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ORDINANCE NO.

An ordinance of San Bernardino County, State of California, to amend San Bernardino County Code Section 16.0215C relating to short-term residential rental program fees and to amend San Bernardino County Code Chapter 84.28, relating to short-term residential rental regulations.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The San Bernardino County Board of Supervisors finds that:

(a) Section 7 of Article XI of the California Constitution authorizes local governments to make and enforce laws not in conflict with California law to protect the health, safety, and welfare of its citizens.

(b) In 2019, the State Legislature passed, and Governor signed into law, Senate Bill 330 declaring a statewide housing emergency in California. The State Legislature’s findings and declaration regarding the statewide housing emergency are incorporated herein by reference.

(c) On October 27, 2020, the Board of Supervisors adopted the Countywide Plan. The Countywide Plan includes several project components, including, but not limited to, a Policy Plan which serves as a comprehensive general plan for the unincorporated County. The Policy Plan includes several goals and policies that guide the Board of Supervisors on how it accommodates development and the approval of land uses, including the regulation of short-term residential rentals, in order to achieve the Countywide Vision. Specifically, Policy LU-2.13 provides that the County “enforce[s] appropriate operation standards, maintenance standards, and permitting procedures for the establishment and maintenance of short-term [residential] rentals in the unincorporated areas.” The Policy Plan also includes several goals and policies intended to preserve compatibility, community identity and the residential lifestyle within the County’s Mountain and Desert Regions, including, but not limited to, Goal LU-2, Policies

1 LU-2.1, LU-2.8 and LU-4.5.

2 (d) The Board of Supervisors finds that the amendments proposed by this
3 ordinance are reasonable and necessary to protect the health, safety and welfare of its
4 citizens by ensuring proper operational, maintenance and permitting standards for short-
5 term residential rentals, while at the same time balancing the desire to preserve the
6 residential character and identity of the neighborhoods where short-term residential
7 rentals occur. Further, the Board of Supervisors finds that the amendments proposed by
8 this ordinance are reasonable and necessary to help address the statewide housing
9 emergency declared by the State Legislature by providing reasonable restrictions
10 intended to encourage long-term housing, while at the same time recognizing the role
11 short-term residential rentals have on San Bernardino County's regional, national, and
12 international tourist market.

13 (e) The Board of Supervisors also finds that good cause exists for a one-time
14 fee credit for the installation of a noise monitoring device as part of a short-term residential
15 rental. The fee credit will serve as a fee waiver or refund that can be applied to an
16 applicable short-term private home rental permit fees only. The fee credit serves a public
17 purpose by assisting in the mitigation of loud and obnoxious noise associated with short-
18 term residential rentals that may be detrimental to residential neighborhoods, as well as
19 assisting San Bernardino County in the enforcement of noise complaints.

20 (f) Properly noticed public hearings have been held before the San Bernardino
21 County Planning Commission and the San Bernardino County Board of Supervisors
22 pursuant to the Planning and Zoning Law of the State of California and the San
23 Bernardino County Development Code.

24 (g) The Board of Supervisors finds that this ordinance is not subject to review
25 under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14
26 California Code of Regulations, Section 15060, subdivision (c)(2) because the activity will
27 not result in a direct or reasonably foreseeable indirect physical change in the
28 environment, or is exempt from CEQA pursuant to Section 15061, subdivision (b)(3)

1 because there is no possibility the activity in question may have a significant effect on the
2 environment.

3
4 SECTION 2. Section 16.0215C of the San Bernardino County Code is amended
5 to read in its entirety as follows:

6 **16.0215C Land Use Services Department - Development Review - Code**
7 **Enforcement/Fire Hazard Abatement.**

8 (a) Enforcement Fees:

9 (1) Business and special licenses and regulations:

10 (A) Peddler and secondhand dealer.....\$356.00

11 (B) Hotel/Motel Operator:

12 (I) Initial application and license\$106.00

13 (II) Annual renewal.....\$98.00

14 (C) Rental dwelling unit:

15 (I) Initial application and license\$81.00

16 (II) Annual renewal.....\$81.00

17 (D) Massage Clinics:

18 (I) Initial application and license\$115.00

19 (II) Annual Renewal.....\$85.00

20 (E) Bingo Games:

21 (I) Traditional Bingo (Initial application and initial license
22 and annual renewal)\$50.00

23 (II) Remote Caller Bingo:

24 (1) Initial application and license\$115.00

25 (2) Annual renewal\$85.00

26 (F) Adult Business Performers and Non-Performers:

27 (I) Initial application and license\$115.00
28

1	(II)	Annual Renewal.....	\$85.00
2	(III)	Relocation and/or second location.....	\$70.00
3	(2)	On-site extension bond fee	\$328.00
4	(3)	Permit appeals (Subsections 16.0215C(a)(1) through (2) only)	\$388.00
5	(4)	Special use permits:	
6	(A)	Home occupation:	
7	(I)	Initial permit application	\$594.00
8	(II)	Biennial renewal	\$423.00
9	(B)	Keeping of exotic animals:	
10	(I)	Initial application	\$594.00
11	(II)	Annual renewal.....	\$366.00
12	(C)	Private kennels:	
13	(I)	Initial permit application	\$594.00
14	(II)	Annual renewal.....	\$366.00
15	(D)	Special uses (other):	
16	(I)	Initial application	\$594.00
17	(II)	Annual renewal.....	\$366.00
18	(E)	Short-term private home rental permit:	
19	(I)	Initial permit application	\$600.00
20	(II)	Permit fee	\$285.00
21	(III)	Annual renewal.....	\$600.00
22	(IV)	Surrounding property owner notification fee	\$485.00
23	(V)	Noise monitoring device one-time fee credit (credit to be	
24		applied to fees in Subsection 16.0215C(a)(4)(E)(I) through	
25		(III) only)	\$150.00
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- 1 (5) Public request for vehicle abatement and removal plus actual cost
- 2 of removal\$370.00
- 3 (6) Special inspection\$312.00/hour
- 4 (7) Emergency abatements Actual cost plus administrative cost
- 5 (b) Demolition/Rehabilitation Program Fees:
- 6 (1) Demolition/Rehabilitation Enforcement – Case Processing\$630.00
- 7 (A) Demolition/Rehabilitation Enforcement Inspection\$250.00/hour
- 8 (B) Demolition/Rehabilitation Enforcement – Annual
- 9 Maintenance Inspection\$270.00/inspection
- 10 (c) Fire Hazard Abatement Fees:
- 11 (1) Inspection, Documentation and Processing of Non-Compliant
- 12 Parcels\$183.00/parcel
- 13 (2) Contiguous Parcel Abatement – Non-Compliant Parcels..... \$79.00/parcel
- 14 (3) Special Inspection or Case Closure Fee \$76.00/parcel
- 15 (4) Contiguous Parcel Abatement – Request by Owner \$47.00/parcel
- 16 (5) Abatement fieldwork by County crew:
- 17 (A) Two-person crew/minimum one hour\$284.00/hour
- 18 (B) Three-person crew/minimum one hour.....\$368.00/hour
- 19 (C) Four-person crew/minimum one hour.....\$452.00/hour
- 20 (6) Warrant Procurement and Servicing \$298.00
- 21 (d) Delinquency provisions:
- 22 (1) Immediately on delinquency, a \$23.00 delinquency fee shall be added to
- 23 each of the Code Enforcement fees.
- 24 (2) Immediately on delinquency, a \$23.00 delinquency fee shall be added to
- 25 Fire Hazard Abatement fees.
- 26 (e) Administrative Service Fees for Code Enforcement:
- 27 (1) Placement of lien or Notice of Action \$211.00/parcel
- 28

- 1 (2) Escrow Demand Request, Title or property profile search, review,
2 and notification to interested parties..... \$142.00/hour plus actual cost
3 of title or property profile report
- 4 (f) Administrative Services Fees for Fire Hazard Abatement:
- 5 (1) Placement of lien..... \$211.00/parcel
6 (2) Appeals Hearing Filing Fee.....\$100.00
7 (3) Escrow Demand Request, Title or property profile search, review,
8 and notification to interested parties..... \$142.00/hour plus actual cost
9 of title or property profile report

10

11 SECTION 3. Chapter 84.28 of the San Bernardino County Code is amended to
12 read in its entirety as follows:

13 **CHAPTER 84.28: SHORT-TERM RESIDENTIAL RENTALS**

14 **Section**

- 15 **84.28.010 Purpose.**
16 **84.28.020 Applicability.**
17 **84.28.030 Definitions.**
18 **84.28.040 Permit Required.**
19 **84.28.050 Application Process.**
20 **84.28.060 Occupancy Standards.**
21 **84.28.070 Conditions of Operation.**
22 **84.28.080 Enforcement.**
23 **84.28.090 Suspension of Permit.**
24 **84.28.100 Revocation of Permit.**
25 **84.28.110 Hosting Platform Requirements.**

26 **84.28.010 Purpose.**

27 The purpose of this Chapter is to establish a permit procedure, and maintenance
28 and operational standards, for the use of legal residential dwelling units located in the

1 Mountain and Desert Regions as transient occupancies, to ensure the health and safety
2 of occupants, guests, and the surrounding residential neighborhood, and to minimize
3 negative secondary effects associated with such use.

4 **84.28.020 Applicability.**

5 Except as otherwise provided, the standards and permit procedures of this Chapter
6 apply to all persons involved in the short-term rental of residential dwelling units as a
7 single housekeeping unit where allowed in the Mountain and Desert Regions in
8 compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses) of this
9 Title or in connection with a legal nonconforming residential structure located in a non-
10 residential land use zoning district. "Short-term" means 30 consecutive calendar days or
11 less. The permit procedures of this Chapter shall not apply to the rental of an alternative
12 shelter.

13 **84.28.030 Definitions.**

14 The definitions in this Section are intended to apply to this Chapter only. Any term
15 which is not specifically defined herein shall have the definition as provided by Division
16 10 of the Development Code or elsewhere within the County Code.

17 (a) **ALTERNATIVE SHELTER.** Means any shelter, vehicle, or site prepared for
18 transient occupancy rental other than a legal residential dwelling unit or commercial
19 lodging facility. Examples of alternative shelters include, but are not limited to, tents,
20 recreational cabins, and recreational vehicles.

21 (b) **BOOKING TRANSACTION.** Means any reservation or payment service
22 provided by a person who facilitates a STR transaction between a prospective STR renter
23 and a STR owner.

24 (c) **DWELLING UNIT.** Any building or portion thereof, including, but not limited
25 to, a manufactured home, that contains living facilities, including provisions for sleeping,
26 eating, cooking and sanitation as required by the California Building Code, for not more
27 than one family, including domestic employees of the family. Examples of a dwelling unit
28 include, but are not limited to, a single-family dwelling unit, condominium, accessory

1 dwelling unit, guesthouse, or any other accessory residential structure considered a
2 dwelling unit.

3 (d) HOSTING PLATFORM. Means a marketplace in whatever form or format,
4 which facilitates rental of a STR through advertising, match-making or any other means,
5 using any medium or facilitation, and from which the operator of the hosting platform
6 derives revenues from providing or maintaining the marketplace.

7 (e) INSPECTIONS—INITIAL. Means any inspection incident to the review of
8 an application for an initial STR permit. The responsible department shall inspect the
9 subject property to verify compliance with the standards of this Chapter.

10 (f) INSPECTIONS—RENEWAL. Means the reinspection, upon the application
11 for renewal of a STR permit, whereby the subject property shall be inspected to ensure
12 continued compliance with the standards of this Chapter. Notwithstanding anything to
13 the contrary, an applicant seeking renewal of a STR permit shall comply with all applicable
14 standards of this Chapter at the time of renewal.

15 (g) OCCUPANT. Means a person who will stay overnight in a STR. The
16 maximum occupancy stated on a STR permit will indicate the maximum number of
17 occupants approved.

18 (h) RESPONSIBLE DEPARTMENT. Means the department or subdivision
19 thereof designated by the Chief Executive Officer of San Bernardino County to implement
20 this Chapter.

21 (i) SHORT-TERM RESIDENTIAL RENTAL UNIT (STR). Means a dwelling
22 unit or portion thereof rented or otherwise used for residential transient occupancy, as
23 defined in Section 14.0203 (Uniform Transient Occupancy Tax). A STR shall not be used
24 for any commercial activity, which includes but is not limited to weddings, wedding
25 receptions, corporate retreats, business meetings or conferences, filming photography
26 shoots, a fraternity party, or any other similar gathering, unless regulated under an
27 approved County-issued permit. Transient occupancy generally means occupancy for 30
28 consecutive calendar days or less.

1 (j) STR OWNER. Means the owner of a property, as defined in Section
2 810.01.170 (Definitions, O), with a dwelling unit that is being used as a STR. An owner
3 may include, but is not limited to, a person, corporation, partnership, a personal or family
4 trust, limited liability company (LLC), or limited liability partnership (LLP). An agent may
5 act on behalf of a property owner to manage the STR.

6 (k) STR RENTER. Means an individual who enters into an agreement or is
7 authorized by the STR owner, regardless of remunerations, to use property as a STR.
8 Such renter is not considered a tenant or a person who hires a dwelling unit under Civil
9 Code Section 1940.

10 (l) SURROUNDING PROPERTY OWNER. Means the owner of property that
11 is located within the applicable distance from the STR as set forth in Table 85-2 of Section
12 85.03.080 (Notice of Pending Land Use Decisions).

13 **84.28.040 Permit Required.**

14 (a) A property owner may use a dwelling unit as a STR only if said owner has
15 a current valid STR permit and complies with the requirements of this Chapter and other
16 applicable provisions of the County Code. A separate permit shall be required for each
17 dwelling unit used as a STR when there is more than one legal dwelling unit on the parcel.

18 (1) A maximum of two STR permits may be issued for a parcel 2 acres
19 or greater. A maximum of one STR permit may be issued for a parcel less than 2 acres.

20 (2) An individual apartment located within a multi-family residential
21 project is not eligible for a STR permit.

22 (3) Short-term timeshare occupancy of a condominium unit may be
23 authorized by the condominium owners' association or other governing body having
24 jurisdiction over the timeshare complex, provided enforcement of such occupancy
25 requirement is performed by the same association or governing body. Such occupancy
26 shall not be subject to a STR permit.

27 (b) STR renters are subject to the uniform transient occupancy tax of Section
28 14.0203 (Uniform Transient Occupancy Tax).

1 (c) A STR permit shall not be transferrable. A new owner that desires to use
2 the property as a STR shall apply for a new STR permit.

3 (d) An alternative shelter shall not be eligible for a STR permit. Rental of an
4 alternative shelter may be permitted as a campground use.

5 **84.28.050 Application Process.**

6 (a) Application. An application for a STR permit shall be submitted to the
7 responsible department on a pre-approved form. The required content of the form may
8 be revised from time to time, but at a minimum shall require the following:

- 9 (1) Property owner name and contact information.
- 10 (2) Applicant name and contact information, if different from the property
11 owner.
- 12 (3) Address and Assessor's parcel number for the dwelling unit, to be
13 used as a STR.
- 14 (4) Total square footage of the dwelling unit to be used as a STR.
- 15 (5) Total number of bedrooms to be used for overnight sleeping
16 purposes.
- 17 (6) The name of the managing agency, agent, or property manager, if
18 different from the property owner, and a telephone number at which that party may be
19 immediately reached on a 24-hour basis.
- 20 (7) Acknowledgment that the permittee understands and agrees to
21 operate the STR in compliance with the regulations and requirements set forth in this
22 Chapter.
- 23 (8) A fee amount to cover the application and permit fee, as set forth in
24 the San Bernardino County schedule of fees. If additional inspections or enforcement
25 actions are required, then the owner or applicant may be required to pay for the additional
26 services.

27 (b) Notification Requirements.

- 28 (1) The responsible department shall provide notice of the application to

1 all surrounding property owners. The notice shall provide that comments may be
2 submitted to the responsible department up to 20 calendar days after the date of said
3 notice.

4 (2) The responsible department shall notify the applicant if the
5 application is approved or denied including the applicable appeal provision.
6 Notwithstanding Section 86.06.020 (Effective Date of Permits), the effective date of the
7 STR permit will be the first business day following a 30-day appeal period identified in
8 Subsection (e). The responsible department shall also send notice to all surrounding
9 property owners informing them that a permit was issued including the applicable appeal
10 provision. This notice to surrounding property owners shall contain, at a minimum, the
11 following information:

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

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

17 (C) The maximum number of occupants allowed in the dwelling
18 unit;

19 (D) The maximum number of vehicles allowed to be parked on the
20 property; and

21 (E) A web link to on-line information regarding STR permits.

22 (c) Operation During Application Process. Notwithstanding Section 84.28.040
23 (Permit Required), while a new application for a STR permit is pending, a dwelling unit
24 may be used as a STR provided that the dwelling unit has been permitted by a previous
25 owner, there are no outstanding violations, and the new owner has applied for a permit
26 within 30 days of taking title to the property pursuant to Section 84.28.040(c).

27 (d) Application Denial. An application for a STR permit or renewal of a permit
28 under this Chapter shall be denied by the responsible department upon one or more of

1 the following grounds:

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

4 (2) The applicant or permittee provided material information that is false,
5 which the applicant reasonably should have known to be incorrect, in the application for
6 a permit under this Chapter.

7 (3) The STR or property is not in compliance with the standards of this
8 Chapter or other applicable County Code provisions and has failed to pass the initial or
9 renewal inspection.

10 (e) Applicant Appeals. An applicant may appeal the denial or conditional
11 acceptance of an application for a STR permit. Such appeal must be in writing and
12 submitted to the responsible department within 30 calendar days following the date of the
13 notice provided pursuant to Section 84.28.050(b)(2). When the 30th day is not a County
14 business day, the time frame is extended to the next County business day following the
15 30th day. The appeal shall follow the procedure set forth in Section 84.28.090(c)(2).

16 (f) Non-Applicant Appeals. Non-applicants may appeal the granting of a new
17 STR permit. All such appeals must be submitted to the responsible department within 30
18 calendar days following the date of the notice provided pursuant to Section
19 84.28.050(b)(2). When the 30th day is not a County business day, the time frame is
20 extended to the next County business day following the 30th day. The grounds for such
21 appeal are limited to the claim that past use of the property as a STR has not complied
22 with one or more requirements of Sections 84.28.060(b) through (c), or Section
23 84.28.070, or that, based on competent evidence, any prospective use for such purpose
24 will likely not comply with one or more of such requirements. Such appeal shall be heard
25 in the same manner as specified in Section 84.28.090(c)(2). The applicant shall be
26 provided notice of the hearing. If the appellant prevails in the appeal, then the applicant's
27 application shall be deemed to be denied and such decision shall be the final decision of
28 the County. No further appeal shall be available at the administrative level.

1 (g) Permit Renewal. A STR permit shall be renewed annually. Permit renewal
2 shall be approved if the current conditions of operation and other standards in this Chapter
3 have been met, the subject property passes the renewal inspection, and the applicable
4 renewal and permit fees as set forth in the San Bernardino County Code schedule of fees
5 are paid. Renewal payments submitted after permit expiration are subject to a delinquent
6 fee pursuant to the schedule of fees. Continued use of a STR is prohibited following
7 permit expiration until renewal payment, including any delinquent fee, has been received
8 by the County. Failure to submit renewal payment within 45 calendar days of permit
9 expiration, including any delinquent fee, shall result in expiration of the STR permit. The
10 STR owner shall be required to submit a new application, pay the applicable new permit
11 application fee, and be subject to the application process as set forth beginning in
12 Subsection (a) above.

13 **84.28.060 Occupancy Standards.**

14 (a) Compliance with Uniform Codes and Other Laws. At the time of issuance
15 of a STR permit and thereafter, the STR owner shall be responsible for compliance with
16 the California Fire Code, California Building Code, the National Fire Protection
17 Association Standards or regulations, and any other applicable uniform codes, as
18 adopted by San Bernardino County, and other applicable laws and codes.

19 (b) Occupancy Limits. Occupancy limits for a STR shall be determined as
20 follows:

21 (1) Occupancy limits shall be determined based on the number of
22 bedrooms in the STR, allowing a maximum of two people per bedroom. The number of
23 bedrooms will be verified using County Assessor data and County building records.

24 Example occupancies:

- 25 (A) Two-bedroom STR: four occupants
- 26 (B) Three-bedroom STR: six occupants
- 27 (C) Four-bedroom STR: eight occupants
- 28 (D) Five-bedroom STR: ten occupants

1 (2) In addition to the occupancy limits determined based on the number
2 of bedrooms, up to two minor children under the age of 18 may be added to the calculation
3 of STR occupancy.

4 (3) Kitchens, bathrooms, toilet rooms, living rooms, dens, dining areas,
5 halls, closets, storage or utility spaces, and similar areas are not considered bedrooms
6 and shall not be used in the calculation for determining the maximum number of
7 occupants.

8 (4) Occupancy Cap. Notwithstanding the allowances based on the
9 number of bedrooms the maximum occupancy of any STR shall not exceed 12 occupants,
10 including children.

11 (5) Notwithstanding the allowances for maximum occupancy , the use of
12 a STR shall be limited by the capacity of on-site parking spaces, pursuant to the minimum
13 parking standards required by Subsection (c) below.

14 (dc) Parking. All vehicles of STR occupants and their guests must be parked on
15 the STR property. Parking spaces may include garage, carport, and driveway spaces,
16 and may allow for tandem parking. On-site parking areas shall be kept free from any
17 obstructions, including, but not limited to, excessive amounts of snow, which would
18 prevent use for vehicle parking. Only the approved parking areas/spaces pursuant to the
19 STR permit shall be used for vehicle parking. No vehicle related to the STR shall be
20 parked on neighboring properties or on public or private roads, or in any manner that
21 would create an obstruction.

22 **84.28.070 Conditions of Operation.**

23 The following are minimal requirements for STR operation. These are in addition
24 to any other applicable requirements of this Chapter, other applicable provisions of the
25 County Code, or other law.

26 (a) Prohibited Uses of Property. A STR shall not be used for any occupancy
27 other than the purposes described in this Chapter. A STR shall not be used for any
28 commercial activity, which includes but is not limited to weddings, receptions, corporate

1 retreats, business meetings or conferences, filming, photography shoots, parties, or any
2 similar activities, unless regulated under an applicable approved County-issued permit.

3 (b) Minimum Rental Period. A two-night minimum rental period shall be
4 required for STR bookings on Fridays and Saturdays except for a STR that is owner-
5 occupied.

6 (c) Record Keeping. The property owner or property manager shall maintain
7 records sufficient to prove compliance with this Chapter and other applicable laws. These
8 records shall be maintained so that they can be readily provided to the County and
9 provided in such a manner that establishes that the property owner or property manager
10 is routinely maintaining such records.

11 (d) Registration. The STR owner shall administer registration prior to allowing
12 occupancy of the STR. The registration shall include review of the STR regulations with
13 at least one adult renter. At the time of such registration, the renter shall be provided a
14 complete written or digital copy of the requirements of the STR permit and applicable
15 regulations, as well as disclosure of the penalties associated with violations. The
16 registration material shall advise the renter of the occupancy and vehicle/parking
17 limitations, responsibility to avoid nuisance behavior, and prohibition of commercial
18 activity as described in Subsection (a) above. The registration material shall include an
19 acknowledgement to be signed by the renter and retained in the STR owner's records.
20 Registration materials shall be preserved for the term of the STR permit, and shall be
21 provided to the County, when requested, to confirm compliance with STR permit
22 conditions of operation and regulations set forth in this Chapter. If the owner fails to
23 provide adequate directions to the dwelling unit or fails to confirm acknowledgement and
24 understanding of the STR regulations, the conditions of operation of the STR permit may
25 be amended by the County to require in-person registration.

26 (e) Advertising.

27 (1) Advertising that promotes a STR for a use that is not permitted is
28 prohibited.

1 (2) All advertising, including real estate magazines, fliers, newspapers,
2 television or radio commercials, internet pages, or web-based ads or rental platforms that
3 promote the use of a STR prior to approval of an STR permit or while the STR permit is
4 suspended or revoked, shall be prohibited to the extent provided by law. All
5 advertisements featuring a permitted STR shall specify the maximum permitted number
6 of occupants, and vehicles permitted on the STR property.

7 (f) Posted Notices within Unit. The County-issued STR permit shall be posted
8 inside the unit on or adjacent to the front door, along with an exit/emergency evacuation
9 map. In addition, each STR shall have a clearly visible and legible notice posted in a
10 prominent location within the unit, containing the following information:

11 (1) The address of the STR.

12 (2) The name of the managing agency, agent, property manager, or
13 owner of the unit, and a telephone number at which that party may be immediately
14 reached on a 24-hour basis.

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

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

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

20 (6) Instructions for disposal of trash in accordance with the requirements
21 of this Chapter.

22 (7) Notification that failure to comply with the requirements of this
23 Chapter, including parking and occupancy standards, as well as public and private
24 nuisance standards, is a violation of the County Code, and that such violation may result
25 in enforcement actions to address the violation. Enforcement may include criminal, civil,
26 or administrative actions, or the calling of law enforcement for the removal of guests and
27 their vehicles from the property to the extent authorized by law. The notification shall
28 state in a prominent format that users of the dwelling unit are prohibited from disturbing

1 the peace of the surrounding neighborhood and that doing so is a violation of this Chapter
2 and the rental agreement.

3 (8) Location of utility service connections, including how to access
4 service connections and instructions and any tools necessary to disconnect the STR from
5 utility services in the event of an emergency.

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

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

10 (g) Good Neighbor Information. In addition to the required posted notices, the
11 STR owner shall provide a brochure or document intended to remind renters that the STR
12 is located in a neighborhood. The information should promote respect for residents of the
13 neighborhood, including their rights to expect peace, quiet, privacy and security.

14 (h) Call Response.

15 (1) The STR owner or agent shall be personally available by telephone
16 on a 24-hour basis and maintain the ability to make contact by phone within 30 minutes
17 and be physically present at the property within one hour in order to respond to and
18 remedy complaints regarding the condition or operation of the dwelling unit or the behavior
19 of persons on the property in violation of this Chapter or other law.

20 (2) On a 24-hour basis, within one hour of receiving a report of a
21 complaint, the STR owner must confirm whether or not the complaint is valid. If the
22 complaint is valid, the STR owner shall immediately take corrective action within the lawful
23 authority of the STR owner to resolve the violation, or stop the nuisance behavior that
24 disturbs the peace for the entire duration of the occupancy of the person causing or
25 allowing such violation or nuisance behavior. Corrective action may require immediate
26 eviction of STR renters and contacting law enforcement, if necessary, for the removal of
27 renters, guests and their vehicles from the property to the extent authorized by law.

28 (3) Calls or complaints about physical conditions or circumstances that

1 constitute an immediate threat to the public health and safety shall obligate the STR
2 owner to immediately contact the appropriate law enforcement, fire, or other authority.

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

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

13 (j) Loud and Disturbing Noise.

14 (1) It is unlawful for any owner, renter, occupant, or guest located at a
15 STR to make or allow to be made, any loud, excessive, or intrusive noise that disturbs
16 the peace or that causes discomfort or annoyance to any reasonable person of normal
17 sensitivities in the area. Such noises may include, but are not limited to, shouting, loud
18 laughter, whistling, singing, playing a musical instrument, playing loud music or noise from
19 sound making or sound amplifying devices, and barking dogs.

20 (2) The standard for enforcement of this Section is the “reasonable
21 person” standard. The inquiry is whether the noise would disturb the peace or cause
22 discomfort or annoyance to a reasonable person under similar circumstances.

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

- 25 (A) The level of noise;
- 26 (B) The level and intensity of ambient noise, if any;
- 27 (C) The proximity of the noise to the reporting party;
- 28 (D) The time of day or night the noise occurs;

- 1 (E) The duration of the noise;
- 2 (F) Whether the noise is constant, recurrent, or intermittent; and
- 3 (G) Whether the noise is produced by a mechanical or electronic
- 4 device.

5 (k) Safety.

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

8 (2) The interior and exterior of the STR shall be kept free of hazardous
9 conditions at all times.

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

11 (l) Sanitation.

12 (1) Every STR shall be cleaned after each occupancy change in order
13 to make the unit sanitary.

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

16 (3) The exterior of the STR shall be maintained and kept free of debris.

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

19 (m) Trash. Trash shall be deposited in approved trash collection containers on
20 the STR property. Trash containers shall be kept closed when not in use, never be
21 permitted to overflow, and kept in a clean condition.

22 (1) In the Mountain Region, STR owners shall use animal-proof trash
23 containers (unless discouraged by the County-approved refuse collection hauler) and
24 procure trash collection service from the County-approved refuse collection hauler when
25 said service is available. Pull-out trash service shall also be established with the County
26 approved refuse collection hauler when said service is available. A sufficient number of
27 trash containers based on permitted occupancy of the STR shall be procured.

28 (2) In the Desert Region, STR owners shall procure trash collection

1 service and trash collection containers from the County-approved refuse collection hauler
2 when said service is available except trash collection service and containers are optional
3 if the STR owner resides on the STR property and removes trash promptly. A sufficient
4 number of containers based on occupancy levels of the rental unit shall be procured.

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

7 (n) Animals.

8 (1) License. No person shall have, keep, or maintain any dog on the
9 property of a STR unless he or she is able to provide proof of a current license issued by
10 the County or other municipal dog licensing agency.

11 (2) Control of Animals. No person owning or having control of any
12 animal shall permit such animal to stray or run at large upon any unenclosed area on or
13 off the STR property. No person may lawfully bring his or her dog off a STR property
14 unless the dog is restrained by a leash and the person is competent to restrain the dog,
15 or the dog is properly restrained and enclosed in a vehicle, cage, or similar enclosure.

16 (3) Noise. It shall be unlawful for any person owning or having control
17 of any animal to allow the animal to create excessive noise in violation of Subsection (i)
18 of this Section.

19 **84.28.080 Enforcement.**

20 (a) General.

21 (1) Owners and renters of a STR shall comply with the requirements of
22 this Chapter and all other applicable sections of the County Code and other law. A
23 hosting platform shall comply with the requirements of Section 84.28.110 (Hosting
24 Platform Requirement) and all other applicable sections of the County Code and other
25 law.

26 (2) In addition to any enforcement action and remedy authorized by this
27 Chapter, a violation of any requirement of this Chapter may result in remedial action by
28 appropriate members of County staff or any enforcement officer as defined in Chapter 2

1 of Division 1 of Title 1 of the County Code without notice if providing notice is not
2 reasonable considering the need for immediate remedial action, and/or if prior notice to
3 the property owner or the renters, either verbal or written, has not resulted in appropriate
4 remedial action by the property owner. If the violation pertains to any of the parking
5 requirements of this Chapter, the remedy may, to the extent permitted by law, include
6 towing of the vehicle or vehicles causing the violation of the parking requirement.
7 Remedial actions taken under this Section, other than any criminal citations, are subject
8 to appeal pursuant to Chapter 2 of Division 1 of Title 1 of the County Code or other
9 applicable provision, but no request for appeal shall stay the remedial actions taken
10 pursuant to this Section.

11 (b) Uniform Transient Occupancy Tax—Failure to Pay. Failure by the owner,
12 or when applicable, a hosting platform to collect and remit to the Tax Collector the Uniform
13 Transient Occupancy Tax may result in the Tax Collector pursuing any remedy against
14 the owner or hosting platform, including imposing and collecting said tax from the owner
15 or hosting platform, authorized under Chapter 2 of Division 4 of Title 1 of the County Code
16 or other applicable law. Notwithstanding the duty imposed by Section 84.28.110(a), the
17 use of a hosting platform to facilitate the rental of a short-term residential rental unit shall
18 not relieve an owner of liability for violations of this Section.

19 (c) Administrative Subpoena. The County may issue and serve an
20 administrative subpoena as necessary to obtain specific information identified in Section
21 84.28.110 (Hosting Platform Requirement) regarding STR listings located in the
22 unincorporated areas of San Bernardino County. Any subpoena issued pursuant to this
23 Subsection shall not require the production of information sooner than 30 calendar days
24 from the date of service. A person that has been served with an administrative subpoena
25 may seek judicial review during that 30-day period.

26 **84.28.090 Suspension of Permit.**

27 (a) Suspension of Permit. A STR permit may be suspended for the following
28 reasons:

1 (1) Substandard Building or Property or Unsafe Building or Structure.
2 Any violation of the requirements of Title 6 of the County Code may result in suspension
3 of the STR permit and issuance of a notice of defect or notice and order to repair. Notice
4 of such suspension shall be provided pursuant to the requirements of Chapter 1 of
5 Division 3 of Title 6 of the County Code.

6 (2) General Violations. Any failure to comply with or respond to any
7 notice of violation or other notice from the County requiring compliance with one or more
8 requirements of this Chapter or other applicable provision of the County Code or other
9 law may result in suspension of the STR permit. Property owners shall be informed of
10 such suspension in a written notice mailed using both certified mail with return receipt
11 and first class service. In addition, although not required, the notice may also be posted
12 on the property and/or mailed to any additional individuals or companies listed on the
13 permit application.

14 (b) Use of Property During Suspension and Stays.

15 (1) When a STR permit is suspended or stayed pending outcome of an
16 appeal, the property affected by the suspension shall not be used as a STR until such
17 time as the suspension or stay is lifted.

18 (2) Permits suspended pursuant to Section 84.28.090(a)(1) will remain
19 suspended until such time as the Building Official or his or her designee confirms that all
20 violations have been corrected or the Building Appeals Board has ruled in favor of the
21 appellant.

22 (3) Permits suspended for general violations, i.e., those under Section
23 84.28.090(a)(2), will remain suspended until such time as the violations are abated, or
24 the property owner can reasonably demonstrate substantive changes in the property
25 management practices that would mitigate or correct the violations, or a hearing officer
26 has ruled in favor of the appellant. If an appeal hearing for a general violation cannot be
27 scheduled within 14 calendar days after an appeal was filed or if the hearing is scheduled
28 but, through no fault of the appellant, not held within 30 calendar days after the appeal

1 was filed, the suspension shall be stayed through the date a ruling on the appeal is issued.

2 (c) Appeals of Suspensions. An appeal must be filed no later than ten calendar
3 days after the date the notice of suspension is issued. When the tenth day is not a County
4 business day, the time frame is extended to the next County business day following the
5 tenth day.

6 (1) The suspension of a permit pursuant to Section 84.28.090(a)(1) may
7 be appealed for a hearing before the Building Appeals Board. The format and process of
8 the appeal shall be as required by Section 63.0105. A decision by the Building Appeals
9 Board shall be final and no further appeal within the County shall be available.

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

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

18 (B) Witnesses shall swear or affirm to tell the truth. The oath or
19 affirmation shall be taken by the hearing officer. The County shall present its case first,
20 with oral testimony and documentary evidence or other evidence. The County shall have
21 the right of cross-examination. The permit holder shall have the right to be represented
22 and shall have the right of cross-examination.

23 (C) No determination or order shall be based solely on hearsay
24 evidence. The hearing officer shall make his or her determination within five working days
25 following the hearing. The determination shall be in writing and shall state the findings
26 upon which the determination is made. The decision by the hearing officer shall be final
27 and no further appeal within the County shall be available.

28 (3) The failure to appeal a suspension in a timely manner shall render

1 the action to suspend final and no further appeal within the County shall be available.

2 **84.28.100 Revocation of Permit.**

3 (a) Revocation of Permit. A STR permit may be revoked for the following
4 reasons:

5 (1) The severity of a violation of a requirement of Title 6 of the County
6 Code necessitated the immediate vacation of the property.

7 (2) The conditions or actions that resulted in the suspension of the
8 permit have not been abated or addressed by a demonstrable change in the business
9 practices associated with the STR within 60 calendar days of the suspension being
10 upheld on appeal or otherwise deemed final.

11 (3) The condition or the business practice that resulted in the suspension
12 of the permit reoccurs within 12 months following the date the suspension was upheld on
13 appeal or otherwise deemed final.

14 (4) A permit is suspended two times in a consecutive 24-month period,
15 where said suspensions are either upheld on appeal or otherwise deemed final.

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

17 (6) The permit was issued in error.

18 (b) Appeals of Revocation of Permit.

19 (1) The revocation of a permit based on substandard building conditions
20 or other violations of Title 6 of the County Code may be appealed for a hearing before the
21 Building Appeals Board. The format and process of the appeal shall be as required by
22 Section 63.0105. A decision by the Building Appeals Board shall be final and no further
23 appeal within the County shall be available.

24 (2) The revocation of a permit pursuant to Sections 84.28.100(a)(2),
25 (a)(3), or (a)(4), where the underlying violation or violations are general violations, or
26 pursuant to Sections 84.28.100(a)(5) or (a)(6), may be appealed for a hearing before a
27 County appointed hearing officer as defined by Sections 12.2701, 12.2702, 12.2703, and
28 12.2705. The procedure for such hearing is set forth in Section 84.28.090(c)(2)(A)

1 through (C) and (c)(3). A decision by the hearing officer shall be final and no further
2 appeal within the County shall be available.

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

5 **84.28.110 Hosting Platform Requirement.**

6 (a) For purposes of this Chapter a hosting platform shall be responsible for
7 collecting all applicable uniform transient occupancy tax required by Section 14.0203 and
8 remitting the same to the County. The hosting platform shall be considered an agent of
9 the STR owner for purposes of transient occupancy tax collections and remittance, as
10 set forth in Section 14.0203, if the hosting platform collects payment for the rental. If a
11 hosting platform does not collect payment for rentals, the STR owner is solely responsible
12 for the collection of all applicable transient occupancy taxes.

13 (b) Subject to applicable laws and procedures provided in Section
14 84.28.080(c), when requested by the County, a hosting platform shall disclose, in a
15 commonly used electronic format, the address of each STR within the unincorporated
16 San Bernardino County listed on the hosting platform, the names of the persons
17 responsible for each such listing, the address of each such listing, the length of stay for
18 each such listing and the price paid for each stay.

19 (c) A hosting platform shall display the County STR permit number for any STR
20 listing located in the unincorporated San Bernardino County.

21 (d) A hosting platform operating exclusively on the internet, which operates in
22 compliance with Subsections (a), (b) and (c) above, shall be presumed to be in
23 compliance with this Chapter, except that the hosting platform remains responsible for
24 compliance with the administrative subpoena provisions of this Chapter.

25 (e) The provisions of this Section shall be interpreted in accordance with
26 otherwise applicable state and federal laws and will not apply if determined by the County
27 to be in violation of, or preempted by, any such laws.

28

1 SECTION 4. The Board of Supervisors declares that it would have adopted this
2 ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the
3 fact that any one or more sections, subsections, clauses, phrases or portions of it be
4 declared invalid or unconstitutional. If for any reason any portion of this ordinance is
5 declared invalid or unconstitutional, then all other provisions of it shall remain valid and
6 enforceable.

7
8 SECTION 5. This ordinance shall take effect thirty (30) days from the date of
9 adoption

10
11 _____
CURT HAGMAN, Chairman
12 Board of Supervisors

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

15 LYNNA MONELL, Clerk of the
16 Board of Supervisors

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

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the _____ day of _____, 2022, at which meeting
7 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 _____, 2022.

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

19 _____
20 Deputy

21 Approved as to Form:

22 TOM BUNTON
23 County Counsel

24 By: _____
25 JOLENA E. GRIDER
26 Deputy County Counsel

27 Date: _____

28