuant to the
16 requirements of Chapter 1 of Division 3 of Title 6 of the County Code.

17 (2) **General Violations.** Any failure to comply with, or respond to, any
18 notice of violation or other notice from the County requiring compliance with one or more
19 requirements of this chapter or other applicable provision of the County Code or other
20 law. Property owners shall be informed of such suspension in a written notice mailed
21 using both certified mail with return receipt and first class service. In addition, although
22 not required, the notice may also be posted on the property and/or mailed to any
23 additional individuals or companies listed on the permit application.

24 (b) **Use of Property During Suspension and Stays.**

25 (1) When a short-term residential rental unit permit is suspended, the
26 property or properties affected by the suspension shall not be used as a short-term
27 residential rental until such time as the suspension is stayed or lifted.

28 (2) Permits suspended pursuant to Section 84.28.090(a)(1) will remain

suspended until such time as the Building Official or his or her designee confirms that all violations have been corrected or the Building Appeals Board has ruled in favor of the appellant.

(3) Permits suspended for general violations, i.e., those under Section 84.28.090(a)(2), will remain suspended until such time as the violations are abated, or the property owner can reasonably demonstrate substantive changes in the property management practices that would mitigate or correct these violations, or a hearing officer has ruled in favor of the appellant. If an appeal hearing for a general violation cannot be scheduled within 14 calendar days after an appeal was filed or if the hearing is scheduled but, through no fault of the appellant, not held within 30 days after the appeal was filed, the suspension must be stayed through the date a ruling on the appeal is issued.

(c) **Appeals of Suspensions.** An appeal must be filed no later than 10 days of the date the notice of suspension is issued. When the tenth day is not a County business day, the time frame is extended to the second consecutive County business day following the tenth day.

(1) The suspension of a permit pursuant to Section 84.28.090(a)(1) may be appealed for a hearing before the Building Appeals Board. The format and process of the appeal shall be as required by Section 63.0107. A decision by the Building Appeals Board shall be final and no further appeal within the County shall be available.

(2) The suspension of a permit for a general violation may be appealed to a County-designated hearing officer. The decision by the hearing officer shall be final and no further appeal within the County shall be available. The hearing procedure shall include the following:

(A) At least 10 days written notice of the hearing shall be given to the permit holder prior to the hearing date. The hearing date may be postponed or continued by stipulation of the parties. If the permit holder does not respond or appear, no further hearing procedure shall be required.

(B) Witnesses shall swear or affirm to tell the truth. The oath or

1 affirmation shall be taken by the hearing officer. The County shall present its case first,
2 with oral testimony and documentary evidence or other evidence. The County shall have
3 the right of cross-examination. The permit holder shall have the right to be represented
4 and shall have the right of cross-examination. The permit holder may present his or her
5 response after the County has presented its case. Both parties may thereafter present
6 argument.

7 (C) No determination or order shall be based solely on hearsay
8 evidence. The hearing officer shall make his or her determination within five working days
9 of the end of the hearing, unless a party requests a greater period of time. The
10 determination shall be in writing, and shall state the findings upon which the determination
11 is made. The decision by the hearing officer shall be final and no further appeal within
12 the County shall be available.

13 (3) The failure to appeal a suspension in a timely manner shall render
14 the action to suspend final and no further appeal within the County shall be available.

15 **84.28.100 Revocation of Permit.**

16 (a) **Revocation of Permit.** A short-term residential rental unit permit may be
17 revoked for the following reasons:

18 (1) The severity of a violation of a requirement of Chapter 1 of Division
19 3 of Title 6 or Chapter 19 of Division 3 of Title 6 of the County Code necessitated the
20 immediate vacation of the property.

21 (2) The conditions or actions that resulted in the suspension of the
22 permit have not been abated, or addressed by a demonstrable change in the business
23 practices associated with the short-term residential rental unit, within 60 days of the
24 suspension being upheld on appeal or otherwise deemed final.

25 (3) The condition or the business practice that resulted in the suspension
26 of the permit re-occurs within 12 months of the date the suspension was upheld on appeal
27 or otherwise deemed final.

28 (4) A permit is suspended two times in a consecutive 24-month period,

where said suspensions are either upheld on appeal or otherwise deemed final.

(5) The permit was obtained through fraud or deceit.

(6) The permit was issued in error.

(b) Appeals of Revocation of Permit.

(1) The revocation of a permit pursuant to Section 84.28.100(a)(1) may be appealed for a hearing before the Building Appeals Board. The format and process of the appeal shall be as required by Section 63.0107. A decision by the Building Appeals Board shall be final and no further appeal within the County shall be available.

(2) The revocation of a permit pursuant to Section 84.28.100(a)(2), (a)(3), or (a)(4), where the underlying violation or violations are based on a failure to comply with the requirements of Chapter 1 of Division 3 of Title 6 or Chapter 19 of Division 3 of Title 6 of the County Code, may be appealed for a hearing before the Building Appeals Board. The format and process of the appeal shall be as required by Section 63.0107. A decision by the Building Appeals Board shall be final and no further appeal within the County shall be available.

(3) The revocation of a permit pursuant to Section 84.28.100(a)(2), (a)(3), or (a)(4), where the underlying violation or violations are general violations, or pursuant to Section 84.28.100(a)(5) or (a)(6), may be appealed for a hearing before a County appointed hearing officer as defined by Sections 12.2701, 12.2702, 12.2703, and 12.2705. The procedure for such hearing is set forth in Sections 84.28.090(c)(2)(A) through (C) and (c)(3). A decision by the hearing officer shall be final and no further appeal within the County shall be available.

(4) The revocation of a permit pursuant to Section 84.28.100(a)(2), (a)(3), or (a)(4), where the underlying violations include a general violation or violations and a violation or violations based on a failure to comply with the requirements of Chapter 1 of Division 3 of Title 6 or Chapter 19 of Division 3 of Title 6 of the County Code, shall be heard by the Building Appeals Board in the form and manner defined by Section 63.0107. A decision by such body shall be final and no further appeal within the County

shall be available.

(c) **New Application After Revocation of Permit.** No application for a permit shall be permitted within 12 months after a revocation is made final.

(d) **Suspensions or Revocations of Permits for Multiple Properties.** If is determined that the conditions or the business or management practices cause violations of this chapter to occur on multiple properties of the same owner, the short-term residential rental unit permits for all of those properties may be suspended and/or revoked at the same time. In such circumstance all affected parties must be provided notice and the opportunity to appeal the suspension and/or revocation of the permit for every affected property.

84.28.110 Hosting Platform Requirement.

(a) For purposes of this chapter a hosting platform shall be responsible for collecting all applicable uniform transient occupancy tax required by Section 14.0203 and remitting the same to the County. The hosting platform shall be considered an agent of the short-term residential rental owner for purposes of transient occupancy tax collections and remittance, as set forth in Section 14.0203, if the hosting platform collects payment for the rental. If a hosting platform does not collect payment for rentals, the short-term residential rental unit owner is solely responsible for the collection of all applicable transient occupancy taxes.

(b) Subject to applicable laws and procedures provided in Section 84.28.080(c), when requested by the County, a hosting platform shall disclose, in a commonly used electronic format, the address of each short-term residential rental unit within the unincorporated San Bernardino County listed on the hosting platform, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.

(c) A hosting platform operating exclusively on the internet, which operates in compliance with subsection (a) and (b) above, shall be presumed to be in compliance with this chapter, except that the hosting platform remains responsible for compliance

1 with the administrative subpoena provisions of this chapter.

2 (d) The provisions of this section shall be interpreted in accordance with
3 otherwise applicable state and federal laws and will not apply if determined by the County
4 to be in violation of, or preempted by, any such laws.

5
6 SECTION 4. This ordinance shall take effect 30 days from the date of adoption.

7
8

CURT HAGMAN, Chairman
9 Board of Supervisors

10
11 SIGNED AND CERTIFIED THAT A COPY
12 OF THIS DOCUMENT HAS BEEN DELIVERED
13 TO THE CHAIRMAN OF THE BOARD

14 LYNNA MONELL, Clerk of the
15 Board of Supervisors
16

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF SAN BERNARDINO)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of the County of San
5 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
6 Supervisors of said County and State, held on the _____ day of _____, 2019, at
7 which meeting were present Supervisors: _____

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
9 wit:

10 AYES: SUPERVISORS:

11 NOES: SUPERVISORS:

12 ABSENT: SUPERVISORS:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
14 of the Board of Supervisors this _____ day of _____, 2019.

15 LYNNA MONELL, Clerk of the
16 Board of Supervisors of the
17 County of San Bernardino,
18 State of California

19 _____
20 Deputy

21 Approved as to Form:

22 MICHELLE D. BLAKEMORE
23 County Counsel

24 By: _____
25 KENNETH C. HARDY
26 Supervising Deputy County Counsel

27 Date: _____
28