ORDINANCE NO. 710

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 5.20 (TITLE 5 BUSINESS LICENSES AND REGULATIONS) OF THE INDIAN WELLS MUNICIPAL CODE RELATING TO SHORT-TERM RESIDENTIAL RENTALS

WHEREAS, the City of Indian Wells ("City") has the authority under Article 11, Section 5 of the California Constitution and the City Charter to make and enforce all ordinances and regulations with respect to municipal affairs; and

WHEREAS, the City has the authority to regulate land uses and businesses operating within the City; and

WHEREAS, short-term residential rentals of private residences within the City are business ventures subject to the City's business licensing ordinance; and

WHEREAS, the City has authorized use of private residences for short-term residential rentals as a business consistent with the General Plan and Zoning Code; and

WHEREAS, short-term occupancies of private residences within the City are subject to the City's transient occupancy tax; and

WHEREAS, the City Council has adopted multiple amendments to Chapter 5.20 of the Indian Wells Municipal Code, most recently set forth in Ordinance No. 689; and

WHEREAS, the City wishes to enhance and maintain the residential character of its residential zones; and

WHEREAS, the City desires and intends to amend the Indian Wells Municipal Code to tighten and clarify provisions concerning short-term residential rentals, promote accurate collection of the transient occupancy tax, and enhance and maintain the residential character of its residential zones by providing regulations for short-term residential rentals within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 5.20 of the Indian Wells Municipal Code is amended in its entirety as follows:

"Chapter 5.20
SHORT-TERM RESIDENTIAL RENTALS

Sections:
5.20.010 Violation – Nuisance – Applicability.
5.20.020 Short-term residential rental, definitions.
5.20.030 Conditions of operation.
5.20.040 Business license.
5.20.050 Registration."
5.20.060 Personal availability.
5.20.070 Notice to occupants.
5.20.080 Transient occupancy tax.
5.20.090 (Intentionally Omitted)
5.20.100 Signs/Advertisement.
5.20.110 Noise.
5.20.120 Occupancy.
5.20.130 Maintenance of residential character.
5.20.140 Minimum duration of rental.
5.20.150 Parking.
5.20.160 Revocation of Short-term residential rental permit and business license.
5.20.170 Administrative citation.
5.20.180 Limited registration period.
5.20.190 Master Associations.
5.20.200 New residential developments.
5.20.210 Common Interest Developments.
5.20.220 Tennis tournament exception.
5.20.230 Ordinance sunset.

5.20.010 Violation—Nuisance—Applicability.

It is unlawful and a violation of this Chapter, and is hereby declared a public nuisance, for any person or entity owning, renting, leasing, occupying, or having charge, control or possession of any real or improved property within the City of Indian Wells to cause, permit, maintain or allow any violation of this Chapter to exist thereon. Any violation of this Chapter is punishable as a misdemeanor and/or as otherwise permitted by this Code. Each and every violation of this Chapter that exists constitutes a separate and distinct violation as does each and every day, or portion thereof that any violation exists.

Notwithstanding any provision of this Chapter to the contrary, this Chapter shall not be applicable to any timeshare, as defined in Section 21.08.462 of this Code, that exists as of July 4, 2015.

5.20.020 Short-term residential rental, definitions.

The following words and phrases, whenever used in this Chapter, shall have the meaning defined in this Section unless the context clearly requires otherwise:

“City” means the City of Indian Wells.


“Common Interest Development” means a residential development that is subject to the Davis-Stirling Act of the State of California, and where there exists a common area owned by an association or owners of separate interests, there has been recorded a declaration and final subdivision map, there has been conveyed to each homeowner a separate interest coupled with an interest in the common area or membership in the association, and there is a board of directors elected by the association of homeowners.

“Good Neighbor Brochure” means a document prepared by the City, as may be revised from time to time, that summarizes the general rules of conduct, consideration and respect pertaining to the use and occupancy of the short-term residential units.

“Local contact person” means the person designated by the Owner, or Owner’s authorized agent, who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within one (1) hour to complaints regarding the condition, operation, or conduct of occupants of the Short-term residential rental unit; and (2) taking any remedial action necessary to resolve any such complaints.

“Managing agency or agent” means a person, firm, or agency representing the Owner of the Short-term residential rental, or a person, firm, or agency owning or operating more than one (1) Short-term residential rental.

“Master Association” means any entity which has written and valid contractual jurisdiction and authority to act on behalf of common interest developments within a Country Club and to exclusively manage all Short-term residential rentals within that entire Country Club, as defined in this Section 5.20.020, and which retains and manages security officers or contractors/vendors who patrol the Country Club and promptly respond in the event of Short-term residential rental violations or problems.

“Multiple Rentals” means the ownership or controlling interest of any number of real properties in excess of one residential property in the City used for purposes of Short-term residential rentals as defined in this Chapter 5.20.”

“Owner” means any person or entity having fee-title ownership and/or appearing on the last equalized assessment roll of Riverside County showing controlling interest of the Premises.

“Owner’s authorized agent,” or “manager,” or “managing agency” means an individual or business entity, or their representative, appointed by an Owner to solicit applications, execute agreements, or otherwise act on Owner’s behalf in the rental of property as a Short-term residential rental.

“Premises” means the actual single-family house or other residential dwelling unit, including all of its improved real property, which is used as a Short-term residential rental.

“Responsible person” means the signatory of a short-term rental agreement for the use and occupancy of a short-term rental unit, who shall be an occupant of the subject short-term rental unit, and is legally responsible for ensuring that all occupants of the short-term rental unit, and/or their guests, comply with all applicable laws, rules and regulations pertaining to the use and occupancy of subject short-term rental unit, and who may be held liable for any violation of all applicable laws, rules and regulations set forth in this Chapter.

“Short-term residential rental” means the rental of a residential dwelling unit by the Owner thereof to another party for a continuous period of less than thirty (30) days in the aggregate, in
exchange for any form of monetary or non-monetary consideration such as, but not limited to, trade, fee, swap or any other in lieu of cash payment.

"Transient occupancy tax" means the tax levied by the City in accordance with Chapter 3.12 of the Municipal Code. This tax is levied upon individuals or businesses engaged in the sale of sleeping accommodations to the public.

5.20.030 Locations and Conditions of operations of Short-term residential rentals.

(a) Pursuant to this Chapter and any other applicable provisions of this Code, Short-term residential rentals are permitted in the Very Low Density, Low Density, Medium Density, and Medium High Density residential zones, and other General Plan designated zones of the City in which a new development described in subsection (d) of this Section 5.20.030 is located only if the requirements of this Chapter are met.

(b) The requirements of this Chapter shall be met before a Short-term residential rental of a premises is permitted.

(c) Pursuant to this Chapter and any other applicable provisions of this Code, Multiple Rentals are prohibited.

(d) Notwithstanding any provisions in this Chapter to the contrary, Short-term residential rentals shall be permitted pursuant to business licenses and Short-term residential rental permits issued by the City in any new development containing at least ten (10) residential units, subject to the following:

   (1) the City has approved and issued to the developer/land owner of such new development a conditional use permit, pursuant to Chapter 21.06 of this Code, allowing Short-term residential rentals in such new development and specifying the minimum required duration of rentals for Short-term residential rentals within the new development; and

   (2) the developer/land owner of such new development has entered into a Development Agreement with the City pursuant to Government Code Section 65864, et seq., or otherwise, concerning the new development which does not prohibit Short-term residential rentals; and

   (3) the City issues to an applicant for a Short-term residential rental within the new development a business license and Short-term residential rental permit; and

   (4) all provisions set forth in this Chapter 5.20 shall be applicable to the conditional use permit, and the business license and Short-term residential rental permit, except for the provisions set forth in Section 5.20.140 pertaining to minimum duration of Short-term residential rentals.
5.20.040 Business license.

(a) Business license required for Short-term residential rentals. The Short-term residential rental of any Premises in the City is deemed to be a “business” as defined in Chapter 5.01 of this Code. It is unlawful for any person or entity, including, without limitation, the Owner of a Premises and Managing agency or agent, to engage in the business of Short-term residential rentals without first obtaining and maintaining both a valid business license from the City pursuant to Chapter 5.01 of this Code for the purpose of operating any number of Short-term residential rentals and an operating permit for each property to be used as a Short-term residential rental. The business license or copy thereof shall be prominently displayed in a visible location at the Short-term residential rental Premises during any periods of occupancy thereof by any person other than the Owner(s) of the premises. At no time shall the Short-term residential rental be used for activities such as weddings, receptions, and large parties attended by more than the occupants of the Short-term residential rental without first obtaining a temporary use permit from the City, pursuant to Chapter 21.06 (Temporary Uses) of this Code.

(b) Penalty for violation. Failure to obtain and maintain a business license or continuing to operate a Short-term residential rental business after suspension or revocation of a business license, knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring a business license for Short-term residential rentals, or failing to pay the full amount of any business license tax when due, shall be punishable in accordance with the provisions of Section 5.01.040 of this Code. An action against an Owner or any permittee of a business license for Short-term residential rentals who is in violation of any of the provisions of this Section may be brought pursuant to Chapter 8.08 or Section 5.01.040 of this Code, in addition to the business license suspension and revocation proceedings described in Section 5.20.160.

5.20.050 Registration.

On a written form prepared by the Community Development Director of the City, the Owner shall register with the City as the point of contact for the Short-term residential rental Premises and shall be responsible for all requirements of this Chapter. However, such registration is deemed satisfied if accomplished by a Managing agency or agent on behalf of the Owner. The Owner of the Premises shall retain primary responsibility for all requirements of this Code related to Short-term residential rentals, notwithstanding registration by a Managing agency or agent. There shall be no subleasing of any Premises for Short-term residential rental purposes; instead, only a rental agreement executed by the Owner shall be permitted for any Premises when used for Short-term residential rentals. A fee may be established by resolution of the City Council to cover costs of processing the registration. Either the Owner of the Premises or a Managing agency or agent shall provide all of the following information to the City at the time of registration, and shall promptly upon change of any such information update such information to maintain accuracy:

(a) Full legal name of the Owner of the Premises and if a business entity or trust, the individual who has responsibility to oversee its ownership of the Premises; and
(b) Street and mailing addresses of the Owner of the Premises; and
(c) Telephone number of the Owner of the Premises; and
(d) Email address of the Owner of the Premises; and
(e) Full legal name or business name of a Managing agency or agent, if any; and
(f) Street and mailing addresses of a Managing agency or agent, if any; and
(g) Telephone number of a Managing agency or agent, if any; and
(h) Street and mailing addresses of the Short-term residential rental Premises; and

(i) Telephone number of the Short-term residential rental Premises; and

(j) List of all online websites used to advertise Premises for Short-term residential rental along with all listing numbers; and

(k) Full name and telephone number of 24-hour emergency Local contact person; and

(l) Submit a Transit Occupancy Tax (TOT) registration fee as set by resolution of the Indian Wells City Council; and

(m) Submit a Short-term residential rental registration fee as set by resolution of the Indian Wells City Council; and

(n) Any other contact information the City may reasonably require.

A current business license, TOT registration and Good Neighbor Brochure shall be hung and/or placed in a conspicuous location within the Premises at all times of the Short-term residential rental business operation. In addition, each Responsible person for the Premises shall be provided with a copy of the City’s Good Neighbor Brochure by the Owner or Managing agency or agent.

The Owner or Managing agency or agent shall provide language in their rental agreement allowing for immediate termination of the rental contract, and immediate eviction upon any violation of the Municipal Code by any occupant. The Responsible person shall acknowledge understanding of all Indian Wells Short-term residential rental rules and their liability for any fines incurred by occupants.

5.20.060 Personal availability.

(a) For each Short-term residential rental, a Local contact person shall be available by telephone on a seven (7) day per week, twenty-four (24) hour per day basis to respond to public safety calls, nuisances, or other complaints regarding the use, condition, operation, or conduct of occupants on the Premises. The Local contact person shall respond within one (1) hour to satisfactorily correct any alleged nuisance or violation of this Chapter by occupants occurring at the Premises. If the Local contact person does not respond within one (1) hour or does not satisfactorily correct the alleged nuisance or violation pertaining to the call, the Owner shall be subject to citation pursuant to Section 5.20.170 of this Code.

(b) The Local contact person shall be physically present within the geographical limits of the City during the term of the Short-term residential rental or be otherwise physically available to respond by visiting the Premises in person, at the request of the City or the City’s police authority, within one (1) hour of contact concerning any alleged nuisance or violation of this Chapter.

5.20.070 Notice to occupants.

The Owner or Managing agency or agent shall provide the Responsible person of a Short-term residential rental with the following information prior to occupancy of the Premises and shall post such information in a conspicuous place within the dwelling on the premises:

(a) The name of the Owner or Managing agency or agent and a telephone number at which each may be reached on a seven (7) day per week, twenty-four (24) hour per day basis; and
(b) Notification of the maximum number of overnight and daytime occupants permitted on the Premises pursuant to this Chapter; and

(c) Notification of the City’s noise standards, as provided in Chapter 9.06 of this Code, as may be amended from time to time; and

(d) Notification of the parking standards of this Chapter; and

(e) A copy of this Chapter of the Indian Wells Municipal Code, as may be amended from time to time; and

(f) Notification that an occupant may be cited or fined by the City, in addition to any other remedies available at law, for violating any provisions of this Chapter; and

(g) A copy of the “Good Neighbor Brochure”; and

(h) The Owner or Managing agency or agent shall keep on file a signed agreement acknowledging that the Responsible person and occupants agree to the general rules summarized in the Good Neighbor Brochure and rental contract, including without limitation the immediate termination provision in the rental contract for any violation of the Municipal Code by any occupant.

5.20.080 Transient Occupancy Tax.

All Short-term residential rentals shall be subject to the City’s Transient Occupancy Tax (TOT) as required by Chapter 3.12 of this Code. The Owner or Managing agency or agent shall report and remit TOT to the City, even if a zero balance exists for the reporting period, once per quarter, on or before the 30th day following the dates of March 31, June 30, September 30, and December 31 of each year, on a form prepared by the City or in a manner otherwise acceptable to the City. Any Owner(s), or Managing agency or agent on behalf of Owner(s), who fails to report and remit TOT, or submit a form indicating a zero balance, concerning a Premises with a registered operating permit, subject to Section 5.20.040 of this Code, within three (3) days of written notification of delinquency from the City, shall have their operating permit for the subject Premises revoked. Such written notification will be mailed by Certified U.S. Mail to the address(es) provided to the City pursuant to Section 5.20.050 of this Code.

5.20.090 (Intentionally Omitted)

5.20.100 Signs/advertisement.

No sign, as that term is defined in Section 17.04.030 of this Code, shall be posted on the Premises to advertise the availability of the Short-term residential rental unit to the public.

All advertisement, including online advertisement, shall include the following information:

(a) The assigned Short-term residential rental permit number; and

(b) The number of occupants allowed to occupy the Short-term residential rental.
Any sign or advertisement in violation of this Chapter shall be subject to a citation pursuant to Section 5.20.170 of this Code.

5.20.110 Noise.

It is unlawful for any Owner, occupant, renter, lessee, person present upon, or person having charge or possession of the Premises to make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area, or violates any provision of Chapter 9.06 (Noise) of this Code. For the purposes of determining whether a violation of this Section has occurred, the standards set forth in Chapter 9.06 of this Code shall apply. Fines for violation of the noise provisions in the Municipal Code, as applicable to Short-term residential rentals shall be those established pursuant to Section 5.20.170 of this Code.

5.20.120 Occupancy.

The maximum overnight occupancy on the Premises of the Short-term residential rental, from the hours of 11:00 p.m. through 6:00 a.m. on the following morning, shall not exceed two (2) persons per bedroom with an exception for children under the age of six (6) who may additionally occupy the premises, and no additional occupants shall be permitted on the Premises during such hours. In any advertising concerning the Premises for Short-term residential rental, the Owner or Managing agency or agent shall advertise the maximum number of overnight occupants allowed as set forth above.

5.20.130 Maintenance of residential character.

The appearance of the Premises shall not conflict with the residential character of the neighborhood, either by the use of colors, materials, lighting, landscaping, window coverings or otherwise. All applicable development, design, and landscaping standards, including, but not limited to, Chapter 21 of this Code, are expressly made applicable to a Premises used for Short-term residential rentals.

5.20.140 Minimum duration of rental.

(a) The duration of any lease or rental of Premises as a Short-term residential rental registered pursuant to Section 5.20.180(a) of this Code shall be for a minimum of seven (7) consecutive nights and seven (7) consecutive days during which time there shall be no overlapping leases or rental of the Premises. In any advertising concerning the availability of the Premises for Short-term residential rental, the Owner or Managing agency or agent shall advertise the minimum number of rental nights and days set forth in this subsection.

(b) The duration of any lease or rental of Premises as a Short-term residential rental registered pursuant to Section 5.20.180(b) of this Code shall be for a minimum of twenty-nine (29) consecutive nights (twenty-eight (28) consecutive nights if the rental covers the month of February during a non-leap year) during which time there shall be no overlapping leases or rental of the Premises. In any advertising concerning the availability of the Premises for Short-term residential rental, the Owner or Managing agency or agent shall advertise the minimum number of rental nights and days set forth in this subsection.
5.20.150 Parking.

During the term of any Short-term residential rental, a maximum of one (1) vehicle per bedroom shall be permitted for the Premises, and no additional vehicles shall be permitted. All vehicles of occupants of the Short-term residential rental shall be parked only in an approved driveway or garage on the Premises.

5.20.160 Revocation of Short-term residential rental permit and business license.

(a) Grounds for Revocation. In addition to any other penalty authorized by law, a permit and business license for a Short-term residential rental may be revoked by the City if the Community Development Director finds, after notice to the licensee and opportunity to be heard, that the licensee or his or her agent or employee has violated, or failed to fulfill, the requirements of this Chapter or this Code.

The Community Development Director, or designee, shall immediately revoke all rental permits from the Owner and Managing agency or agent upon five (5) violations of this Chapter pertaining to any combination of Premises owned by the Owner or managed by the Owner’s Managing agency or agent within the City within any twelve (12) month period.

(b) Appeal from denial, suspension or revocation of a business license for Short-term residential rental. Any applicant for a business license for the business of Short-term residential rentals whose application was denied by the Community Development Director, and any licensee whose business license for a Short-term residential rental is suspended or revoked by the Community Development Director, may, within ten (10) days following such decision, appeal such decision to the Planning Commission, in which event the decision of the Community Development Director shall be vacated and the Planning Commission shall determine whether to affirm, reverse, or modify the decision of the Community Development Director in accordance with the requirements for Short-term residential rentals set forth in this Chapter. At least fourteen (14) days prior to the Planning Commission’s meeting to consider the appeal of the applicant or licensee, the Community Development Director, City Clerk, or authorized designee, shall send, by United States mail, certified, return receipt requested, written notice to the applicant or licensee of the time and place at which the Planning Commission will consider the application, suspension or revocation, and the applicant or licensee shall be provided an opportunity to be heard by the Planning Commission prior to its decision being made. Subject to any appeal of the City Council as hereinafter permitted, the decision of the Planning Commission shall be final and the City Clerk shall notify the applicant or licensee, as applicable, in writing of the decision of the Planning Commission. If the Planning Commission affirms the decision of the Community Development Director denying an application or suspending or revoking a license, the applicant or licensee shall have the right to appeal the decision of the Planning Commission to the City Council in accordance with the provisions of Section 21.06.110 of this Code, as amended from time to time. The decision of the Planning Commission shall not be vacated during the pendency of any appeal to the City Council.

5.20.170 Administrative citation.

(a) The City, or the City’s police authority as that term is defined by Section 11.08.060 of this Code, may issue an administrative citation to any occupant, invitee, renter, lessee or Owner of the Premises, or Managing agency or agent, for a violation of any provision of this Chapter.
(b) All complaints against a Short-term residential rental for any violation of this Code may be handled by the City’s police authority on a 24-hour basis. Any police report where the City’s police authority has concluded that a violation of this Chapter has occurred, may be submitted to the City’s Code Enforcement Department for review, processing and issuance of an administrative citation. Each and every day, or portion thereof, that a violation of this Chapter exists constitutes a separate and distinct violation for which an administrative citation may be issued. Such an administrative citation shall be issued, notice given, and any appeals heard by the processes and in the manner prescribed by Sections 8.08.040 through 8.08.190 of this Code, as amended from time to time.

In addition or in the alternative, any violation of this Chapter may constitute a misdemeanor which may be subject to the maximum punishment therefor as allowed by law.

**Responsible person (renter):**

The City may issue and the Responsible person for each Short-term residential rental may receive an administrative citation for any violation of this Chapter 5.20, or any other provision of this Code which is violated during a Short-term residential rental including, without limitation, the City’s noise ordinance, as follows:

1. First violation – Warning by City’s police authority;
2. Second violation within any sixty (60) day period - $500 fine;
3. Third and subsequent violations within any sixty (60) day period - $1,000 fine for each violation.

**Owner:**

The City may issue and the Owner may receive an administrative citation for any violation of this Chapter 5.20, or any other provision of this Code which is violated during a Short-term residential rental including, without limitation, the City’s noise ordinance, by the Owner or Short-term residential rental occupant, as follows:

4. First violation - $2,500 fine;
5. Second and subsequent violations within any twelve (12) month period, other than operating without a business license or Short-term residential rental permit - $5,000 fine for each violation, and permanent revocation of business license and Short-term residential rental permit;
6. Second violation of operating without a business license or Short-term residential rental permit and permanent prohibition against receipt of a business license and Short-term residential rental permit – $5,000 fine.

**5.20.180 Limited Registration Period.**

(a) Owner(s), or Managing agency or agent on behalf of Owner(s), may register their Premises for operation as a Short-term residential rental, pursuant to requirements of Section
5.20.050, between the dates of July 6, 2015 and August 3, 2015 (the “Limited Registration Period”). The Owner of a particular Premises, or the Managing agency or agent of that Owner for that Premises, who registers the Premises as described above during the Limited Registration Period, may rent the Premises for the minimum stay duration set forth in Section 5.20.140(a), and the same Owner of such Premises (or such Owner’s Managing agency or agent thereof) shall be grandfathered into future renewals for registration of such Premises annually.

(b) Owner(s), or Managing agency or agent on behalf of Owner(s), may register their Premises for operation as a Short-term residential rental, pursuant to requirements of Section 5.20.050 after August 3, 2015, and shall then be subject to the minimum stay duration requirements set forth in Section 5.20.140(b).

5.20.190 Master Associations.

Any Master Association, acting on behalf of Owners of Premises within a Country Club, may choose to operate Short-term residential rentals, and if so shall register Premises for operation as a Short-term residential rental pursuant to the requirements of Section 5.20.050. In such event, Short-term residential rentals registered by the Master Association shall not be restricted by any minimum duration of rental as otherwise set forth in Section 5.20.140.

5.20.200 New Residential Developments.

Any new development approved by the City Council pursuant to Section 5.20.030(d) may allow Short-term residential rentals, subject to those terms and conditions prescribed by the City Council, and if so the Owner desiring to do so therein shall register Premises for operation as a Short-term residential rental pursuant to the requirements of Section 5.20.050. In such event, Short-term residential rentals registered in the new development shall not be restricted by any minimum duration of rental as otherwise set forth in Section 5.20.140, but shall be subject to any minimum duration of rental or other requirements specified in the conditional use permit or development agreement applicable to that development.

5.20.210 Common Interest Developments

A Common Interest Development, separate and apart from a Master Association, may allow Short-term residential rentals for a minimum number of consecutive nights and days as determined by its governing board and Owners of Premises therein, provided it satisfies all of the following:

(a) The governing board of the Common Interest Development shall propose the issue of allowing the proposed specific minimum consecutive night and day Short-term residential rentals by a formal election/vote of all Owners of Premises within the Common Interest Development.

(b) At least a majority of those members voting from within the Common Interest Development shall have, by recorded vote, approved the proposal.

(c) The governing board of the Common Interest Development shall file with the City’s Community Development Director written certification of the results of such election/vote, signed by the President or Chair of the governing board and in a form and substance approved by the Community Development Director in his/her discretion.
(d) Upon filing a certification with the City that the proposal was approved, Short-term residential rentals within the Common Interest Development shall not be restricted by the minimum duration of rental as set forth in Section 5.20.140(b), but may be operated for any minimum duration established by the above described vote.

(e) A Common Interest Development may repeal this authority by following the election/voting procedures set forth in subsections (a)-(d) above. If this authority is repealed, all Short-term residential rental permits and business licenses issued to Owners in the Common Interest Development shall remain valid and in effect, but shall automatically be deemed to be amended to allow a minimum duration of twenty-nine (29) nights (twenty-eight (28) nights in February of non-leap years), as set forth in Section 5.20.140(b).

(f) If a Common Interest Development has not chosen to allow Short-term residential rentals for a minimum duration of less than that set forth in Section 5.20.180(b), individual Owners within the Common Interest Development may apply for a Short-term residential rental permit for their own Premises in accordance with Section 5.20.180(b).

5.20.220 Tennis tournament exception.

Owner(s), or Managing agency or agent on behalf of Owner(s), who register their Premises for operation as a Short-term residential rental pursuant to Section 5.20.180(b) may rent their property for a period of no less than seven (7) consecutive nights and seven (7) days in accordance with Section 5.20.140(a), during the period commencing one (1) week preceding and ending three (3) days after conclusion of the annual professional tennis tournament held each March at the Indian Wells Tennis Garden.

5.20.230 Ordinance sunset.

Notwithstanding any provisions in this Code to the contrary, beginning January 1, 2020, all Short-term residential rentals subject to Section 5.20.180(a) shall no longer be permitted, and any Owner(s), or managing agency or agent on behalf of Owner(s), shall thereafter be subject to the provisions of Section 5.20.180(b).

SECTION 2. CEQA. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 3. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Indian Wells Municipal Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after passage.

SECTION 5. PUBLICATION. The City Clerk is directed to publish this Ordinance, full text or summary form, in the manner and in the time prescribed by law.
PASSED APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular adjourned meeting held on the 15th day of March, 2018.

STATE OF CALIFORNIA  )
COUNTY OF RIVERSIDE  ) ss.
CITY OF INDIAN WELLS )

CERTIFICATION FOR ORDINANCE NO. 710

I, Anna Grandys, City Clerk of the City Council of the City of Indian Wells, California, DO HEREBY CERTIFY that Ordinance No. 710, having been regularly introduced at the meeting of February 15, 2018 was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at an adjourned regular meeting of the City Council held on this 15th day of March, 2018 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES: Balocco, Muzik, Peabody, Reed
NOES: Mertens

and was thereafter on said day signed by the Mayor of said City of Indian Wells.

ATTEST:  APPROVED AS TO FORM:

ANNA GRANDYS  STEPHEN P. DEITSCH
CITY CLERK      CITY ATTORNEY

KIMBERLY MUZIK  
MAYOR