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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 <u>for outdoor</u>	
24		<u>monitoring</u> (credit to be applied to fees in Subsection	
25		16.0215C(a)(4)(E)(I) through (III) only).....	\$150.00
26			
27			
28			

- 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 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 (4) A STR owner shall not be eligible for more than two STR permits,
28 provided however that a STR owner that holds more than two active STR permits on the

1 effective date of this ordinance shall be eligible to renew applicable existing STR permits
2 as a legal non-conforming use.

3 (b) STR renters are subject to the uniform transient occupancy tax of Section
4 14.0203 (Uniform Transient Occupancy Tax).

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

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

9 **84.28.050 Application Process.**

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

13 (1) Property owner name and contact information.

14 (2) Applicant name and contact information, if different from the property
15 owner.

16 (3) Address and Assessor's parcel number for the dwelling unit, to be
17 used as a STR.

18 (4) Total square footage of the dwelling unit to be used as a STR.

19 (5) Total number of bedrooms to be used for overnight sleeping
20 purposes.

21 (6) The name of the managing agency, agent, or property manager, if
22 different from the property owner, and a telephone number at which that party may be
23 immediately reached on a 24-hour basis.

24 (7) Acknowledgment that the permittee understands and agrees to
25 operate the STR in compliance with the regulations and requirements set forth in this
26 Chapter.

27 (8) A fee amount to cover the application and permit fee, as set forth in
28 the San Bernardino County schedule of fees. If additional inspections or enforcement

1 actions are required, then the owner or applicant may be required to pay for the additional
2 services.

3 (b) Notification Requirements.

4 (1) The responsible department shall provide notice of the application to
5 all surrounding property owners. The notice shall provide that comments may be
6 submitted to the responsible department up to 20 calendar days after the date of said
7 notice.

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

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

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

21 (C) The maximum number of occupants allowed in the dwelling
22 unit;

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

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

26 (3) A STR owner shall be required to update the responsible department
27 of any changes to the name of the managing agency, agent, or property manager of the
28 dwelling unit, and a telephone number at which that party may be immediately reached

1 on a 24-hour basis. An updated notice shall be required, at the cost of the STR owner,
2 when necessary to update surrounding property owners of changes to the content
3 required by Subsection (b).

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

9 (d) Application Denial. An application for a STR permit or renewal of a permit
10 under this Chapter shall be denied by the responsible department upon one or more of
11 the following grounds:

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

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

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

20 (e) Applicant Appeals. An applicant may appeal the denial or conditional
21 acceptance of an application for a STR permit. Such appeal must be in writing and
22 submitted to the responsible department within 30 calendar days following the date of the
23 notice provided pursuant to Section 84.28.050(b)(2). When the 30th day is not a County
24 business day, the time frame is extended to the next County business day following the
25 30th day. The appeal shall follow the procedure set forth in Section 84.28.090(c)(2).

26 (f) Non-Applicant Appeals. Non-applicants may appeal the granting of a new
27 STR permit. All such appeals must be submitted to the responsible department within 30
28 calendar days following the date of the notice provided pursuant to Section

1 84.28.050(b)(2). When the 30th day is not a County business day, the time frame is
2 extended to the next County business day following the 30th day. The grounds for such
3 appeal are limited to the claim that past use of the property as a STR has not complied
4 with one or more requirements of Sections 84.28.060(b) through (c), or Section
5 84.28.070, or that, based on competent evidence, any prospective use for such purpose
6 will likely not comply with one or more of such requirements. Such appeal shall be heard
7 in the same manner as specified in Section 84.28.090(c)(2). The applicant shall be
8 provided notice of the hearing. If the appellant prevails in the appeal, then the applicant's
9 application shall be deemed to be denied and such decision shall be the final decision of
10 the County. No further appeal shall be available at the administrative level.

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

23 **84.28.060 Occupancy Standards.**

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

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

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

6 Example occupancies:

7 (A) Studio/Single-bedroom STR: four occupants

8 (B) Two-bedroom STR: ~~four~~six occupants

9 (C) Three-bedroom STR: ~~six~~eight occupants

10 (D) Four-bedroom STR: ~~eight~~ten occupants

11 (E) Five-bedroom STR: ~~ten~~twelve occupants

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

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

19 (4) Occupancy Cap. Notwithstanding the allowances based on the
20 number of bedrooms, the maximum occupancy of any STR shall not exceed 12
21 occupants, ~~including children~~.

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

25 (c) Parking. All vehicles of STR occupants and their guests must be parked on
26 the STR property. Parking spaces may include garage, carport, and driveway spaces,
27 and may allow for tandem parking. On-site parking areas shall be kept free from any
28 obstructions, including, but not limited to, excessive amounts of snow, which would

1 prevent use for vehicle parking. Only the approved parking areas/spaces pursuant to the
2 STR permit shall be used for vehicle parking. No vehicle related to the STR shall be
3 parked on neighboring properties or on public or private roads, or in any manner that
4 would create an obstruction.

5 **84.28.070 Conditions of Operation.**

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

9 (a) Prohibited Uses of Property. A STR shall not be used for any occupancy
10 other than the purposes described in this Chapter. A STR shall not be used for any
11 commercial activity, which includes but is not limited to weddings, receptions, corporate
12 retreats, business meetings or conferences, filming, photography shoots, parties, or any
13 similar activities, unless regulated under an applicable approved County-issued permit.

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

17 (cb) Record Keeping. The property owner or property manager shall maintain
18 records sufficient to prove compliance with this Chapter and other applicable laws. These
19 records shall be maintained so that they can be readily provided to the County and
20 provided in such a manner that establishes that the property owner or property manager
21 is routinely maintaining such records.

22 (dc) Registration. The STR owner shall administer registration prior to allowing
23 occupancy of the STR. The registration shall include review of the STR regulations with
24 at least one adult renter. At the time of such registration, the renter shall be provided a
25 complete written or digital copy of the requirements of the STR permit and applicable
26 regulations, as well as disclosure of the penalties associated with violations. The
27 registration material shall advise the renter of the occupancy and vehicle/parking
28 limitations, responsibility to avoid nuisance behavior, and prohibition of commercial

1 activity as described in Subsection (a) above. The registration material shall include an
2 acknowledgement to be signed by the renter and retained in the STR owner's records.
3 Registration materials shall be preserved for the term of the STR permit, and shall be
4 provided to the County, when requested, to confirm compliance with STR permit
5 conditions of operation and regulations set forth in this Chapter. If the owner fails to
6 provide adequate directions to the dwelling unit or fails to confirm acknowledgement and
7 understanding of the STR regulations, the conditions of operation of the STR permit may
8 be amended by the County to require in-person registration.

9 (ed) Advertising.

10 (1) Advertising that promotes a STR for a use that is not permitted is
11 prohibited.

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

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

22 (1) The address of the STR.

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

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

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

1 property.

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

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

5 (7) Notification that failure to comply with the requirements of this
6 Chapter, including parking and occupancy standards, as well as public and private
7 nuisance standards, is a violation of the County Code, and that such violation may result
8 in enforcement actions to address the violation. Enforcement may include criminal, civil,
9 or administrative actions, or the calling of law enforcement for the removal of guests and
10 their vehicles from the property to the extent authorized by law. The notification shall
11 state in a prominent format that users of the dwelling unit are prohibited from disturbing
12 the peace of the surrounding neighborhood and that doing so is a violation of this Chapter
13 and the rental agreement.

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

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

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

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

25 (hg) Call Response.

26 (1) The STR owner or agent shall be personally available by telephone
27 on a 24-hour basis and maintain the ability to make contact by phone within 30 minutes
28 and be physically present at the property within one hour in order to respond to and

1 remedy complaints regarding the condition or operation of the dwelling unit or the
2 behavior of persons on the property in violation of this Chapter or other law.

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

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

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

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

24 (j) Loud and Disturbing Noise.

25 (1) It is unlawful for any owner, renter, occupant, or guest located at a
26 STR to make or allow to be made, any loud, excessive, or intrusive noise that disturbs
27 the peace or that causes discomfort or annoyance to any reasonable person of normal
28 sensitivities in the area. Such noises may include, but are not limited to, shouting, loud

1 laughter, whistling, singing, playing a musical instrument, playing loud music or noise from
2 sound making or sound amplifying devices, and barking dogs.

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

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

- 8 (A) The level of noise;
- 9 (B) The level and intensity of ambient noise, if any;
- 10 (C) The proximity of the noise to the reporting party;
- 11 (D) The time of day or night the noise occurs;
- 12 (E) The duration of the noise;
- 13 (F) Whether the noise is constant, recurrent, or intermittent; and
- 14 (G) Whether the noise is produced by a mechanical or electronic
15 device.

16 (k) Safety.

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

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

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

22 (k) Sanitation.

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

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

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

28 (4) Spas/hot tubs shall be maintained and cleaned as frequently as

1 needed to preserve sanitary conditions.

2 ~~(M)~~ Trash. Trash shall be deposited in approved trash collection containers on
3 the STR property. Trash containers shall be kept closed when not in use, never be
4 permitted to overflow, and kept in a clean condition.

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

11 (2) In the Desert Region, STR owners shall procure trash collection
12 service and trash collection containers from the County-approved refuse collection hauler
13 when said service is available except trash collection service and containers are optional
14 if the STR owner resides on the STR property and removes trash promptly. A sufficient
15 number of containers based on occupancy levels of the rental unit shall be procured.

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

18 ~~(AM)~~ Animals.

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

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

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

1 of this Section.

2 **84.28.080 Enforcement.**

3 (a) General.

4 (1) Owners and renters of a STR shall comply with the requirements of
5 this Chapter and all other applicable sections of the County Code and other law. A
6 hosting platform shall comply with the requirements of Section 84.28.110 (Hosting
7 Platform Requirement) and all other applicable sections of the County Code and other
8 law.

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

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

1 not relieve an owner of liability for violations of this Section.

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 (Hosting Platform Requirement) regarding STR 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 calendar days
7 from the date of service. A person that has been served with an administrative subpoena
8 may seek judicial review during that 30-day period.

9 **84.28.090 Suspension of Permit.**

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

12 (1) Substandard Building or Property or Unsafe Building or Structure.
13 Any violation of the requirements of Title 6 of the County Code may result in suspension
14 of the STR permit and issuance of a notice of defect or notice and order to repair. Notice
15 of such suspension shall be provided pursuant to the requirements of Chapter 1 of
16 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 may result in suspension of the STR permit. Property owners shall be informed of
21 such suspension in a written notice mailed using both certified mail with return receipt
22 and first class service. In addition, although not required, the notice may also be posted
23 on the property and/or mailed to any additional individuals or companies listed on the
24 permit application.

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

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

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

5 (3) Permits suspended for general violations, i.e., those under Section
6 84.28.090(a)(2), will remain suspended until such time as the violations are abated, or
7 the property owner can reasonably demonstrate substantive changes in the property
8 management practices that would mitigate or correct the violations, or a hearing officer
9 has ruled in favor of the appellant. If an appeal hearing for a general violation cannot be
10 scheduled within 14 calendar days after an appeal was filed or if the hearing is scheduled
11 but, through no fault of the appellant, not held within 30 calendar days after the appeal
12 was filed, the suspension shall be stayed through the date a ruling on the appeal is issued.

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

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

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

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

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

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

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

13 **84.28.100 Revocation of Permit.**

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

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

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

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

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

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

28 (6) The permit was issued in error.

1 (b) Appeals of Revocation of Permit.

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

7 (2) The revocation of a permit pursuant to Sections 84.28.100(a)(2),
8 (a)(3), or (a)(4), where the underlying violation or violations are general violations, or
9 pursuant to Sections 84.28.100(a)(5) or (a)(6), may be appealed for a hearing before a
10 County appointed hearing officer as defined by Sections 12.2701, 12.2702, 12.2703, and
11 12.2705. The procedure for such hearing is set forth in Section 84.28.090(c)(2)(A)
12 through (C) and (c)(3). A decision by the hearing officer shall be final and no further
13 appeal within the County shall be available.

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

16 **84.28.110 Hosting Platform Requirement.**

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

24 (b) Subject to applicable laws and procedures provided in Section
25 84.28.080(c), when requested by the County, a hosting platform shall disclose, in a
26 commonly used electronic format, the address of each STR within the unincorporated
27 San Bernardino County listed on the hosting platform, the names of the persons
28 responsible for each such listing, the address of each such listing, the length of stay for

1 each such listing and the price paid for each stay.

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

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

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

11

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

18

19 SECTION 5. This ordinance shall take effect thirty (30) days from the date of
20 adoption

21

CURT HAGMAN, Chairman
Board of Supervisors

22

23

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

26

LYNNA MONELL, Clerk of the
Board of Supervisors

27

28

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

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