ORDINANCE NO. 725

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTERS 1.20 AND 5.20 OF THE INDIAN WELLS MUNICIPAL CODE RELATING TO SELECTION OF HEARING OFFICERS AND SHORT-TERM RESIDENTIAL RENTALS

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

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

WHEREAS, the Indian Wells Municipal Code, including the Indian Wells Zoning Code, permits short-term residential rentals in several zones subject to the requirements contained in Indian Wells Municipal Code Chapter 5.20; and

WHEREAS, by adopting Chapter 5.20, the City intended to foreclose the ability of residents to own, operate, or profit in any way from more than one (1) short-term residential rental within the City at any given time; and

WHEREAS, by adopting Chapter 5.20, the City also intended that, after January 1, 2020, with the exception of short-term residential rentals operating pursuant to Sections 5.20.190, 5.20.200, 5.20.210, and 5.20.220, no lease or rental of a premise as a short-term residential rental would be permitted for a period of less than twenty-nine (29) consecutive nights (twenty-eight (28) consecutive nights if the rental covers the month of February during a non-leap year); and

WHEREAS, by adopting Chapter 5.20, the City also intended that no parcel located within one or more common interest developments could opt out of the minimum stay duration requirements contained in Section 5.20.140 without the consent and approval, as determined by a majority vote, of the members of the largest common interest development, within which that parcel is located; and

WHEREAS, the City desires to amend Chapter 5.20 of the Indian Wells Municipal Code to tighten and clarify provisions concerning short-term residential rentals, consistent with the original intent of Chapter 5.20, and enhance and maintain the residential character of its residential zones by providing regulations for short-term residential rentals within the City; and

WHEREAS, the Indian Wells Municipal Code, the Indian Wells City Charter, and California state law authorize the City Manager of the City of Indian Wells ("City Manager") to enter into
contracts with professional hearing officers to preside over administrative hearings and appeals; and

WHEREAS, the City desires to amend Chapter 1.20 of the Indian Wells Municipal Code to clarify the authority of the City Manager to enter into contracts with professional hearing officers to preside over administrative hearings and appeals; and

WHEREAS, the action has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act ("CEQA"), the State and local CEQA Guidelines, and the environmental regulations of the City. The City acting as Lead Agency has determined the proposed action is exempt from CEQA pursuant to Local CEQA Guidelines, Section 15061(b)(3), Common Sense Rule.

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

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) because this ordinance is merely clarifying existing law and making minor changes to the City's existing short term rental regulations and pursuant to 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because these clarifications and minor modifications to the City's short term renal ordinance have no potential for resulting in physical change to the environment, directly or indirectly.

Section 3. The definition of "Hearing Officer" contained in Section 1.20.020 of the Indian Wells Municipal Code is hereby amended to read in its entirety as follows:

"'Hearing Officer' means the City Manager or the person or entity designated by the City Manager pursuant to this Chapter , including, without limitation, any private individual or entity that acts as a professional, qualified, and independent hearing officer, to determine the validity of a Code violation."

Section 4. Section 1.20.140 of the Indian Wells Municipal Code is hereby amended to read in its entirety as follows:

"1.20.140 Contracting with the Office of Administrative Hearings.
Pursuant to Government Code Section 27727, the City Manager or designee is authorized to enter into a contract with the Office of Administrative Hearings of the State of California for services for an administrative law judge or a Hearing Officer to conduct proceedings pursuant to this Chapter. The duties and responsibilities of the Hearing Officer shall be set forth in the contract. Reimbursement to the Office of Administrative Hearings for the services of Hearing Officers shall be made as provided in the contract. If no provision for reimbursement is contained in the contract, reimbursement shall be made on a pro rata basis of actual cost to the Office of Administrative Hearings in providing
the service including salaries, benefits, overhead and any travel expenses. Nothing contained in this Section in any way inhibits, limits, or otherwise restricts the City Manager’s authority to enter into a contract with any private individual or entity, other than the Office of Administrative Hearings, to serve as the professional, qualified, and independent hearing officer.”

**Section 5.** Chapter 5.20 (Short-Term Residential Rentals) of the Indian Wells Municipal Code is hereby amended to read in its entirety as set forth in Exhibit “A” to this Ordinance, which is hereby incorporated by reference herein.

**Section 6.** This Ordinance shall take effect 30 days following its adoption.

**Section 7.** The City Clerk is directed to publish this Ordinance within the manner and in the time prescribed by law.

**Section 8.** The City Council hereby finds and determines that the provisions of this ordinance, both individually and collectively, are declaratory of existing law. As such, the City Council hereby expressly declares that the provisions of this ordinance, both individually and collectively, shall be applied retroactively to the date that Ordinance 710 became effective; provided, however, that said retroactivity shall not be used as the basis for any criminal prosecution.

**Section 9.** If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

**PASSED, APPROVED AND ADOPTED** by the City Council of the Indian Wells, California, at an adjourned regular meeting of the City Council held on the 4th day of June 2020.

[Signature]

TY PEABODY
MAYOR
STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE  
CITY OF INDIAN WELLS  

CERTIFICATION FOR ORDINANCE NO. 725

I, Anna Grandys, City Clerk of the City Council of the City of Indian Wells, California, DO HEREBY CERTIFY that Ordinance No. 725, having been introduced at the special meeting of May 5, 2020, was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the 4th day of June, 2020 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES: Balocco, Mertens, Muzik, Peabody, Reed
NOES: None

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

ATTEST:

ANNA GRANDYS  
CITY CLERK

APPROVED AS TO FORM:

JEFFREY S. BALLINGER  
CITY ATTORNEY
EXHIBIT "A"

CHAPTER 5.20 of Indian Wells Municipal Code

"SHORT-TERM RESIDENTIAL RENTALS"

5.20.010 Violation–Nuisance–Applicability.
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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 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 of 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 rental 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 an individual or business entity, or their representative, appointed by an owner to solicit applications, execute agreements, or otherwise act on the owner’s behalf in the rental of property as a 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 maintenance by a person or entity of a financial interest in more than one (1) short-term residential rental within the City of Indian Wells. For this purpose, financial interest includes both legal and beneficial ownership as well as any arrangement that provides for receipt of any portion of the revenues generated by the short-term residential rental.

“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.

“Parcel” means a parcel of land as that term is defined in Section 21.08.370 of this Code.

“Premises” means the actual single-family house or other residential dwelling unit, or any portion thereof, such as a room, 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 residential rental unit, who shall be an occupant of the subject short-term residential rental unit, and is legally responsible for ensuring that all occupants of the short-term residential rental unit, and/or their guests, comply with all applicable laws, rules and regulations pertaining to the use and occupancy of subject short-term residential 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.

"Sub-common interest development" means a common interested development that is wholly or partially located within one (1) or more other common interest developments and that is comprised of fewer parcels than the largest common interest development within which it is located.

"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 is permitted.

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

(d) Pursuant to this Chapter and any other applicable provisions of this Code, a short-term rental business license and/or permit are void on sale of registered property.

(e) 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 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 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 1.20 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 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 premises; and
(i) Telephone number of the premises; and
(j) The name, address and telephone numbers of any other natural persons, entities, limited liability companies, or personal or family trusts that hold any financial interest in the premises as well as copies of legal documents creating such financial interests; and
(k) List of all online websites used to advertise premises for short-term residential rental along with all listing numbers; and
(l) Full name and telephone number of twenty-four (24) hour emergency local contact person; and
(m) Submit a transit occupancy tax (TOT) registration fee as set by resolution of the Indian Wells City Council; and
(n) Submit a short-term residential rental registration fee as set by resolution of the Indian
Wells City Council; and

(o) 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 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 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 seven (7) 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 Reserved.

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 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 sensibilities 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 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.

The duration of any lease or rental of a premises as a short-term residential rental
registered pursuant to Section 5.20.050 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 as a 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 twenty-four (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 1.20.010 through 1.20.160 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—Five hundred dollar ($500.00) fine;
3. Third and subsequent violations within any sixty (60) day period—One thousand dollar ($1,000.00) 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:

1. First violation—Two thousand five hundred dollar ($2,500.00) fine;
2. Second and subsequent violations within any twelve (12) month period, other than operating without a business license or short-term residential rental permit—Five thousand dollar ($5,000.00) fine for each violation, and permanent revocation of business license and short-term residential rental permit;
3. 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—Five thousand dollar ($5,000.00) fine.

5.20.180 Reserved.

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) 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 (including a number of nights and days that is fewer than that set forth in Section 5.20.140), provided it satisfies all of the following:

1. 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 parcels within the common interest development.

2. At least a majority of those members voting from within the common interest development shall have, by recorded vote, approved the proposal.

3. 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 or her discretion.

4. 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, but may be operated for any minimum duration established by the above described vote.

5. A common interest development may repeal this authority by following the election/voting procedures set forth in subsections 5.20.210(a)(1)-(4) 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.

6. The common interest development must contain four (4) or more separate legal parcels, exclusive of the common area, in order to allow for short-term residential rentals of fewer nights and days than set forth in Section 5.20.140 pursuant to this Section.

7. A sub-common interest development may not allow for short-term residential rentals pursuant to this Section 5.20.210 except to the extent that the larger common interest development in which it is wholly or partially located has previously determined that short-term rentals are permitted.

(b) 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 5.20.140, in accordance with
the procedures set forth in this Section, then individual owners within the common interest
development may still apply for a short-term residential rental permit for their own premises in
accordance with Section 5.20.050 and if granted, the individual owner’s short-term residential
permit shall be subject to the minimum duration period set forth in Section 5.20.140.

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 5.20.050 may rent their property
for a period of no less than seven (7) consecutive nights and seven (7) days, 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 Reserved.
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