

Town of Yountville
Ordinance Number 17-460

An Ordinance of the Town Council of the Town of Yountville Adding Chapter 8.08 to Title 8 of the Yountville Municipal Code Regarding the Rental Registration Program

Now, therefore, the Town Council of the Town of Yountville does ordain as follows:

SECTION 1. Chapter 8.08 of Title 8 "Rental property registration and inspection program" is hereby added to the Yountville Municipal Code to read as follows:

8.08.010 Purpose.

The purpose of this chapter is to identify residential rental units.

8.08.020 Definitions.

All terminology used in this chapter shall be defined as follows, unless the context clearly indicates a contrary intent:

"Advertise" means to publicize, describe, and/or draw attention to a residential rental unit in writing, including digital writing, for occupancy by a person or persons in exchange for rent or consideration.

"Applicable codes" means and includes all federal, state and local statutes, ordinances and regulations that pertain to the condition, habitability and safety of dwelling units and residential property. Applicable codes include, but are not limited to, the state housing law (California Health and Safety Code Section 17910 et seq.), Titles 24 and 25 of the California Code of Regulations, as adopted and amended in the Yountville Municipal Code, and the Yountville Municipal Code.

"Building Inspector(s)" means code enforcement officers and/or building and/or fire inspectors and/or Planning Department Staff authorized by the Town Manager or applicable codes to conduct inspections under this chapter or other applicable law.

"Director" means the Planning and Building Director or her or his designee.

"Landlord" means an owner, lessor, or sublessor, (including any person, firm, corporation, partnership, or other entity or association) who receives or is entitled to receive rent or consideration in exchange for allowing another person or persons to occupy any residential rental unit, or the agent, representative or successor of any of the foregoing.

"Rent or consideration" means any form of compensation, monetary exchange, or trade of good or services, under any form of agreement, contract, or commercial transaction, whether oral or written, and including digital form.

"Rental unit permit number" means the rental unit permit number issued pursuant to Section 8.08.030(A)(5).

"Residential rental unit" means a residential dwelling unit for which the landlord receives any rent or consideration in any form for allowing a person or persons to occupy the dwelling unit. This includes:

- (1) Single-family dwellings, whether detached or attached.
- (2) Units within multifamily or multipurpose dwellings;
- (3) Apartments, condominiums, cooperative housing projects, and boarding homes; and
- (4) Any room or group of rooms within a residential dwelling.

"Sharing Platform" means a marketplace in whatever form or format which facilitates residential rental through advertising, match-making, or any other means, using any medium of facilitation including online and digital mediums.

"Tenant" means any renter, tenant, subtenant, lessee, or sublessee of a residential rental unit, or successor to a renter's interest, or any group of tenants, subtenants, lessees, or sublessees of any residential rental unit.

8.08.030 Required Registration for Residential Rental Unit

- A. **Registration Required.** The landlord shall obtain a rental unit permit in compliance with this chapter on or before January 1, 2018 and on or before January 1 of each year thereafter. A rental unit permit shall be valid for one calendar year. The landlord may apply for a new rental unit permit during the three months preceding its expiration. Commencing January 1, 2018, no landlord shall demand or accept rent or consideration for a residential rental unit without a valid rental unit permit as provided herein.
 1. **Rental Registration Form.** The landlord shall complete and submit to the Director a separate rental registration form for each separate street address with a residential rental unit, containing the information reasonably required by the Director. Residential rental units sharing the same street address and/or assessor's parcel number, but which have an individual unit designation (e.g., Unit A, or Unit 1), may be combined on one single rental registration form.
 2. **Rental Certification Statement.** The rental registration form shall contain a certification statement certifying that the landlord will comply with the provisions of this chapter. The landlord shall sign the rental registration form and the rental certification statement under penalty of perjury.
 3. **Rental Registration Fees.** The landlord shall pay a rental registration fee at the time of submitting a rental registration form, which shall be established by resolution of the Town Council. The rental registration fee shall be due for each rental registration form submitted. The Director shall not accept a rental registration form without full payment of the rental registration fee(s).
 4. **Rental Unit Permit.** A residential rental unit shall be deemed registered upon the Director's acceptance of the rental registration form. The Director shall issue a rental unit permit and a rental unit permit number for each residential rental unit deemed registered.
- B. **Rental Unit Permit Non-Transferrable.** A rental unit permit issued pursuant to this section shall not be transferrable to a different landlord.

8.08.040 Revocation of Rental Unit Permit

- A. **Revocation.** A rental unit permit for a residential rental unit may be revoked if the Director determines that the landlord has violated any of the provisions of this chapter. Before revoking a rental unit permit pursuant to this subsection, the Director shall send written notice to the landlord providing the reasons therefor. Within thirty (30) days of sending such notice, the landlord shall have the opportunity in person or in writing to present evidence that the rental unit permit should not be so revoked. The Director shall consider the evidence if any is presented and shall issue a written decision to the landlord within thirty (30) days thereafter. The landlord may thereafter seek a new rental unit permit pursuant to Section 8.08.030.

8.08.050 Notices and Decisions to Landlord

- A. **Notices and Decisions to Landlord.** Any notice or decision authorized or required pursuant to this chapter shall be deemed served on the landlord if delivered personally or deposited in the United States Mail, postage prepaid, addressed to the landlord at his or her address provided on the rental registration form.

8.08.060 Advertising

- A. **Advertising.** It shall be unlawful for a landlord or a sharing platform to advertise or cause to be advertised a residential rental unit without including in the advertisement in no less than 10-point font the rental unit permit number preceded by the words "Town of Yountville Rental Unit Permit Number". A violation of this subsection shall not be subject to criminal sanctions.

8.08.070 Enforcement

- A. **Violations.** A violation of this chapter shall be subject to administrative enforcement under Chapter 8.05 of this code and any other enforcement remedies available under law and this code.
- B. **Remedies Not Exclusive.** Nothing in this chapter shall be construed to prohibit or limit the authority of the Town to enforce any other provision of this code or applicable law.
- C. **New, Separate, and Distinct Violation.** Each day a violation of this chapter continues to exist shall constitute a new, separate, and distinct violation.

SECTION 2. CEQA: This ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. The ordinance will not result in any foreseeable environmental impact.

SECTION 3. Severability: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 4. Posting: Within fifteen (15) days from the date of passage of this Ordinance, the Town Clerk shall post a copy of this Ordinance in at least three (3) public places in Town in accordance with Government Code section 36933.

INTRODUCED by the Town Council at a regular meeting held on the 18th day of April, 2017.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 6th day of June, 2017, by the following vote:

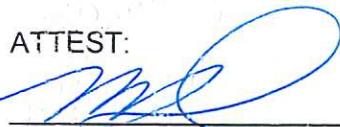
AYES: Mohler, Durham, Dorman, Dunbar

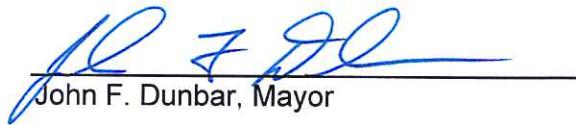
NOES: Dorenbecher

ABSENT: None

ABSTAIN: None

ATTEST:


Michelle Dahme
Town Clerk


John F. Dunbar, Mayor