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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ADDING CHAPTER 20, ARTICLE VII OF THE OCEANSIDE CITY CODE TO CREATE PERMIT REQUIREMENTS FOR AND TO REGULATE SHORT-TERM VACATION RENTALS

WHEREAS, the City of Oceanside (“city”) has experienced a dramatic increase in the number of residential properties being used as vacation rentals; and

WHEREAS, the city has received numerous complaints related to the operation of vacation rentals in residential neighborhoods, including complaints concerning excessive noise, reduction of street parking and increased trash; and

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Sections 20.52.1 through 20.52.5 is added to Chapter 20, article VII of the Oceanside City Code section as follows:

**“Section 20.52.1 Findings and Purpose**

The City Council finds that the city has seen a substantial increase in the number of residential properties being used as short-term vacation rentals. With the rise in the number of short-term vacation rentals, the city has received a surge of complaints from neighborhood groups over the adverse impacts caused by this transient use in residential neighborhoods. The purpose of this section is to balance the city’s desire to promote tourism with the city’s legitimate need to mitigate the adverse impacts often associated with short-term rentals, including excessive noise, overcrowding, reduction of street parking, and the accumulation of refuse. The city also seeks to ensure that the city is collecting transient occupancy taxes as required by Chapter 34 of the Oceanside City Code as well as the Oceanside Tourism Marketing District.

**Section 20.52.2 Definitions**

A. “Owner” means the person(s) or person or entity(ies) that holds legal and/or equitable title to the subject short-term vacation rental

1 B. “Short-term vacation rental” means the rental of any portion of any dwelling unit for  
2 occupancy for dwelling, lodging or sleeping for less than thirty consecutive days in the city,  
3 including single family or multiple family units.

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5 **Section 20.52.3 Permit Required**

6 A. An owner shall obtain a short-term vacation rental permit and a business license from the  
7 city before renting a dwelling unit for a short-term vacation rental or advertising the  
8 availability of a short-term vacation rental unit. The application for a short-term vacation rental  
9 permit shall include the following information on a form provided by the city:

- 10 1. The name, address, and telephone number of the owner of the short-term  
11 rental unit, including local emergency contact information.
- 12 2. The name, address and telephone number of the owner’s authorized  
13 representative, including local emergency contact information.
- 14 3. The address of the proposed short-term vacation rental unit.
- 15 4. The number of bedrooms in the short-term vacation rental unit.
- 16 5. The number and location of on-site parking spaces available for the short-term  
17 vacation rental that must be made available pursuant to section 20.52.4(E).
- 18 6. Acknowledgement of receipt and executed agreement to comply with the  
19 City’s “Good Neighbor” requirements.

20 B. A short-term vacation rental permit shall be valid for twelve calendar months from the  
21 date of issuance and must be renewed thereafter for a new twelve month term.

22 C. The application for a short-term vacation rental permit or renewal shall be accompanied  
23 by a non-refundable application fee established by resolution of the City Council. The  
24 application fee shall not exceed the city’s estimated reasonable cost of administering the  
25 provisions of this article.

26 D. The application shall be submitted by the owner or the owner’s authorized agent. Even if  
27 the application is submitted by the owner’s authorized agent, the owner shall be responsible for  
28 complying with this article and all other laws applicable to the short-term vacation rental.

1 E. The application shall be reviewed by the City Manager’s designee and shall be granted  
2 unless the applicant fails to demonstrate compliance with this article or other applicable  
3 provisions of the Oceanside City Code, the Oceanside Zoning Ordinance, conditions or  
4 approval for the dwelling unit, or other applicable law. The City Manager’s designee shall deny  
5 an application for a short-term vacation rental if the applicant fails to demonstrate compliance  
6 with Chapter 34, article III governing transient occupancy tax. The City Manager’s designee  
7 shall further deny the short-term vacation rental permit if the applicant has provided any false  
8 information in the application or if the City has revoked a short-term vacation rental permit in  
9 the owner’s name within the preceding twelve months. In addition to the operational  
10 requirements set forth in Section 20.52.4, the City Manager or the City Manager’s designee  
11 shall have the authority to impose additional conditions on the use of any short-term vacation  
12 rental unit in order to mitigate potential secondary effects unique to the subject property.

13 F. The short-term vacation rental permit shall not be assignable. Following a change in  
14 ownership, a new short-term vacation rental permit shall be required before the new owner rents  
15 or advertises the unit as a short-term vacation rental unit.

16 **Section 20.52.4 Operational Requirements**

17 A. The owner or the owner’s authorized agent, identified in the application for a short-term  
18 vacation permit, shall be available twenty-four hours a day, seven days a week, to respond to  
19 complaints concerning the condition, operation or conduct of occupants of the short-term  
20 vacation rental unit or their guests.

21 B. The owner or owner’s authorized agent, shall post in a conspicuous place on the exterior  
22 of the unit a copy of the short-term vacation rental permit with the phone number of the  
23 owner’s local emergency contact. The permit shall continue to be displayed as long as the unit  
24 is used as a short-term vacation rental.

25 C. The owner and/or the owner’s authorized representative shall use reasonably prudent  
26 business practices to ensure the occupants and guest of the short-term vacation rental unit do  
27 not create unreasonable noise or disturbances, engage in disorderly conduct or violate any  
28 provisions of this ordinance or other applicable laws.

1 D. Upon notification that any occupant or guest of the occupant of short-term vacation  
2 rental unit has created unreasonable noise or disturbance, engaged in disorderly conduct or  
3 committed a violation of an applicable law, the owner and/or the owner’s authorized agent,  
4 shall use all reasonable efforts to immediately halt and prevent a reoccurrence of such  
5 conduct. Failure to respond to a complainant within 60 minutes of the receipt of a complaint  
6 shall be prima facie evidence that the owner or the owner’s agent has failed to use reasonable  
7 efforts as required by this section 20.52.4(D).

8 E. Parking for all vehicles of the occupants of the short-term vacation rental unit shall be  
9 on-site either in the driveway, garage, or carport. Parking of any detached camper, boat, boat  
10 trailer or other non-motorized vehicle shall be in accordance with Oceanside Traffic Code  
11 section 13.25. Parking of any vehicle over seven (7) feet in height shall be in accordance with  
12 Oceanside Traffic Code section 13.26.

13 F. Refuse containers shall be stored outside of public view except on trash collection days  
14 by the City’s authorized waste hauler.

15 G. The number of occupants allowed to occupy the short-term vacation rental unit shall be  
16 limited to two people per bedroom plus one person per unit.

17 H. No amplified or reproduced sound shall be audible from the property line of any short-  
18 term vacation rental unit between the hours of 10:00 p.m. and 10 a.m.

19 I. Prior to the occupancy of the short-term vacation rental unit, the owner or the owner’s  
20 authorized representative shall:

- 21 1. Obtain the name, address, and telephone number of the renter.
- 22 2. Provide a copy of city-prepared “Good Neighbor” brochure summarizing the  
23 requirements of this ordinance to the renter.
- 24 3. Require the renter to execute a formal acknowledgement that he or she is  
25 legally responsible for compliance with all requirements of this Ordinance by  
26 all occupants and their guests.
- 27 4. The information required by paragraphs 1 and 3 of this subsection shall be  
28 maintained by the owner or the owner’s authorized representative for a period

1 of three years and shall be made available upon request to any officer of the  
2 city responsible for the enforcement of this ordinance or other applicable laws.

3 **Section 20.52.5 Violations and Penalties**

4 A. Any person who violates the provisions of this Chapter shall be deemed guilty of a  
5 misdemeanor punishable by a fine not exceeding one thousand (\$1000) dollars, imprisonment  
6 for a term not to exceed six months, or both, pursuant to Chapter 1, section 1.7(A) of this  
7 Code. The City Attorney may prosecute or authorize or direct the prosecution of this Chapter  
8 as an infraction pursuant to Chapter 1, section 1.7(b) punishable by the fines specified in  
9 Chapter 1, section 1.7(b)(2) of this Code.

10 B. In addition to any penalties imposed pursuant to Chapter 1.7 of this Code, any person  
11 who violates the provisions of this Chapter may be issued an administrative citation by an  
12 enforcement officer pursuant to Chapter 1, section 1.14 through 1.14.8 of this Code.

13 C. Any property maintained in violation of this Chapter is hereby declared to be a public  
14 nuisance that may be abated in accordance with Chapter 17 of this Code.

15 D. In addition to any other remedy for violations of this Chapter, the City Manager or the  
16 City Manager’s designee may revoke a short-term vacation rental permit and business license  
17 for a violation of this Chapter. The procedures set forth in Chapter 15, section 15.5 shall  
18 apply to any proposed revocation of a short-term vacation rental permit and business license.

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20 SECTION 2. The City Clerk of the City of Oceanside is hereby directed to publish this  
21 ordinance, or the title hereof, as a summary, pursuant to state statute, once within fifteen (15)  
22 days after its passage in the San Diego Union Tribune-North County, a newspaper of general  
23 circulation published in the City of Oceanside.

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25 SECTION 3. This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day  
26 from and after its final passage.

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28 SECTION 4. Severability.

