

City of Piedmont
COUNCIL AGENDA REPORT

DATE: April 16, 2018

TO: Mayor and Council

FROM: Paul Benoit, City Administrator

SUBJECT: Introduction and 1st Reading of Ord. 742 N.S. Amending Division 17.40 and Sections 17.20.020 and 17.90.010 of the City Code to Permit Short-Term Rentals

RECOMMENDATION:

1. Conduct the first reading of Ord. 742 N.S., amending division 17.40 and sections 17.20.020 and 17.90.010 of the City Code to permit short-term rentals and determining the proposed revisions are exempt from CEQA.

EXECUTIVE SUMMARY:

On March 5, 2018, the City Council received a report from staff regarding regulatory parameters for the permitting of short-term rentals in Piedmont. Council's discussion of the matter included the outstanding parameters of a minimum stay, a maximum number of days per calendar year for short-term rentals, and the amount of fines for violations of the short-term rental ordinance. At the conclusion of its discussion, the City Council directed staff to develop an ordinance to permit the operation of short-term rentals in Piedmont. (See the meeting minutes, Attachment 2, pages 11-12.) The resulting ordinance, as drafted and recommended by staff, is provided as Attachment 1, pages 5-10. In order to better indicate the recommend revisions City Code division 17.40, Residential Rentals, a redlined version of it is provided as Attachment 3, pages 13-16.

DISCUSSION:

The recommended ordinance amends the following provisions in City Code Chapter 17, Planning and Land Use:

- Division 17.40, Residential Rentals – amended in its entirety. This division governs the renting of rooms for more than 30 days and, as amended, the short-term rental of homes or rooms within a home.
- Section 17.20.020, Permitted Uses for Zone A (single-family residential zone) – to include short-term rentals as a permitted use. All other zones allow single-family dwellings and cite this City Code section for uses associated with single-family dwellings.
- Section 17.90.010, Definitions – to add definitions for *rented room* and *short-term rental*.

The recommended ordinance regulates short-term rentals within the following parameters:

1. Both hosted (rooms within a home) and non-hosted (the entire home) short-term rentals are permitted.
2. In order to operate a short-term rental, a resident must seek and gain City approval for a permit to do so. The resident who has gained a permit from the City to operate a short-term rental is referred to henceforth as a short-term rental *permittee*.
 - The application is reviewed and acted upon by the Director of Planning or the Director's designee.
 - The permit is valid for up to one year, until December 31 of the year issued, and may be renewed annually by means of a renewal application.
3. A short-term rental permit application and renewal applications shall be subject to a fee established by the City Council.
4. The dwelling unit being used as a short-term rental, whether hosted or non-hosted, must be the primary residence of the permittee.
5. The short-term rental must be rented for a minimum of two consecutive nights and may not be rented more than 60 days in a calendar year.
6. A short-term rental permit applicant who is a tenant must gain the consent of the property owner to use the dwelling unit as a short-term rental.
7. The following dwelling units are prohibited from being used as a short-term rental:
 - Accessory dwelling units, both permitted and unintended; and
 - Multi-family dwelling units (i.e. apartments).
8. The permittee is required to do the following:
 - Pay an annual business license tax under City Code chapter 10.
 - Maintain general liability insurance in the amount of at least \$1,000,000 during the term of the short-term rental permit.
 - Provide his or her contact information to the city, and update any change before renting the property.
 - Provide the dwelling or rooms serving as a short-term rental a smoke detector, carbon monoxide detector, fire extinguisher, and adequate egress.
 - Provide the short-term guest both electronically before the stay and in print during the stay the following information:
 - The short-term rental permittee's contact information;
 - A diagram of exits, fire extinguisher locations, and fire and police contact numbers;
 - The city's noise regulations (sections 12.8 – 12.12);
 - The city's smoking ordinance (chapter 12, article II); and
 - The city's garbage and recycling guidelines.
9. Enforcement includes the ability of the City Council to establish fines by resolution.

Neighbor Notification

As provided in the recommended ordinance, the process for applications for short-term rental permit is proposed to be ministerial, meaning without a public hearing or notification to adjacent property owners of a pending application. An application that meets all the criteria for approval will be approved. During its discussion of regulatory parameters on March 5, 2018, the City Council expressed interest in requiring the applicant to provide notification to adjacent property owners (properties abutting to the side and rear, and properties across the street) that their home will be serving as a short-term rental. Upon further consideration, staff does not recommend that the applicant provide notification of the application for two reasons: 1) notification is normally provided to make neighbors aware of an application under review and to seek neighbor comment as part of that review. Because the application for a short-term rental permit will be subject to a ministerial process with no public review, notification of a pending application will serve no effective purpose; and 2) notification to adjacent property owners is warranted when the short-term rental permit is approved. However, notification of an approved permit is best provided by the City to ensure that all the adjacent property owners are sent notification and that the information in the notification is complete. Staff intends that the notification include information such as the permittee's contact information, the required operating standards for short-term rentals, and the procedure for registering complaints.

Permittee's Responsibilities upon Permit Approval

By signing the application the applicant agrees to operate the short-term rental in conformance with the City Code. Staff will send the applicant notification of the action taken on the permit application. Staff intends that notifications to the permittee of permit approval will include a list of the operating standards (as a reminder), and copies (or links to copies) of the City's noise regulations, smoking ordinance, recycling guidelines, and business license tax requirements.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed amendments are categorically exempt from CEQA because it can be seen with certainty that there is no possibility that their adoption may have a significant effect on the environment. (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3), 15378.)

REVIEW BY CITY ATTORNEY:

The proposed modifications to the City Code, the ordinance and the CEQA determinations have been reviewed and approved by the City Attorney.

CONCLUSION AND NEXT STEPS:

The recommended ordinance permits the operation of short-term rentals in Piedmont within the regulatory parameters set forth by the City Council during its regular meeting on March 5, 2018. Should the Council approve a first reading of the recommended ordinance on April 16, 2018, a second reading could occur as soon as May 7, 2018, at which time staff will bring related fines and permit application fee for Council's consideration.

Prepared by Kevin Jackson, Planning Director

ATTACHMENTS:

- 1 Pages 5-10 Proposed Ordinance 742 N.S. amending City Code division 17.40 and sections 17.20.020 and 17.90.010 to permit short-term rentals
- 2 Pages 11-12 City Council minutes of March 5, 2018 (abridged)
- 3 Pages 13-16 Red-lined version of division 17.40 Residential Rentals, as amended

Related documents:

City Code Chapter 17, Planning and Land Use:

http://www.ci.piedmont.ca.us/html/city_code/pdf/chapter17.pdf

ORDINANCE NO. 742 N.S.

AN ORDINANCE: TO AMEND DIVISION 17.40, RESIDENTIAL RENTALS, OF THE PIEDMONT CITY CODE IN ITS ENTIRETY; TO AMEND SECTION 17.20.020, PERMITTED USES [FOR ZONE A], OF THE PIEDMONT CITY CODE; AND TO AMEND SECTION 17.90.010, DEFINITIONS, OF THE PIEDMONT CITY CODE.

The City Council of the City of Piedmont hereby ordains as follows:

SECTION 1 INTENT

It is the intent of the City Council of the City of Piedmont to amend Division 17.40, Residential Rentals of the Zoning Ordinance of the Piedmont Municipal Code, and to make corresponding cross-references and amendments to other, related sections of the Zoning Ordinance: Section 17.20.020, Permitted Uses, for Zone A (cross-referenced by all other zones), and Section 17.90.010, Definitions.

On January 16, 2018, the City Council received a report from the Planning Commission recommending that all short-term rentals be prohibited. At that meeting, the City Council discussed the issues and directed staff to return with proposed regulations that would allow short-term rentals. On March 5, 2018, the City Council considered proposed regulatory parameters and directed staff to prepare an ordinance. This ordinance was considered at a meeting of the City Council held on April 16, 2018.

SECTION 2 FINDINGS OF CONSISTENCY WITH GENERAL PLAN

The City Council hereby finds that the zoning amendment established by this ordinance is compatible with the goals, objectives, and policies of the General Plan of the City of Piedmont.

SECTION 3 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed amendment is categorically exempt from CEQA because it can be seen with certainty that there is no possibility that its adoption may have a significant effect on the environment. (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3), 15378.)

SECTION 4 AMENDMENT OF DIVISION 17.40, RESIDENTIAL RENTALS.

Division 17.40, Residential Rentals, of the Zoning Ordinance of the Piedmont City Code is amended in its entirety to read as set forth in Exhibit A, attached.

SECTION 5 AMENDMENT OF SECTION 17.20.020, PERMITTED USES.

Section 17.20.020, Permitted Uses, of the Zoning Ordinance of the Piedmont City Code is amended to read as follows:

“17.20.020 Permitted uses.

The following are permitted uses in Zone A:

A. Single-family residence together with accessory structures and associated uses, located on the same lot.

B. Rented room, subject to section 17.40.020, or short-term rental, subject to a short-term rental permit under section 17.40.030.

C. Accessory dwelling unit, subject to division 17.38.

D. Small or large family day care home in accordance with California Health and Safety Code sections 1597.43 - 1597.47.”

SECTION 6 AMENDMENT OF SECTION 17.90.010, DEFINITIONS.

Section 17.90.010, Definitions, of the Zoning Ordinance of the Piedmont City Code is amended to insert the following definitions in alphabetical order:

“*Rented room.* See section 17.40.020.”

“*Short-term rental.* See section 17.40.030.”

SECTION 7 SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Ordinance or their applicability to other persons or circumstances.

SECTION 8 POSTING AND EFFECTIVE DATE

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading.

[END OF ORDINANCE]

Exhibit A: Division 17.40, Residential rentals

Exhibit A

DIVISION 17.40 RESIDENTIAL RENTALS

Sections

17.40.010	Purpose and intent
17.40.020	Rented room
17.40.030	Short-term rental
17.40.040	Business license tax
17.40.050	Enforcement

17.40.010 Purpose and intent.

A. Purpose. The purpose of this division is to establish regulations governing the rental of residential property within the city.

B. Intent. By enacting this division 17.40, the city council intends to:

1. Provide a community benefit by allowing alternative forms of lodging, allowing residents to participate in the sharing economy, and allowing residents an opportunity for additional source of income.
2. Allow the renting of homes, apartments, or rooms for periods of 30 days or more.
3. Allow short term renting of single-family dwelling units and rooms in single-family dwelling units for less than 30 consecutive days, while still preserving the single-family character of neighborhoods, and preventing short-term rental activities from becoming a nuisance or a threat to public health, safety or welfare;
4. Establish standards and a permit requirement for short-term rentals; and
5. Prohibit the short-term rental of accessory dwelling units and multi-family dwelling units to preserve them for long-term housing.

17.40.020 Rented room.

A. Applicability. This section 17.40.020 applies to the rental of a room or rooms in a residential property for a period of 30 consecutive days or longer.

B. Definitions. In this section:

Rented room means the renting of a room or any combination of rooms within an existing single-family or multi-family dwelling unit that meets all of the following requirements:

1. one or more rooms, including at least one bedroom, is rented to a lessee under a rental agreement, not for the entire dwelling;

2. the rental period is a minimum of 30 consecutive days;
3. the tenant has the common use of the primary kitchen facilities, with no temporary or permanent cooking facilities in the rented room(s); and
4. either shared or separate bathroom.

C. General. The owner of a single-family dwelling unit in any zoning district is permitted to rent a rented room in such dwelling unit to a limit of one lessee. With the written consent of the property owner, a tenant has the same right. This provision does not authorize an owner or tenant to operate a boarding house or otherwise rent or sublease more than one rented room per dwelling unit.

D. Safety. The property owner is responsible for assuring that the rented rooms meet building codes. The property owner must either (at the owner's discretion):

1. Request that the city inspect the property to assure that the primary residence and the rented rooms meet building codes, consist of legally existing rooms eligible for use as a bedroom and habitable spaces. The property owner shall pay a nominal inspection fee in the amount established by city council resolution; or
2. Submit to the city a signed safety declaration in a form prepared by the city, to be kept in the property file at the city.

17.40.030 Short-term rental.

A. Applicability. This section 17.40.030 applies to short term rentals of less than 30 consecutive days. The short-term rental must be located in a single-family dwelling unit that is the primary residence of the property owner or long-term tenant. It may not be located in an accessory dwelling unit (permitted or unintended) or multi-family dwelling. The short-term rental may be hosted or non-hosted.

B. Definitions. In this section:

Advertising platform means any online site that provides a means for the host to advertise or otherwise offer for rent a short-term rental.

Host or *hosted* means the primary occupant of the dwelling is present during the short-term rental. *Non-hosted* means the primary occupant is not present during the short-term rental.

Operate means the operation of a short-term rental, and includes the acts of establishing, maintaining, or listing for rent a short-term rental with an advertising platform.

Primary Occupant means an occupant who is either the owner of the dwelling or a long-term tenant in the dwelling with a month-to-month lease or lease of a longer duration.

Short-term rental means the use of a dwelling unit, or portion of it, for a rental of less than 30 consecutive days.

C. Short-Term Rental Permit; Permit Issuance. No person may operate a short-term rental without first obtaining a short-term rental permit. A short-term rental permit may be approved by

the Director, provided that the Director determines the applicant has met the following requirements:

1. Application. The applicant must complete an application on a form provided by the city, accompanied by a fee established by city council resolution.
 2. Property owner consent. If the applicant is a tenant, he or she must demonstrate written approval of the property owner to allow short-term rentals.
 3. Insurance. The applicant must provide evidence of, and maintain, general liability insurance of at least \$1,000,000 during the term of the short-term rental permit that covers the applicant's short-term rental operations.
 4. Contact information. The applicant must provide current contact information to the city, and information regarding the advertising platform(s) to be used.
 5. Safety. The dwelling or rooms serving as a short-term rental must have a smoke detector, carbon monoxide detector, fire extinguisher, and adequate egress, all as determined by the chief building official. The applicant must either (at the applicant's discretion):
 - a. Request that the city inspect the property to assure that the primary residence and the rented rooms meet building codes, consist of legally existing rooms eligible for use as a bedroom and habitable spaces. The property owner shall pay a nominal inspection fee in the amount established by city council resolution; or
 - b. Submit to the city a signed safety declaration in a form prepared by the Director, to be kept in the property file at the city.
- D. Appeals. Any interested party may appeal any decision by the Director to approve or deny a short-term rental permit pursuant to division 17.78 of the Piedmont Municipal Code. No permit shall be deemed issued or effective until the appeal period set forth in division 17.78 has expired.
- E. Permit Term and Renewal. A short-term rental permit is valid until December 31 of the year it is issued, unless suspended or revoked. The permittee may renew the permit annually, by submitting a renewal application and fee before the expiration of the permit.
- F. Operating standards. A short-term rental is allowed only if it conforms to these standards:
1. Permit. The short-term rental is operated under a short-term rental permit issued by the city in accordance with Section 17.40.030.
 2. 2-night minimum. The short-term rental must be rented for a minimum of two consecutive nights.
 3. 60 days maximum. The short-term rental may not be rented more than 60 days in a calendar year.

4. Guest Safety. The short-term rental permittee must provide the following materials electronically to any guests before arrival and make available printed materials on-site for the guest with the following information:

- a. A diagram of exits, fire extinguisher locations, and fire and police contact numbers;
- b. The short-term rental permittee's contact information;
- c. The city's noise regulations (sections 12.8 – 12.12);
- d. The city's smoking ordinance (chapter 12, article II);
- e. The city's garbage and recycling guidelines (available on the city's website, or a print copy of the residential services guide: *recycling, organics and garbage*).

5. Current Information. The short-term rental permittee shall, during the term of the permit, promptly inform the Director regarding any changes regarding information provided in the application, including contact information and information regarding advertising platforms used by the permittee to advertise the short-term rental.

17.40.040 Business license tax.

A person renting a room or operating a short-term rental is considered to have rental property and must pay an annual business license tax under City Code chapter 10.

17.40.050 Enforcement.

The city may enforce this division by any means permitted by law, including but not limited to those set forth in chapter 1 (General Provisions), article 2 (Code Enforcement) of this code, or under division 17.80, Enforcement. The city council may establish fines by resolution.”

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, March 5, 2018 - ABRIDGED

A Regular Session of the Piedmont City Council was held March 5, 2018, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54957(b), the agenda for this meeting was posted for public inspection on March 1, 2018.

CALL TO ORDER

The Council met in Closed Session for (a) Conference with Labor Negotiators (Gov. Code §54957.6) - Agency Designated Representative(s): Janae Novotny; All Represented Labor Groups: (Piedmont Firefighters Assn; Piedmont Police Officers Assn; SEIU Local (General and Public Works Units). Unrepresented Employees: City Administrator; City Clerk; Finance Director; Confidential Employees; Public Works Director; Professional, Technical & Supervisory Employees; Planning Director, Parks & Project Manager; Building Official; Police Chief; Police Captain; Police Support Services Commander; Fire Chief, Fire Captains; Recreation Director; Recreation/Childcare Employees). Following the 7:00 p.m. Closed Session, Mayor McBain called the meeting to order at 7:33 p.m. with the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bob McBain, Vice Mayor Teddy Gray King, and Councilmembers Betsy Smegal Andersen, Jennifer Cavanaugh, and Tim Rood

Staff: City Administrator Paul Benoit, City Attorney Michelle Marchetta Kenyon, Planning Director Kevin Jackson, Recreation Director Sara Lillevand, Fire Chief Warren "Bud" McLaren, Public Works Director Chester Nakahara, Human Resources Administrator Stacy Jennings, and City Clerk John Tulloch.

REGULAR AGENDA

The Council considered the following items of regular business:

Short Term Rentals

City Administrator Paul Benoit discussed the Council's previous consideration of the Planning Commission's recommendation to prohibit all short-term rentals. He indicated that Council had previously directed staff to return with proposals for a framework to regulate certain short term rentals. He requested Council direction so that staff could develop an ordinance implementing a regulatory framework for Short Term Rentals.

Planning Director Kevin Jackson indicated that he had sent a survey to Council members to gather their thoughts on the particulars of a regulatory framework. He presented the parameters with a majority consensus and those needing further discussion.

Mr. Jackson explained the existing restriction on room rentals. He indicated that accessory dwelling units would not be permitted for use as short term rentals in an effort to preserve the City's housing stock, as required by state law.

Public Testimony was received from:

Robert Gotto indicated support for the proposal.

Venus French suggested allowing rental of primary residences and asked the cost of the permit. She suggested \$2500 fine for residents that operate a short-term rental without a permit and allowing two day rentals.

The Council discussed the proposals which had not garnered consensus and came to a consensus that short term rentals should be limited to sixty calendar

days per year, that a two night minimum stay be imposed, and that the fine should be \$1,500 for a first offense and \$5,000 for second and subsequent offenses.

Council directed staff to return with an ordinance which included the regulatory framework it had discussed.

(0775)

ADJOURNMENT

There being no further business, Mayor McBain adjourned the meeting at 10:10 p.m.

DIVISION 17.40 RESIDENTIAL RENTALS

Sections

17.40.010	Purpose and Intent
17.40.020	Definitions Rented Room
17.40.030	Rented room Short-term rental
17.40.040	Business license tax
17.40.050	Enforcement

17.40.010 Purpose and Intent.

A. Purpose. *The purpose of this division is to establish regulations governing the rental of residential property within the city.*

B. Intent. *By enacting this division 17.40, the city council intends to:*

1. *Provide a community benefit by allowing alternative forms of lodging, allowing residents to participate in the sharing economy, and allowing residents an opportunity for additional source of income.*
2. *Allow the renting of homes, apartments, or rooms for periods of 30 days or more.*
3. *Allow short term renting of single-family dwelling units and rooms in single-family dwelling units for less than 30 consecutive days, while still preserving the single-family character of neighborhoods, and preventing short-term rental activities from becoming a nuisance or a threat to public health, safety or welfare;*
4. *Establish standards and a permit requirement for short-term rentals; and*
5. *Prohibit the short-term rental of accessory dwelling units and multi-family dwelling units to preserve them for long-term housing.*

~~In adopting this division 17.40, it is the city's intent to allow limited renting of rooms in existing homes while still maintaining the single-family character of neighborhoods and not exacerbating parking problems.~~

17.40.020 DefinitionsRented Room.

~~In this division:~~

A. Applicability. *This section 17.40.020 applies to the rental of a room or rooms in a residential property for a period of 30 consecutive days or longer.*

B. Definitions. *In this section:*

Rented room means the renting of a room or any combination of rooms within an existing single-family or multi-family dwelling that meets all of the following requirements:

1. one or more rooms, including at least one bedroom, is rented to a ~~single~~ lessee under a ~~single~~ rental agreement, not for the entire dwelling;
2. the rental period is a minimum of 30 consecutive days;
3. the tenant has the common use of the primary kitchen facilities, with no temporary or permanent cooking facilities in the rented room(s); *and*
4. either shared or separate bathroom.; ~~and~~
5. ~~those occupying the bedroom(s) do not function as a single family with the residents of the single family dwelling unit, as defined.~~

17.40.030 — Rented room.

AC. General. - The owner of a single family dwelling unit in any zoning district is permitted to rent ~~one or more bedrooms in the~~ *rented room in such* dwelling unit to a limit of one lessee. With the written consent of the property owner, a tenant has the same right. *This provision does not authorize an owner or tenant to operate a boarding house or otherwise rent or sublease more than one rented room per dwelling unit.*

DB. Safety. The property owner is responsible for assuring that the rented rooms meet building codes. The property owner must either (at the owner's discretion):

1. Request that the city inspect the property to assure that the primary residence and the rented rooms meet building codes, consist of legally existing rooms eligible for use as a bedroom and habitable spaces. The property owner shall pay a nominal inspection fee in the amount established by City Council resolution; or
2. Submit to the city a signed safety declaration in a form prepared by the city, to be kept in the property file at the city.

17.40.030 Short-term rental.

A. Applicability. *This section 17.40.030 applies to short term rentals of less than 30 consecutive days. The short-term rental must be located in a single-family dwelling unit that is the primary residence of the property owner or long-term tenant. It may not be located in an accessory dwelling unit (permitted or unintended) or multi-family dwelling. The short-term rental may be hosted or non-hosted.*

B. Definitions. *In this section:*

Advertising platform means any online site that provides a means for the host to advertise or otherwise offer for rent a short-term rental.

Host or hosted means the primary occupant of the dwelling is present during the short-term rental. Non-hosted means the primary occupant is not present during the short-term rental.

Operate means the operation of a short-term rental, and includes the acts of establishing, maintaining, or listing for rent a short-term rental with an advertising platform.

Primary Occupant means an occupant who is either the owner of the dwelling or a long-term tenant in the dwelling with a month-to-month lease or lease of a longer duration.

Short-term rental means the use of a dwelling unit, or portion of it, for a rental of less than 30 consecutive days.

C. Short-Term Rental Permit; Permit Issuance. No person may operate a short-term rental without first obtaining a short-term rental permit. A short-term rental permit may be approved by the Director, provided that the Director determines the applicant has met the following requirements:

1. Application. The applicant must complete an application on a form provided by the city, accompanied by a fee established by city council resolution.

2. Property owner consent. If the applicant is a tenant, he or she must demonstrate written approval of the property owner to allow short-term rentals.

3. Insurance. The applicant must provide evidence of, and maintain, general liability insurance of at least \$1,000,000 during the term of the short-term rental permit that covers the applicant's short-term rental operations.

4. Contact information. The applicant must provide current contact information to the city, and information regarding the advertising platform(s) to be used.

5. Safety. The dwelling or rooms serving as a short-term rental must have a smoke detector, carbon monoxide detector, fire extinguisher, and adequate egress, all as determined by the chief building official. The applicant must either (at the applicant's discretion):

a. Request that the city inspect the property to assure that the primary residence and the rented rooms meet building codes, consist of legally existing rooms eligible for use as a bedroom and habitable spaces. The property owner shall pay a nominal inspection fee in the amount established by city council resolution; or

b. Submit to the city a signed safety declaration in a form prepared by the Director, to be kept in the property file at the city.

D. Appeals. Any interested party may appeal any decision by the Director to approve or deny a short-term rental permit pursuant to division 17.78 of the Piedmont Municipal Code. No permit shall be deemed issued or effective until the appeal period set forth in division 17.78 has expired.

E. Permit Term and Renewal. A short-term rental permit is valid until December 31 of the year it is issued, unless suspended or revoked. The permittee may renew the permit annually, by submitting a renewal application and fee before the expiration of the permit.

F. Operating standards. A short-term rental is allowed only if it conforms to these standards:

1. Permit. The short-term rental is operated under a short-term rental permit issued by the city in accordance with Section 17.40.030.

2. 2-night minimum. The short-term rental must be rented for a minimum of two consecutive nights.

3. 60 days maximum. The short-term rental may not be rented more than 60 days in a calendar year.

4. Guest Safety. The short-term rental permittee must provide the following materials electronically to any guests before arrival and make available printed materials on-site for the guest with the following information:

a. A diagram of exits, fire extinguisher locations, and fire and police contact numbers;

b. The short-term rental permittee's contact information;

c. The city's noise regulations (sections 12.8 – 12.12);

d. The city's smoking ordinance (chapter 12, article II);

e. The city's garbage and recycling guidelines (available on the city's website, or a print copy of the residential services guide: recycling, organics and garbage).

5. Current Information. The short-term rental permittee shall, during the term of the permit, promptly inform the Director regarding any changes regarding information provided in the application, including contact information and information regarding advertising platforms used by the permittee to advertise the short-term rental.

17.40.040 Business license tax.

~~*C. Business license tax.—A person renting a room or operating a short-term rental is considered to have rental property and must pay an annual business license tax under City Code chapter 10.*~~

17.40.050 Enforcement.

The city may enforce this division by any means permitted by law, including but not limited to those set forth in chapter 1 (General Provisions), article 2 (Code Enforcement) of this code, or under division 17.80, Enforcement. The city council may establish fines by resolution.”